

**SENATE JOURNAL**  
**SIXTY-SEVENTH LEGISLATURE**  
**STATE OF WASHINGTON**

**AT**

**OLYMPIA, THE STATE CAPITOL**

2021 Regular Session  
*Convened January 11, 2021*  
*Adjourned Sine Die April 25, 2021*



Official Record of All Senate Actions Compiled, Edited and Indexed  
Pursuant to Article II, Section 11 of the Constitution of the State of Washington,

**Volume 1**

Sean T. Kochaniewicz,  
Journal Clerk

Brittany Yunker Carlson,  
Minute and Status Clerk

---

Lieutenant Governor Denny Heck, *President of the Senate*  
Senator Karen Keiser, *President Pro Tempore*  
Senator Steve Conway, *Vice President Pro Tempore*  
Senator Steve Hobbs, *Vice President Pro Tempore*  
Brad Hendrickson, *Secretary of the Senate*

*This page left intentionally blank.*

**SENATE CAUCUS OFFICERS**

**2021**

**DEMOCRATIC CAUCUS**

*Majority Leader* ..... Andy Billig  
*Majority Caucus Chair* ..... Bob Hasegawa  
*Majority Floor Leader* ..... Marko Liias  
*Majority Whip* ..... Emily Randall  
*Majority Deputy Leader* ..... Manka Dhingra  
*Majority Deputy Leader* ..... Rebecca Saldaña  
*Majority Caucus Vice Chair* ..... Mona Das  
*Majority Assistant Floor Leader* ..... Joe Nguyen  
*Majority Assistant Whip* ..... Claire Wilson

**REPUBLICAN CAUCUS**

*Republican Leader* ..... John Braun  
*Republican Caucus Chair* ..... Ann Rivers  
*Republican Floor Leader* ..... Shelly Short  
*Republican Whip* ..... Keith Wagoner  
*Republican Caucus Deputy Leader* ..... Sharon Brown  
*Republican Caucus Vice Chair* ..... Judy Warnick  
*Republican Assistant Floor Leader* ..... Brad Hawkins  
*Republican Assistant Whip* ..... Ron Muzzall

=====

*Secretary of the Senate* ..... Brad Hendrickson  
*Deputy Secretary* ..... Sarah Bannister

*This page left intentionally blank*

# TABLE OF CONTENTS

## VOLUME 1

Regular Session, First Day, January 11, 2021 through the Eighty Ninth Day, April 9, 2021 .....	1-1159
---	--------

## VOLUME 2

Regular Session, (continued) Ninetieth Day, April 10, 2021 through the One Hundred Third Day, April 23, 2021.....	1160-2431
--	-----------

## VOLUME 3

Regular Session, (continued) One Hundred Fourth Day, April 24, 2021 through the One Hundred Fifth Day, April 26, 2021.....	2432-2944
Roster of Members and Committee Assignments .....	2945-2949
Roster of Staff and Other Employees .....	2950-2960
Governor's Messages	
Senate Bills Signed After Adjournment .....	2961-2972
Veto and Partial Vetoes on Senate Bills.....	2973-2981
Gubernatorial Appointments.....	2982-2987
Proclamations by the Governor in response to the COVID-19 pandemic (November 1, 2020 through October 31, 2021).....	2988-3298
Bills, Memorials and Resolutions	
Passed by Both Houses .....	3299-3305
History of Bills and Other Measures .....	3306-3327
Other Senate Actions .....	3328-3331
Reports to the Legislature .....	3332-3346
General Index.....	3347-3448

*This page left intentionally blank.*

**FIRST DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia  
Monday, January 11, 2021

At 11:13 a.m., pursuant to law, the Senate of the 2021 Regular Session of the Sixty-Seventh Legislature of the State of Washington assembled in the Senate Chamber at the State Capitol. Senator Karen Keiser, President Pro Tempore, called the Senate to order.

The Washington State Patrol Honor Guard, consisting of Lieutenant Matt Fehler, Sergeant Kelli Howes, Sergeant Michael McGee, Trooper Dean Gallanger and Trooper Brandon Tobol presented the Colors.

Miss Finley Kochaniewicz, Mr. Thomas Kochaniewicz, Miss Sally Kochaniewicz and Mr. Seamus Kochaniewicz led the Senate in the Pledge of Allegiance. They are the children of Mr. Sean Kochaniewicz, the Senate Reading Clerk.

The prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia. Rabbi Goldstein was a guest of Lieutenant Governor-elect Denny Heck.

Rabbi Goldstein: "This past year has been difficult in many ways, and as we enter this new legislative session, held in this virtual format, we are reminded that the difficulties are still with us for the foreseeable future.

And yet, while we have faced this challenge, this time has reminded us of the many blessings in our lives. One, is that while we each carry our individual wants, we all share the same needs, and that we are truly dependent on one another. We, as humans, live in community, and we rely on each other to do not just what is best for ourselves, but for our neighbor.

And two, that government, when functioning well, has the ability not only to create the conditions for us to live out our individual rights, but to give shape to our communal responsibilities. That good government allows all of us to rise up and prevents all of us from falling behind.

And as we learn today that leadership, counsel, and community-building exist not in halls of marble and gold, but in the hearts, minds, and souls of those who serve.

So, we ask for blessing upon you, our public servants, our Senators of the State of Washington.

In the Jewish lectionary, we have most recently read the beginning of the book of Exodus, when Moses is called into service by God to free the Israelites from bondage. Moses is a reluctant leader and is finally convinced to take the role when God promises that his brother Aaron will join him in confronting Pharaoh. Leadership, like life itself, needs partnership and shared responsibility.

To our new Lieutenant Governor, may you preside over this body with grace and wisdom, courage and humility, honoring all who serve within.

To, our Senators, both those returning to this chamber or newly elected. May you approach your work with insight, compassion, discernment and curiosity. May you be both firm in your convictions, and willing to question your assumptions and opinions. May you listen as much as speak, and may you see that no one person has a greater claim to commitment, empathy or truth.

And may all who work herein always treat each other with the respect and dignity befitting a fellow elected, and may you always remember that everyone you represent is a whole human being, created with the spark of the divine, worthy of love and dignity, justice and peace.

May you all find blessing in your work and may we all benefit from your sacred service.  
Amen."

**MOTION**

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

**LETTER OF RESIGNATION**

December 15, 2020

Governor Jay Inslee  
Office of the Governor  
PO Box 40002  
Olympia, WA 98504

Re: Resignation from the Washington State Senate effective December 31, 2020

Dear Governor Inslee:

Having been elected to serve on the Pierce County Council, to take office the first week of January 2021, I will resign from my seat in the Washington State Senate on December 31, 2020.

It has been an honor to serve the people of the 25<sup>th</sup> District in the legislature over the past decade.

Pursuant to RCW 42.12.020, please accept my resignation from the Washington State Senate effective Thursday, December 31, 2020 at 11:59 p.m.

If you have any questions, or if I may provide any additional information, please do not hesitate to contact me.

Sincerely,  
/s/  
Hans Zeiger  
State Senator, 25<sup>th</sup> District

**MESSAGES FROM THE SECRETARY OF STATE****Canvass of the Returns of the General Election  
Held on November 3, 2020**

I, Kim Wyman, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.250, I have canvassed the returns of the 4,116,894 votes cast in the November 3, 2020 General Election by the registered voters of the state for all statewide measures, statewide offices, those legislative and judicial offices whose jurisdiction encompasses more than one county, as received from the County Auditors. The votes cast for these measures and these candidates are as follows:

**Referendum Measure No. 90**

The legislature passed Engrossed Substitute Senate Bill 5395 concerning comprehensive sexual health education. This bill would require school districts to adopt or develop, consistent with state standards, comprehensive age-appropriate sexual health education, as defined, for all students, and excuse students if their parents request.

Approved 2,283,630

Rejected 1,665,906

**Advisory Vote No. 32**

**Engrossed Substitute Senate Bill 5323**

The legislature imposed, without a vote of the people, a retail sales tax on pass-through charges retail establishments collect for specified carryout bags, costing \$32,000,000 in its first ten years, for government spending.

Repealed 2,350,996  
 Maintained 1,488,767

**Advisory Vote No. 33**

**Substitute Senate Bill 5628**

The legislature imposed, without a vote of the people, a tax on heavy equipment rentals to consumers by heavy equipment rental property dealers, costing \$103,000,000 in its first ten years, for government spending.

Repealed 2,262,993  
 Maintained 1,533,746

**Advisory Vote No. 34**

**Engrossed Substitute Senate Bill 6492**

The legislature increased, without a vote of the people, the business and occupation tax rate for certain businesses, while reducing certain surcharges, costing \$843,000,000 in its first ten years, for government spending.

Repealed 2,334,609  
 Maintained 1,430,112

**Advisory Vote No. 35**

**Engrossed Senate Bill 6690**

The legislature increased, without a vote of the people, the business and occupation tax on manufacturers of commercial airplanes, including components or tooling, costing \$1,024,000,000 in its first ten years, for government spending.

Repealed 2,064,701  
 Maintained 1,725,885

**Engrossed Senate Joint Resolution No. 8212**

The legislature has proposed a constitutional amendment on investment of public funds. This amendment would allow public money held in a fund for long-term care services and supports to be invested by governments as authorized by state law, including investments in private stocks.

Approved 1,738,080  
 Rejected 2,069,809

**US President/Vice President**

Candidate	Party	Votes
Joseph R. Biden /	(Democratic Party)	
Kamala D. Harris	(Nominees)	2,369,612
Donald J. Trump /	(Republican Party)	
Michael R. Pence	(Nominees)	1,584,651
Jo Jorgensen / Jeremy	(Libertarian Party)	
“Spike” Cohen	(Nominees)	80,500
Howie Hawkins /		
Angela Walker	(Green Party Nominees)	18,289
Gloria La Riva / Sunil	(Socialism and Liberation Party)	
Freeman	(Nominees)	4,840
Alyson Kennedy /	(Socialist Workers Party)	
Malcolm M. Jarrett	(Nominees)	2,487
WRITE-IN		27,252

**Congressional District 1 - U.S. Representative**

Candidate	Party Preference	Votes
Suzan DelBene	(Prefers Democratic Party)	249,944
Jeffrey Beeler, Sr.	(Prefers Republican Party)	176,407
WRITE-IN		511

**Congressional District 2 - U.S. Representative**

Candidate	Party Preference	Votes
Rick Larsen	(Prefers Democratic Party)	255,252
Timothy S. Hazelo	(Prefers Republican Party)	148,384
WRITE-IN		962

**Congressional District 3 - U.S. Representative**

Candidate	Party Preference	Votes
Jaime Herrera Beutler	(Prefers Republican Party)	235,579
Carolyn Long	(Prefers Democratic Party)	181,347
WRITE-IN		977

**Congressional District 4 - U.S. Representative**

Candidate	Party Preference	Votes
Dan Newhouse	(Prefers Republican Party)	202,108
Douglas E. McKinley	(Prefers Democratic Party)	102,667
WRITE-IN		488

**Congressional District 5 - U.S. Representative**

Candidate	Party Preference	Votes
Cathy McMorris		
Rodgers	(Prefers Republican Party)	247,815
Dave Wilson	(Prefers Democratic Party)	155,737
WRITE-IN		808

**Congressional District 6 - U.S. Representative**

Candidate	Party Preference	Votes
Derek Kilmer	(Prefers Democratic Party)	247,429
Elizabeth Kreiselmaier	(Prefers Republican Party)	168,783
WRITE-IN		1,004

**Congressional District 7 - U.S. Representative**

Candidate	Party Preference	Votes
Pramila Jayapal	(Prefers Democratic Party)	387,109
Craig Keller	(Prefers Republican Party)	78,240
WRITE-IN		1,113

**Congressional District 8 - U.S. Representative**

Candidate	Party Preference	Votes
Kim Schrier	(Prefers Democratic Party)	213,123
Jesse Jensen	(Prefers Republican Party)	198,423
WRITE-IN		566

**Congressional District 9 - U.S. Representative**

Candidate	Party Preference	Votes
Adam Smith	(Prefers Democratic Party)	258,771
Doug Basler	(Prefers Republican Party)	89,697
WRITE-IN		582

**Congressional District 10 - U.S. Representative**

Candidate	Party Preference	Votes
Marilyn Strickland	(Prefers Democratic Party)	167,937
Beth Doglio	(Prefers Democratic Party)	121,040
WRITE-IN		51,430

**Governor**

Candidate	Party Preference	Votes
Jay Inslee	(Prefers Democratic Party)	2,294,243
Loren Culp	(Prefers Republican Party)	1,749,066
WRITE-IN		13,145

**Lieutenant Governor**

Candidate	Party Preference	Votes
Denny Heck	(Prefers Democratic Party)	1,658,405
Marko Liias	(Prefers Democratic Party)	1,218,548
WRITE-IN		759,076

**Secretary of State**

Candidate	Party Preference	Votes
Kim Wyman	(Prefers Republican Party)	2,116,141
Gael Tarleton	(Prefers Democratic Party)	1,826,710
WRITE-IN		4,666

**State Treasurer**

Candidate	Party Preference	Votes
Mike Pellicciotti	(Prefers Democratic Party)	2,089,159
Duane A. Davidson	(Prefers Republican Party)	1,818,895
WRITE-IN		3,339

**State Auditor**

Candidate	Party Preference	Votes
Pat (Patrice) McCarthy	(Prefers Democratic Party)	2,260,830
Chris Leyba	(Prefers Republican Party)	1,633,956
WRITE-IN		3,316

**Attorney General**

Candidate	Party Preference	Votes
Bob Ferguson	(Prefers Democratic Party)	2,226,418
Matt Larkin	(Prefers Republican Party)	1,714,927
WRITE-IN		3,968

**Commissioner of Public Lands**

Candidate	Party Preference	Votes
Hilary Franz	(Prefers Democratic Party)	2,212,158
Sue Kuehl Pederson	(Prefers Republican Party)	1,686,320
WRITE-IN		3,799

**Superintendent of Public Instruction**

Candidate	Votes
Chris Reykdal	1,955,365
Maia Espinoza	1,609,643
WRITE-IN	17,957

**Insurance Commissioner**

Candidate	Party Preference	Votes
Mike Kreidler	(Prefers Democratic Party)	2,506,693
Chirayu Avinash Patel	(Prefers Republican Party)	1,308,292
WRITE-IN		18,576

**Legislative District 1 – State Senator**

Candidate	Party Preference	Votes
Derek Stanford	(Prefers Democratic Party)	55,496
Art Coday	(Prefers Republican Party)	32,168
WRITE-IN		53

**Legislative District 1 – State Representative Position 1**

Candidate	Party Preference	Votes
Davina Duerr	(Prefers Democratic Party)	58,019
Adam Bartholomew	(Prefers Republican Party)	29,256
WRITE-IN		61

**Legislative District 1 – State Representative Position 2**

Candidate	Party Preference	Votes
Shelley Kloba	(Prefers Democratic Party)	55,622
Jeb Brewer	(Prefers Republican Party)	31,696
WRITE-IN		64

**Legislative District 2 – State Senator**

Candidate	Party Preference	Votes
Rick Payne	(Prefers Democrat Party)	29,477

Jim McCune	(Prefers Republican Party)	51,941
WRITE-IN		216

**Legislative District 2 – State Representative Position 1**

Candidate	Party Preference	Votes
Andrew Barkis	(Prefers Republican Party)	65,621
WRITE-IN		3,189

**Legislative District 2 – State Representative Position 2**

Candidate	Party Preference	Votes
JT Wilcox	(Prefers Republican Party)	53,552
Veronica Whitcher		
Rockett	(Prefers Democratic Party)	27,952
WRITE-IN		248

**Legislative District 7 – State Representative Position 1**

Candidate	Party Preference	Votes
Jacquelin Maycumber	(Prefers Republican Party)	61,485
Georgia D. Davenport	(Prefers Democratic Party)	23,973
WRITE-IN		100

**Legislative District 7 – State Representative Position 2**

Candidate	Party Preference	Votes
Joel Kretz	(Prefers Republican Party)	62,615
JJ Wandler	(Prefers Independent Party)	20,735
WRITE-IN		288

**Legislative District 9 – State Senator**

Candidate	Party Preference	Votes
Mark G. Schoesler	(Prefers GOP Party)	43,651
Jenn Goulet	(Prefers Democratic Party)	22,802
WRITE-IN		352

**Legislative District 9 – State Representative Position 1**

Candidate	Party Preference	Votes
Mary Dye	(Prefers Republican Party)	48,408
Brett Borden	(Prefers Libertarian Party)	16,091
WRITE-IN		716

**Legislative District 9 – State Representative Position 2**

Candidate	Party Preference	Votes
Joe Schmick	(Prefers GOP Party)	53,707
WRITE-IN		2,438

**Legislative District 10 – State Senator**

Candidate	Party Preference	Votes
Ron Muzzall	(Prefers Republican Party)	47,189
Helen Price Johnson	(Prefers Democratic Party)	45,415
WRITE-IN		101

**Legislative District 10 – State Representative Position 1**

Candidate	Party Preference	Votes
Greg Gilday	(Prefers GOP Party)	45,768
Angie Homola	(Prefers Democratic Party)	44,877
WRITE-IN		196

**Legislative District 10 – State Representative Position 2**

Candidate	Party Preference	Votes
Bill Bruch	(Prefers Republican Party)	45,461
Dave Paul	(Prefers Democratic Party)	46,199
WRITE-IN		102

**Legislative District 12 – State Senator**

Candidate	Party Preference	Votes
-----------	------------------	-------

Brad Hawkins (Prefers Republican Party) 58,051  
WRITE-IN 2,575

**Legislative District 12 – State Representative Position 1**

Candidate	Party Preference	Votes
Keith Goehner	(Prefers Republican Party)	45,817
Adrienne Moore	(Prefers Democratic Party)	29,998
WRITE-IN		84

**Legislative District 12 – State Representative Position 2**

Candidate	Party Preference	Votes
Mike Steele	(Prefers Republican Party)	57,281
WRITE-IN		2,265

**Legislative District 13 – State Representative Position 1**

Candidate	Party Preference	Votes
Tom Dent	(Prefers Republican Party)	47,701
Eduardo Castañeda-Díaz	(Prefers Democratic Party)	19,104
WRITE-IN		68

**Legislative District 13 – State Representative Position 2**

Candidate	Party Preference	Votes
Alex Ybarra	(Prefers Republican Party)	55,215
WRITE-IN		1,210

**Legislative District 14 – State Senator**

Candidate	Party Preference	Votes
Curtis P. King	(Prefers Republican Party)	51,384
WRITE-IN		2,256

**Legislative District 14 – State Representative Position 1**

Candidate	Party Preference	Votes
Chris Corry	(Prefers Republican Party)	39,519
Tracy Rushing	(Prefers Democratic Party)	26,721
WRITE-IN		58

**Legislative District 14 – State Representative Position 2**

Candidate	Party Preference	Votes
Gina Mosbrucker	(Prefers Republican Party)	39,285
Devin Kuh	(Prefers Democratic Party)	26,435
WRITE-IN		97

**Legislative District 16 – State Senator**

Candidate	Party Preference	Votes
Danielle Garbe Reser	(Prefers Democratic Party)	24,889
Perry Dozier	(Prefers Republican Party)	35,859
WRITE-IN		59

**Legislative District 16 – State Representative Position 1**

Candidate	Party Preference	Votes
Mark Klicker	(Prefers Republican Party)	38,570
Frances Chvatal	(Prefers Democratic Party)	22,056
WRITE-IN		36

**Legislative District 16 – State Representative Position 2**

Candidate	Party Preference	Votes
Skylar Rude	(Prefers Republican Party)	41,142
Carly Coburn	(Prefers Democratic Party)	19,163
WRITE-IN		64

**Legislative District 19 – State Senator**

Candidate	Party Preference	Votes
Dean Takko	(Prefers Democratic Party)	32,773
Jeff Wilson	(Prefers Republican Party)	40,560

WRITE-IN 82

**Legislative District 19 – State Representative Position 1**

Candidate	Party Preference	Votes
Jim Walsh	(Prefers Republican Party)	43,315
Marianna Everson	(Prefers Democratic Party)	29,625
WRITE-IN		84

**Legislative District 19 – State Representative Position 2**

Candidate	Party Preference	Votes
Joel McEntire	(Prefers Republican Party)	38,369
Brian E. Blake	(Prefers Democratic Party)	34,599
WRITE-IN		60

**Legislative District 20 – State Senator**

Candidate	Party Preference	Votes
John Braun	(Prefers Republican Party)	67,304
WRITE-IN		2,299

**Legislative District 20 – State Representative Position 1**

Candidate	Party Preference	Votes
Peter Abbarno	(Prefers Republican Party)	58,484
Timothy Zahn	(Prefers Democratic Party)	24,079
WRITE-IN		120

**Legislative District 20 – State Representative Position 2**

Candidate	Party Preference	Votes
Ed Orcutt	(Prefers Republican Party)	60,030
Will Rollet	(Prefers Democratic Party)	22,352
WRITE-IN		125

**Legislative District 24 – State Senator**

Candidate	Party Preference	Votes
Kevin Van De Wege	(Prefers Democratic Party)	49,883
Connie Beauvais	(Prefers Republican Party)	42,289
WRITE-IN		74

**Legislative District 24 – State Representative Position 1**

Candidate	Party Preference	Votes
Mike Chapman	(Prefers Democratic Party)	49,965
Sue Forde	(Prefers Republican Party)	42,207
WRITE-IN		67

**Legislative District 24 – State Representative Position 2**

Candidate	Party Preference	Votes
Steve Tharinger	(Prefers Democratic Party)	49,262
Brian Pruiett	(Prefers Republican Party)	42,515
WRITE-IN		66

**Legislative District 26 – State Representative Position 1**

Candidate	Party Preference	Votes
Jesse L. Young	(Prefers Republican Party)	47,171
Carrie Hesch	(Prefers Democratic Party)	42,113
WRITE-IN		129

**Legislative District 26 – State Representative Position 2**

Candidate	Party Preference	Votes
Joy Stanford	(Prefers Democratic Party)	40,189
Michelle Caldier	(Prefers Republican Party)	48,973
WRITE-IN		183

**Legislative District 30 – State Representative Position 1**

Candidate	Party Preference	Votes
Jamila Taylor	(Prefers Democratic Party)	36,338

Martin A. Moore (Prefers Ind Republican Party) 26,406  
 WRITE-IN 63

**Legislative District 30 – State Representative Position 2**  
**Candidate Party Preference Votes**  
 Jesse Johnson (Prefers Democratic Party) 37,941  
 Jack Walsh (Prefers Republican Party) 24,948  
 WRITE-IN 43

**Legislative District 31 – State Representative Position 1**  
**Candidate Party Preference Votes**  
 Drew Stokesbary (Prefers Republican Party) 54,517  
 Katie Young (Prefers Democratic Party) 31,306  
 WRITE-IN 89

**Legislative District 31 – State Representative Position 2**  
**Candidate Party Preference Votes**  
 Eric E. Robertson (Prefers Republican Party) 53,858  
 Thomas R. Clark (Prefers Democratic Party) 31,657  
 WRITE-IN 99

**Legislative District 32 – State Representative Position 1**  
**Candidate Party Preference Votes**  
 Cindy Ryu (Prefers Democratic Party) 52,703  
 Shirley Sutton (Prefers Democratic Party) 19,658  
 WRITE-IN 1,292

**Legislative District 32 – State Representative Position 2**  
**Candidate Party Preference Votes**  
 Lauren Davis (Prefers Democratic Party) 59,115  
 Tamra Smilanich (Prefers Non Partisan Party) 9,235  
 WRITE-IN 507

**Legislative District 35 – State Representative Position 1**  
**Candidate Party Preference Votes**  
 Dan Griffey (Prefers Republican Party) 49,314  
 Colton Myers (Prefers Democratic Party) 35,131  
 WRITE-IN 100

**Legislative District 35 – State Representative Position 2**  
**Candidate Party Preference Votes**  
 Drew C. MacEwen (Prefers Republican Party) 47,618  
 Darcy Huffman (Prefers Democratic Party) 36,668  
 WRITE-IN 115

**Legislative District 39 – State Senator**  
**Candidate Party Preference Votes**  
 Keith L. Wagoner (Prefers Republican Party) 52,386  
 Kathryn A. Lewandowsky (Prefers WA Progressive Party) 27,578  
 WRITE-IN 125

**Legislative District 39 – State Representative Position 1**  
**Candidate Party Preference Votes**  
 Robert J. Sutherland (Prefers Republican Party) 48,716  
 Claus Joens (Prefers Democratic Party) 32,349  
 WRITE-IN 100

**Legislative District 39 – State Representative Position 2**  
**Candidate Party Preference Votes**  
 Carolyn Eslick (Prefers Republican Party) 51,067  
 Ryan Johnson (Prefers Democratic Party) 29,833  
 WRITE-IN 96

**Legislative District 40 – State Senator**  
**Candidate Party Preference Votes**  
 Elizabeth (Liz) Lovelett (Prefers Democratic Party) 60,871  
 Charles Carrell (Prefers Republican Party) 26,638  
 WRITE-IN 78

**Legislative District 40 – State Representative Position 1**  
**Candidate Party Preference Votes**  
 Debra Lekanoff (Prefers Democratic Party) 64,898  
 WRITE-IN 2,915

**Legislative District 40 – State Representative Position 2**  
**Candidate Party Preference Votes**  
 Alex Ramel (Prefers Democratic Party) 58,915  
 Russ Dzialo (Prefers Republican Party) 27,408  
 WRITE-IN 155

**Supreme Court – Justice Position 3**  
**Candidate Votes**  
 Dave Larson 1,462,764  
 Raquel Montoya-Lewis 2,057,623  
 WRITE-IN 13,661

**Supreme Court – Justice Position 4**  
**Candidate Votes**  
 Charles W. Johnson 2,850,924  
 WRITE-IN 66,407

**Supreme Court – Justice Position 6**  
**Candidate Votes**  
 Richard S. Serns 1,140,338  
 G. Helen Whitener 2,263,513  
 WRITE-IN 19,416

**Supreme Court – Justice Position 7**  
**Candidate Votes**  
 Debra L. Stephens 2,852,879  
 WRITE-IN 60,808

**Court of Appeals, Division 2, District 2 – Judge Position 1**  
**Candidate Votes**  
 Lisa L. Sutton 327,019  
 WRITE-IN 6,305

**Court of Appeals, Division 3, District 1 – Judge Position 2**  
**Candidate Votes**  
 Marshall Casey 110,355  
 Tracy Arlene Staab 190,276  
 WRITE-IN 2,184

**Court of Appeals, Division 3, District 3 – Judge Position 1**  
**Candidate Votes**  
 Rebecca Pennell 136,674  
 WRITE-IN 1,723

**Asotin, Columbia, Garfield Superior Court – Judge Position 1**  
**Candidate Votes**  
 Brooke J. Burns 8,607  
 G. Scott Marinella 6,091  
 WRITE-IN 48

**Benton, Franklin Superior Court – Judge Position 1**  
**Candidate Votes**

Dave Petersen 72,640  
 Sharon Brown 47,567  
 WRITE-IN 451

**The Legislature of the State of Washington  
 Olympia, Washington**

Mr. President:

I, Kim Wyman, Secretary of State of the state of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the Office of State Senator, as shown by the official returns of the November 3, 2020 General Election on file in the Office of the Secretary of State. This list contains newly elected as well as returning Senators.

**Senators Elected November 3, 2020**

**Benton, Franklin Superior Court – Judge Position 2**  
**Candidate** **Votes**  
 Joe Burrowes 97,745  
 WRITE-IN 1,174

**Benton, Franklin Superior Court – Judge Position 3**  
**Candidate** **Votes**  
 Alexander Carl Ekstrom 95,893  
 WRITE-IN 1,098

**Benton, Franklin Superior Court – Judge Position 4**  
**Candidate** **Votes**  
 Cameron Mitchell 98,502  
 WRITE-IN 973

**Benton, Franklin Superior Court – Judge Position 5**  
**Candidate** **Votes**  
 Sam Swanberg 96,033  
 WRITE-IN 1,114

**Benton, Franklin Superior Court – Judge Position 6**  
**Candidate** **Votes**  
 Carrie Runge 93,825  
 WRITE-IN 1,541

**Benton, Franklin Superior Court – Judge Position 7**  
**Candidate** **Votes**  
 Jacqueline Shea Brown 95,675  
 WRITE-IN 1,204

**Ferry, Pend Oreille, Stevens Superior Court – Judge Position 1**  
**Candidate** **Votes**  
 Patrick A. Monasmith 28,233  
 WRITE-IN 531

**Ferry, Pend Oreille, Stevens Superior Court – Judge Position 2**  
**Candidate** **Votes**  
 Jessica Taylor Reeves 27,609  
 WRITE-IN 486

**Klickitat, Skamania Superior Court – Judge Position 1**  
**Candidate** **Votes**  
 Randall Krog 12,687  
 WRITE-IN 276

**Pacific, Wahkiakum Superior Court – Judge Position 1**  
**Candidate**  
 Donald J. Richter  
 WRITE-IN

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the state of Washington on this 1<sup>st</sup> day of December 2020, at Olympia, the State Capital.

/s/  
 Kim Wyman  
 Secretary of State

**The Honorable President of the Senate**

District	Name	Party Preference	Counties Represented
1	Derek Stanford	Prefers Democratic Party	King, Snohomish
2	Jim McCune	Prefers Republican Party	Pierce, Thurston
3	Andy Billig	Prefers Democratic Party	Spokane
4	Mike Padden	Prefers Republican Party	Spokane
5	Mark Mullet	Prefers Democratic Party	King
9	Mark G. Schoesler	Prefers GOP Party	Adams, Asotin, Franklin, Garfield, Spokane, Whitman
10	Ron Muzzall	Prefers Republican Party	Island, Skagit, Snohomish
11	Bob Hasegawa	Prefers Democratic Party	King
12	Brad Hawkins	Prefers Republican Party	Chelan, Douglas, Grant, Okanogan
14	Curtis P. King	Prefers Republican Party	Clark, Klickitat, Skamania, Yakima
16	Perry Dozier	Prefers Republican Party	Benton, Columbia, Franklin, Walla Walla
17	Lynda Wilson	Prefers Republican Party	Clark
18	Ann Rivers	Prefers Republican Party	Clark
19	Jeff Wilson	Prefers Republican Party	Cowlitz, Grays Harbor, Lewis, Pacific, Wahkiakum
20	John Braun	Prefers Republican Party	Clark, Cowlitz, Lewis, Thurston
22	Sam Hunt	Prefers Democratic Party	Thurston
23	Christine Rolfes	Prefers Democratic Party	Kitsap
24	Kevin Van De Wege	Prefers Democratic Party	Clallam, Grays Harbor, Jefferson
25	Chris Gildon	Prefers Republican Party	Pierce
27	Jeannie Darneille	Prefers Democratic Party	Pierce
28	Twina Nobles	Prefers Democratic Party	Pierce
38	June Robinson	Prefers Democratic Party	Snohomish

39	Keith L. Wagoner	Prefers Republican Party	King, Skagit, Snohomish	/s/
40	Elizabeth (Liz) Lovelett	Prefers Democratic Party	San Juan, Skagit, Whatcom	Kim Wyman Secretary of State
41	Lisa Wellman	Prefers Democratic Party	King	
49	Annette Cleveland	Prefers Democratic Party	Clark	

**Returning Senators**

<b>District</b>	<b>Name</b>	<b>Party Preference</b>	<b>Counties Represented</b>
6	Jeff Holy	Prefers Republican Party	Spokane
7	Shelly Short	Prefers Republican Party	Ferry, Okanogan, Pend Oreille, Spokane, Stevens
8	Sharon Raye Brown	Prefers Republican Party	Benton
13	Judy Warnick	Prefers Republican Party	Grant, Kittitas, Lincoln, Yakima
15	Jim Honeyford	Prefers GOP Party	Yakima
21	Marko Liias	Prefers Democratic Party	Snohomish
26	Emily Randall	Prefers Democratic Party	Kitsap, Pierce
29	Steve Conway	Prefers Democratic Party	Pierce
30	Claire Wilson	Prefers Democratic Party	King, Pierce
31	Phil Fortunato	Prefers Republican Party	King, Pierce
32	Jesse Salomon	Prefers Democratic Party	King, Snohomish
33	Karen Keiser	Prefers Democratic Party	King
34	Joe Nguyen	Prefers Democratic Party	King
35	Tim Sheldon	Prefers Democratic Party	Kitsap, Mason, Thurston
36	Reuven M. Carlyle	Prefers Democratic Party	King
37	Rebecca Saldaña	Prefers Democratic Party	King
42	Doug Ericksen	Prefers Republican Party	Whatcom
43	Jamie Pedersen	Prefers Democratic Party	King
44	Steve Hobbs	Prefers Democratic Party	Snohomish
45	Manka Dhingra	Prefers Democratic Party	King
46	David Frockt	Prefers Democratic Party	King
47	Mona Das	Prefers Democratic Party	King
48	Patty Kuderer	Prefers Democratic Party	King

The Secretary called the roll of the following holdover members of the Senate and all were present: Senators Sharon Brown, Reuven Carlyle, Steve Conway, Mona Das, Manka Dhingra, Doug Ericksen, Phil Fortunato, David Frockt, Steve Hobbs, Jeff Holy, Jim Honeyford, Karen Keiser, Patty Kuderer, Marko Liias, Joe Nguyen, Jamie Pedersen, Emily Randall, Rebeca Saldaña, Jesse Salomon, Tim Sheldon, Shelly Short, Judy Warnick, and Claire Wilson.

The Secretary called the roll of the following newly re-elected members of the Senate and all were present: Senators Andy Billig, John Braun, Annette Cleveland, Jeannie Darneille, Bob Hasegawa, Brad Hawkins, Sam Hunt, Curtis King, Mark Mullet, Ron Muzzall, Mike Padden, Ann Rivers, Christine Rolfes, Mark Schoesler, Derek Stanford, Kevin Van De Wege, Keith Wagoner, Lisa Wellman, and Lynda Wilson.

The Secretary called the roll of the following new elected members of the Senate and all were present: Senators Perry Dozier, Chris Gildon, T'wina Nobles, Jim McCune, June Robinson, and Jeff Wilson.

The President Pro Tempore explained that in the light of public health concerns, new re-elected members were sworn in by Chief Justice Steven Gonzalez in a remote ceremony on January 8, 2021. Members were also sworn in in their home districts before this opening session.

**MOTIONS**

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

Senator Liias moved adoption of the following resolution:

**SENATE RESOLUTION  
8600**

By Senator Liias

BE IT RESOLVED, That the Rules of the Senate for the 2019 Regular Session of the 66th Legislature, as amended in the 2019 Regular Session and the 2020 Regular Session, be adopted as amended as the Rules of the Senate for the 2021 Regular Session of the 67th Legislature, to read as follows:

**PERMANENT RULES  
OF THE  
SENATE**

**SIXTY-((SIXTH)) SEVENTH LEGISLATURE  
((2019)) 2021**

**SECTION I - OFFICERS-MEMBERS-EMPLOYEES**

- Rule 1** Duties of the President
- Rule 2** President Pro Tempore
- Rule 3** Secretary of the Senate
- Rule 4** Sergeant at Arms

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington at Olympia, this 1st day of December 2020.

- Rule 5** Subordinate Officers  
**Rule 6** Employees  
**Rule 7** Conduct of Members and Officers

#### SECTION II - OPERATIONS AND MANAGEMENT

- Rule 8** Facilities and Operations  
**Rule 9** Use of Senate Chambers  
**Rule 10** Admission to the Senate  
**Rule 11** ENGROSSED Printing of Bills  
**Rule 12** Furnishing Full File of Bills  
**Rule 13** Regulation of Lobbyists  
**Rule 14** Security Management

#### SECTION III - RULES AND ORDER

- Rule 15** Time of Convening  
**Rule 16** Quorum  
**Rule 17** Order of Business  
**Rule 18** Special Order  
**Rule 19** Unfinished Business  
**Rule 20** Motions and Senate Floor Resolutions (How Presented)  
**Rule 21** Precedence of Motions  
**Rule 22** Voting  
**Rule 23** Announcement of Vote  
**Rule 24** Call of the Senate  
**Rule 25** One Subject in a Bill  
**Rule 26** No Amendment by Mere Reference to Title of Act  
**Rule 27** Reading of Papers  
**Rule 28** Comparing Enrolled and Engrossed Bills

#### SECTION IV - PARLIAMENTARY PROCEDURE

- Rule 29** Rules of Debate  
**Rule 30** Recognition by the President  
**Rule 31** Call for Division of a Question  
**Rule 32** Point of Order - Decision Appealable  
**Rule 33** Question of Privilege  
**Rule 34** Protests  
**Rule 35** Suspension of Rules  
**Rule 36** Previous Question  
**Rule 37** Reconsideration

- Rule 38** Motion to adjourn  
**Rule 39** Yeas and Nays - When Must be Taken  
**Rule 40** Reed's Parliamentary Rules

#### SECTION V - COMMITTEES

- Rule 41** Committees - Appointment and Confirmation  
**Rule 42** Subcommittees  
**Rule 43** Subpoena Power  
**Rule 44** Duties of Committees  
**Rule 45** Committee Rules  
**Rule 46** Committee Meetings During Sessions  
**Rule 47** Reading of Reports  
**Rule 48** Recalling Bills from Committees  
**Rule 49** Bills Referred to Rules Committee  
**Rule 50** Rules Committee  
**Rule 51** Employment Committee  
**Rule 52** Committee of the Whole  
**Rule 53** Appropriation Budget Bills

#### SECTION VI - BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

- Rule 54** Definitions  
**Rule 55** Prefiling  
**Rule 56** Introduction of Bills  
**Rule 57** Amendatory Bills  
**Rule 58** Joint Resolutions and Memorials  
**Rule 59** Senate Concurrent Resolutions  
**Rule 60** Committee Bills  
**Rule 61** Committee Reference  
**Rule 62** Reading of Bills  
**Rule 63** First Reading  
**Rule 64** Second Reading/Amendments  
**Rule 65** Third Reading  
**Rule 66** Scope and Object of Bill Not to be Changed  
**Rule 67** Matter Related to Disagreement Between the Senate and House  
**Rule 68** Bills Committed for Special Amendment  
**Rule 69** Confirmation of Gubernatorial Appointees  
**Rule 70** Emergency Resolution Authorized

#### SECTION I OFFICERS-MEMBERS-EMPLOYEES Duties of the President

**Rule 1.** 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)

2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber. Cellular phone use within the senate chamber during floor session and within a hearing room during a committee hearing must be respectful to the members and the public and the phone must be kept in silent mode within the senate chamber during floor session and within a hearing room during a committee hearing.

3. The president shall have charge of and see that all officers and employees perform their respective duties, and shall have general control of the senate chamber and wings. (See also Art. 2, Sec. 10, State Constitution.)

4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.

5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)

6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate. In the event the senate refuses to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

7. The president shall, on each day, announce to the senate the business in order, and no business shall be taken up or considered until the order to which it belongs shall be declared.

8. The president shall decide and announce the result of any vote taken.

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote as provided for in the state Constitution. (See also Art. 2, Sec. 10 and 22, State Constitution.)

#### **President Pro Tempore**

**Rule 2.** 1. Upon the organization of the senate the members shall elect one of their number as president pro tempore who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president when the secretary of the senate receives notice that the lieutenant governor is unable to preside or is unable to confirm the lieutenant governor's availability within a reasonable time. The president pro tempore shall serve as the vice chair of the committee on rules. The senate shall also elect ((+)) at least one vice president pro tempore who will serve in the absence of the lieutenant governor and the president pro tempore. (See Art. 2, Sec. 10, State Constitution.)

2. In the absence of the president pro tempore, and vice president pro tempore, or with their consent, the president shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

3. A "majority caucus" is a caucus whose members constitute a majority of the senate and may include members from different political caucuses. The establishment of a majority caucus is evidenced by a majority of the members of the senate demonstrating the intent to caucus together and to lead the senate. Those members not part of the majority caucus constitute the minority caucus or caucuses.

#### **Secretary of the Senate**

**Rule 3.** 1. The senate shall elect a secretary, who shall appoint a deputy secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

2. The secretary is the Personnel Officer of the senate and shall appoint, subject to the approval of the senate, all other senate employees and the hours of duty and assignments of all senate employees shall be under the secretary's directions and instructions and they may be dismissed at the secretary's discretion.

3. The secretary of the senate, prior to the convening of the next regular session, shall prepare the office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session or twenty days prior to any special session of the legislature.

#### **Sergeant at Arms**

**Rule 4.** 1. The director of senate security shall perform the functions of the sergeant at arms for the senate.

2. The sergeant at arms shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president, or the secretary of the senate, in writing or when personally accompanied by a senator.

#### **Subordinate Officers**

**Rule 5.** The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

#### **Employees**

**Rule 6.** 1. No senate employee shall lobby in favor of or against any matter under consideration.

2. Senate employees are governed by joint rules and chapters 42.17 (the Public Disclosure Act) and 42.52 RCW (the Ethics in Public Service Act).

#### **Conduct of Members and Officers**

**Rule 7.** 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time. Food is prohibited within the senate chamber during floor session. Cellular phone use within the senate chamber during floor session and within a hearing room during a committee hearing must be respectful to the members and the public and the phone must be kept in silent mode within the senate chamber during floor session and within a hearing room during a committee hearing.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration.

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator or officer shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. Members of the senate are subject to the senate's policy on appropriate workplace conduct. Conduct in violation of the policy may result in disciplinary action.

6. In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)

## SECTION II

### OPERATIONS AND MANAGEMENT

#### Facilities and Operations

**Rule 8.** 1. After the election of new caucus leadership at the beginning of the first regular session during a legislative biennium or anytime during the legislative biennium that a different caucus becomes the majority caucus, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the facilities and operations committee. Each caucus may also designate an alternate. The chair of the (~~majority caucus shall be the chair of the~~) facilities and operations committee must be selected by a majority vote of the members of the committee. If a different caucus becomes the majority caucus anytime during the legislative biennium, the operation of the senate shall transfer to the newly designated members after the leadership of the new majority caucus is determined.

2. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations. The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the same prior to the voucher being signed by the secretary of the senate authorizing the payment thereof. The committee on facilities and operations shall issue postage only as follows:

(a) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.

(b) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

3. The facilities and operations committee is authorized to adopt respectful workplace policies.

#### Use of Senate Chambers

**Rule 9.** The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by the facilities and operations committee when not in session.

#### Admission to the Senate

**Rule 10.** The sergeant at arms shall admit only the following individuals to the floor and adjacent areas of the senate for the period of time beginning one-half hour before convening and ending when the senate has adjourned or recessed for an hour or more:

The governor and/or designees,  
Members of the house of representatives,  
State elected officials,  
Officers and authorized employees of the legislature,  
Honored guests being presented to the senate,  
Former members of the senate who are not registered lobbyists pursuant to chapter 42.17 RCW,  
Representatives of the press,  
Persons specifically requested by a senator to the president in writing or only as long as accompanied by a senator.

#### Printing of Bills

**Rule 11.** The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

#### Furnishing Full File of Bills

**Rule 12.** Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate. The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the secretary of the senate. The secretary of the senate is authorized to recoup costs.

#### Regulation of Lobbyists

**Rule 13.** All persons who engage in lobbying of any kind as defined in chapter 42.17 RCW are subject to the senate's policy on appropriate workplace conduct. Conduct that constitutes prohibited conduct under the policy may result in restrictions, including, but not limited to, prohibitions on unaccompanied movement within the senate.

Any person registered as a lobbyist pursuant to chapter 42.17 RCW who intervenes in or attempts to influence any personnel decision of the senate regarding any employee may suffer an immediate revocation of all privileges before the senate or such other privileges and for such time as may be deemed appropriate by the senate committee on rules. This restriction shall not prohibit a registered lobbyist from making written recommendations for staff positions.

**Security Management**

**Rule 14.** The sergeant at arms shall develop security procedures to protect the senate, including its members, staff, and the visiting public.

**SECTION III  
RULES AND ORDER**

**Time of Convening**

**Rule 15.** The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.

**Quorum**

**Rule 16.** A majority of all members elected or appointed to the senate shall be necessary to constitute a quorum to do business. Less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

**Order of Business**

**Rule 17.** After the roll is called and journal read and approved, business shall be disposed of in the following order:

- FIRST. Reports of standing committees and standing subcommittees.
- SECOND. Reports of select committees.
- THIRD. Messages from the governor and other state officers.
- FOURTH. Messages from the house of representatives.
- FIFTH. Introduction, first reading and reference of bills, joint memorials, joint resolutions and concurrent resolutions.
- SIXTH. Second reading of bills.
- SEVENTH. Third reading of bills.
- EIGHTH. Presentation of petitions, memorials and floor resolutions.
- NINTH. Presentation of motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.

All questions relating to the priority of business shall be decided without debate.

Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

**Special Order**

**Rule 18.** The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote of the members present, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business, except that if a cutoff established by concurrent resolution occurs during the special order, the senate may complete the measure that was before the senate when consideration of the special order was commenced.

**Unfinished Business**

**Rule 19.** The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

**Motions and Senate Floor Resolutions  
(How Presented)**

**Rule 20.** 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

2. The senate shall consider no more than one floor resolution per day in session: Provided, That this rule shall not apply to floor resolutions essential to the operation of the senate; and further Provided, That there shall be no limit on the number of floor resolutions considered on senate pro forma session days. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration. Members' names shall be added to the resolution only if the member signs the resolution, except by unanimous consent of the senate. Members shall have until thirty minutes after the senate is convened the following day the senate is in a regular or pro forma session to add or remove their names to the floor resolution. A motion may be made to close the period for signatures at an earlier time.

**Precedence of Motions**

**Rule 21.** When a motion has been made and stated by the chair the following motions are in order, in the rank named:

**PRIVILEGED MOTIONS**

- Adjourn, recess, or go at ease
- Reconsider
- Demand for call of the senate
- Demand for roll call
- Demand for division
- Question of privilege
- Orders of the day

**INCIDENTAL MOTIONS**

- Points of order and appeal
- Method of consideration
- Suspend the rules
- Reading papers
- Withdraw a motion
- Division of a question

**SUBSIDIARY MOTIONS**

- 1st Rank: To lay on the table  
 2nd Rank: For the previous question  
 3rd Rank: To postpone to a day certain  
           To commit or recommit  
           To postpone indefinitely  
 4th Rank: To amend

No motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.

At no time shall the senate entertain a Question of Consideration.

### Voting

**Rule 22.** 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Secs. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

3. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, except as provided for in Senate Rule 7, subsection 4, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rule 24.)

4. A senator having been absent during roll call may ask to have his or her name called. Such a request must be made before the result of the roll call has been announced by the president.

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions as provided for in the state Constitution. (See also Art. 2, Secs. 10 and 22, State Constitution.)

6. The order of the names on the roll call shall be alphabetical by last name.

7. All votes in a committee or subcommittee shall be recorded, and the record shall be preserved as prescribed by the secretary of the senate. One-sixth of the committee may demand an oral roll call.

8. If a member of the majority is going to be absent due to a health matter or other emergency, then a member of the minority may publicly announce on the floor of the senate that he or she will cast votes as he or she believes the absent member would

have voted in order to avoid results that would only occur because of the unanticipated absence.

### Announcement of Vote

**Rule 23.** The announcement of all votes shall be made by the president.

### Call of the Senate

**Rule 24.** Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

### One Subject in a Bill

**Rule 25.** No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

### No Amendment by Mere Reference to Title of Act

**Rule 26.** No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

### Reading of Papers

**Rule 27.** When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies of reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution. This shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

### Comparing Enrolled and Engrossed Bills

**Rule 28.** Any senator shall have the right to compare an enrolled bill with the engrossed bill and may note any objections in the Journal.

## SECTION IV PARLIAMENTARY PROCEDURE Rules of Debate

**Rule 29.** When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully request recognition by the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities; provided that a senator may refer to another member using the title "Senator" and the surname of the other member. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been

sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than two minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

#### **Recognition by the President**

**Rule 30.** When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration. (See also Reed's Rule 214).

#### **Call for Division of a Question**

**Rule 31.** Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

#### **Point of Order - Decision Appealable**

**Rule 32.** 1. Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the president stand as the judgment of the senate?"

2. When a member appeals the decision of the presiding officer, the presiding officer may not preside over the appeal.

3. An appeal from the decision of the presiding officer is timely if brought before the body on the day the decision was made unless the decision affected a measure that is no longer in possession of the senate.

#### **Question of Privilege**

**Rule 33.** Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.

A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.

#### **Protests**

**Rule 34.** Any senator or senators may protest against the action of the senate upon any question. Such protest may be entered upon the journal if it does not exceed 200 words. The senator protesting shall file the protest with the secretary of the senate within 48 hours following the action protested.

#### **Adoption and Suspension of Rules**

**Rule 35.** 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be

rescinded or changed without a majority vote of the members of the senate, and one day's notice of the motion.

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

3. For the purposes of this rule, one day's notice means written notice is provided to all members of the Senate by 5:00 p.m. the day prior to the amendment to the permanent rules being offered and the notice must include, at a minimum, a description of the change to be offered.

#### **Previous Question**

**Rule 36.** The previous question shall not be put unless demanded by three senators, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, except the senator who presents the motion may open and close debate on the question and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

#### **Reconsideration**

**Rule 37.** 1. After the final vote on any measure, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the tenth day prior to adjournment sine die of any session, as determined pursuant to Article 2, Section 12, or concurrent resolution, or in the event that the measure is subject to a senate rule or resolution or a joint rule or concurrent resolution, which would preclude consideration on the next day of sitting a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

#### **Motion to Adjourn**

**Rule 38.** Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

#### **Yeas and Nays - When Must be Taken**

**Rule 39.** The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the

bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rules 22 and 24.)

**Reed's Parliamentary Rules**

**Rule 40.** The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

**SECTION V  
COMMITTEES**

**Committees - Appointment and Confirmation**

**Rule 41.** The president shall appoint all conference, special, joint and standing committees and standing subcommittees on the part of the senate. The appointment of the conference, special, joint and standing committees and standing subcommittees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or standing subcommittee, such committee or standing subcommittee shall be elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

<b>Standing Committee</b>	<b>Total Membership</b>
<del>1. Agriculture, Water, Natural Resources &amp; Parks</del> .....	<del>7</del>
<del>2. Early Learning &amp; K-12 Education</del> .....	<del>11</del>
<del>3. Environment, Energy, &amp; Technology</del> .....	<del>15</del>
<del>4. Financial Institutions, Economic Development &amp; Trade</del> .....	<del>7</del>
<del>5. Health &amp; Long-Term Care</del> .....	<del>11</del>
<del>6. Higher Education &amp; Workforce Development</del> .....	<del>5</del>
<del>7. Housing Stability &amp; Affordability</del> .....	<del>7</del>
<del>8. Human Services, Reentry &amp; Rehabilitation</del> .....	<del>7</del>
<del>9. Labor &amp; Commerce</del> .....	<del>9</del>
<del>10. Law &amp; Justice</del> .....	<del>7</del>
<del>11. Local Government</del> .....	<del>5</del>
<del>12. Rules</del> .....	<del>16 (plus the Lieutenant Governor)</del>
<del>13. State Government, Tribal Relations &amp; Elections</del> .....	<del>7</del>
<del>14. Transportation</del> .....	<del>15</del>
<del>15. Ways &amp; Means</del> .....	<del>24))</del>
<u>1. Agriculture, Water, Natural Resources &amp; Park</u> .....	<u>7</u>
<u>2. Business, Financial Services &amp; Trade</u> .....	<u>7</u>
<u>3. Early Learning &amp; K-12 Education</u> .....	<u>9</u>
<u>4. Environment, Energy, &amp; Technology</u> .....	<u>13</u>
<u>5. Health &amp; Long-Term Care</u> .....	<u>12</u>
<u>6. Higher Education &amp; Workforce Development</u> .....	<u>5</u>
<u>7. Housing &amp; Local Government</u> .....	<u>9</u>
<u>8. Human Services, Reentry &amp; Rehabilitation</u> .....	<u>7</u>
<u>9. Labor, Commerce &amp; Tribal Affairs</u> .....	<u>9</u>
<u>10. Law &amp; Justice</u> .....	<u>9</u>
<u>11. Rules</u> .....	<u>16 (plus the Lieutenant Governor)</u>
<u>12. State Government &amp; Elections</u> .....	<u>5</u>
<u>13. Transportation</u> .....	<u>15</u>
<u>14. Ways &amp; Means</u> .....	<u>25</u>

The following constitutes a standing subcommittee of the senate:

1. Behavioral Health Subcommittee to Health & Long-Term Care .....	5
--	---

**Subcommittees**

**Rule 42.** 1. A standing subcommittee has authority to hold work sessions and public hearings and take executive action on measures referred to it by the relevant standing committee. The committee requirements in Senate Rules 44 through 49 apply equally to standing subcommittees created under Senate Rule 41.

2. In addition to standing subcommittees created under Senate Rule 41, committee chairs may create subcommittees of the standing committee and designate subcommittee chairs thereof to study subjects within the jurisdiction of the standing committee. These subcommittees do not have executive action authority and are not considered standing subcommittees for purposes of senate rules. The committee chair shall approve the use of committee staff and equipment assigned to the subcommittee. Subcommittee activities shall further be subject to facilities and operations committee approval to the same extent as are the actions of the standing committee from which they derive their authority.

**Subpoena Power**

**Rule 43.** Any of the above referenced committees, including subcommittees thereof, or any special committees created by the senate, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. The committee chair shall file with the committee on rules, prior to issuance of any process, a statement of purpose setting forth the name or names of those subject to process. The rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to consideration by the rules committee. The process shall be limited to the named individuals and the committee on rules may overrule the service on an individual so named.

**Duties of Committees**

**Rule 44.** The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state: PROVIDED, That no executive action on bills may be taken during an interim.

**Committee Rules**

**Rule 45.** 1. At least five days' notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty-four hours prior to the hearing. This rule does not apply during the five days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.

3. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of

the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chair shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

4. No committee shall amend a measure, adopt a substitute bill, or vote upon any measure or appointment absent a quorum. A committee may conduct a hearing absent a quorum. A majority of any committee shall constitute a quorum and committees shall be considered to have a quorum present unless the question is raised. Any question as to quorum not raised at the time of the committee action is deemed waived.

5. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall be adopted at a regularly or specially called meeting during a legislative session and shall be signed by a majority of the committee; and shall carry only one of the following recommendations:

- a. Do pass;
- b. Do pass as amended;
- c. That a substitute bill be substituted therefor, and the substitute bill do pass; or
- d. Without recommendation.

In addition to one of the above-listed recommendations, a report may also recommend that a bill be referred to another committee.

6. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 4 of this rule, subject to the limitation of subsection 12 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

7. Any measure, appointment, substitute bill, or amendment still within a committee's possession before it has been reported out to the full senate may be reconsidered to correct an error, change language, or otherwise accurately reflect the will of the committee in its majority and minority reports to the full senate. Any such reconsideration may be made at any time, by any member of the committee, provided that the committee has not yet reported the measure, appointment, substitute bill, or amendment out to the full senate. Any such reconsideration made after a vote has been taken or signatures obtained will require a new vote and signature sheet. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members. For purposes of this rule, a committee is deemed to have reported a measure, appointment, substitute bill, or amendment out when it has delivered its majority and minority reports to the senate workroom. After such delivery, the committee no longer has possession of the measure, appointment, substitute bill, or amendment and no further committee action, including reconsideration, may be taken.

8. Any member of the committee not concurring in the majority report may sign a minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report. Unless the signatory of a

minority report expressly indicates a "do not pass" recommendation, the member's vote shall be deemed to be "without recommendation." In every case where a majority report form is circulated for signature, a minority report form shall also be circulated.

9. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

10. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

11. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session. During any special session of the legislature or within three days of sine die, this rule may be suspended by a majority vote of those present.

12. When a standing committee is operated by cochair, the committee may not vote upon any measure or appointment without the consent of each cochair.

13. When a standing committee has a standing subcommittee established under Senate Rule 41, the chair of the committee may refer any measures referred to the committee to the standing subcommittee with the consent of the ranking member of the committee or, in the event of a dispute between the chair and ranking member, referral may occur with a majority vote of the committee.

#### Committee Meetings During Sessions

**Rule 46.** No committee shall sit during the daily session of the senate unless by special leave.

No committee shall sit during any scheduled caucus.

#### Reading of Reports

**Rule 47.** The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

#### Recalling Bills from Committees

**Rule 48.** Any standing committee or standing subcommittee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected or appointed. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

#### Bills Referred to Rules Committee

**Rule 49.** All bills reported by a committee or subcommittee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Senate Rules 63 and 64.) A bill may not be referred to the committee on rules for second reading unless a standing committee or subcommittee has held a public hearing on the bill. By a majority vote of the committee members present at any executive session, the public hearing requirement

may be dispensed with when the committee is considering a bill whose companion has already been heard.

#### **Rules Committee**

**Rule 50.** The lieutenant governor shall be a voting member and the chair of the committee on rules. The president pro tempore shall be a voting member and the vice chair of the committee on rules. The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The order of consideration of bills on the second or third reading calendar will be set by the floor leader of the majority caucus. A majority of members present may vote to change the order.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

#### **Employment Committee**

**Rule 51.** The employment committee for committee staff shall consist of six members, three from the majority party and three from the minority party. The chair shall be appointed by the majority leader. All decisions shall be determined by majority vote. The committee shall operate within staffing, budget levels and guidelines as authorized and adopted by the facilities and operations committee.

#### **Committee of the Whole**

**Rule 52.** At no time shall the senate sit as a committee of the whole.

The senate may at any time, by the vote of the majority of the members present, sit as a body for the purpose of taking testimony on any measure before the senate.

#### **Appropriation Budget Bills**

**Rule 53.** No biennial or supplemental omnibus operating budget, omnibus capital budget, or omnibus transportation budget bill may be acted upon in second reading until twenty-four hours after the bill has been placed on the second reading calendar by the rules committee. This rule does not apply to conference committee reports of biennial or supplemental omnibus budget bills, which are governed by joint rules. This rule may be suspended with a majority vote of those present within three days of sine die. The rules committee shall establish by separate motion the time at which a bill has been placed on the second reading calendar for purposes of this rule.

### **SECTION VI BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS**

#### **Definitions**

**Rule 54.** "Measure" means a bill, joint memorial, joint resolution, or concurrent resolution.

"Bill" when used alone means bill, joint memorial, joint resolution, or concurrent resolution.

"Majority" shall mean a majority of those members present unless otherwise stated.

#### **Prefiling**

**Rule 55.** Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any special session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day. No bill, joint memorial or joint resolution shall be prefiled by title and/or preamble only. (See also Senate Rule 3, Sub. 3.)

#### **Introduction of Bills**

**Rule 56.** All bills, joint resolutions, and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring to introduce a bill, joint resolution, or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution, or joint memorial is to be introduced.

Provided that a vote has not been taken on final passage of a bill, joint resolution, or joint memorial, a member may add his or her name as a cosponsor until 2:00 p.m. of the day of its introduction. For any bill, joint resolution, or joint memorial that has been prefiled for a regular session, a member has until 2:00 p.m. of the day following introduction to add his or her name as a cosponsor.

To be considered during a regular session, a bill must be introduced at least ten days before final adjournment of the legislature, unless the legislature directs otherwise by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

#### **Amendatory Bills**

**Rule 57.** Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

When statutes are being repealed, the Revised Code of Washington section number to be repealed, the section caption and the session law history, from the most current to the original, shall be cited.

#### **Joint Resolutions and Memorials**

**Rule 58.** Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

#### **Senate Concurrent Resolutions**

**Rule 59.** Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rules 62, 63, and 64.

**Committee Bills**

**Rule 60.** Committee bills introduced by a standing committee during a legislative session may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

**Committee Reference**

**Rule 61.** When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

- FIRST: A standing committee.
- SECOND: A select committee.

**Reading of Bills**

**Rule 62.** Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, or during any special session of the legislature, this rule may be suspended by a majority vote. (See also Senate Rules 59 and 64).

**First Reading**

**Rule 63.** The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading, bills shall be referred to an appropriate committee pursuant to Senate Rule 61.

Upon being reported back by committee, pursuant to Senate Rule 49, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate.

A bill shall be reported back by the committee chair upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Senate Rule 45, Sub. 5.

No committee chair shall exercise a pocket veto of any bill.

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

**Second Reading/Amendments**

**Rule 64.** Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

Any member may, if sustained by three members, remove a bill from the consent calendar as constituted by the committee on rules. A bill removed from the consent calendar shall take its place as the last bill on the second reading calendar.

No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.

**Third Reading**

**Rule 65.** Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate.

**Scope and Object of Bill Not to be Changed**

**Rule 66.** No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.) Substitute bills shall be considered amendments for the purposes of this rule. A point of order raising the question of scope and object may be raised at any time during consideration of an amendment prior to voting on the amendment. A proposed amendment to an unamended title-only bill shall be within the scope and object of the bill if the subject of the amendment fits within the language in the title.

**Matters Related to Disagreement Between the Senate and House**

**Rule 67.** When there is a disagreement between the senate and house on a measure before the senate, the senate may act upon the measure with the following motions which have priority in the following order:

- To concur
- To non-concur
- To recede
- To insist
- To adhere

These motions are in order as to any single amendment or to a series of amendments. (See Reed's Rules 247 through 254.)

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to an appropriate committee and shall take the same course as for original bills, unless a motion to ask the house to recede, to insist or to adhere is made prior to the measure being referred to committee.

**Bills Committed for Special Amendment**

**Rule 68.** A bill may be committed with or without special instructions to amend at any time before taking the final vote.

### Confirmation of Gubernatorial Appointees

**Rule 69.** When the names of appointees to state offices are transmitted to the secretary of the senate for senate confirmation, the communication from the governor shall be recorded and referred to the appropriate standing committee.

The standing committee, or subcommittee, pursuant to Senate Rule 42, shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

Any hearing on a gubernatorial appointment, held by the standing committee, or subcommittees, pursuant to Senate Rule 42, shall be a public hearing. The appointee may be required to appear before the committee on request. When appearing, the appointee shall be required to testify under oath or affirmation. The chair of the committee or the presiding member shall administer the oath or affirmation in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to Senate Rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the members elected or appointed. (Article 13 of the State Constitution.)

### Emergency Resolution Authorized

**Rule 70.** 1. If the Facilities and Operations Committee determines through a majority vote that physically convening all members and staff in a single location presents a danger to the health or safety of the participants or is impractical because of a publicly declared statewide emergency or catastrophic incident under RCW 43.06.010, the senate shall adopt a resolution establishing the rules and procedures governing any special or regular legislative session.

2. For purposes of adopting the senate resolution required by this rule, some or all members may vote using a remote access program established by the Secretary of the Senate. The remote access program must provide a mechanism approved by the President of the Senate by which the President can verify a member's remote presence. Members are considered in attendance within the bar of the senate when using the remote access program, including for purposes of establishing quorum. To the extent practicable, a member participating remotely under this rule has the same privileges, rights, and responsibilities under the Senate Rules as if the member were physically present.

Senator Liias spoke in favor of adoption of the resolution.

Senator Liias demanded a roll call.

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

Senator Braun spoke against adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8600.

### ROLL CALL

The Secretary called the roll on the adoption of Senate Resolution No. 8600 and the resolution was adopted by the following vote: Yeas, 28; Nays, 19; Absent, 2; Excused, 0.

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

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

Absent: Senators Hawkins and McCune

### MOTION

On motion of Senator Wagoner, Senators Hawkins and McCune were excused.

### MOTION

Senator Liias moved adoption of the following resolution:

### SENATE RESOLUTION 8601

By Senator Liias

WHEREAS, The Facilities and Operations Committee has determined that physically convening all members and staff at a single location for the sixty-seventh legislature presents a danger to the health and safety of the participants and is impractical because of a publicly declared statewide emergency under RCW 43.06.010; and

WHEREAS, Permanent Senate Rule 70 establishes a process by which the Senate will adopt a resolution establishing the rules and procedures to govern floor and committee action for such a legislative session;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the following be adopted as the Emergency Parliamentary Rules of the Sixty-Seventh Legislature:

### EMERGENCY PARLIAMENTARY RULES OF THE SENATE SIXTY-SEVENTH LEGISLATURE 2021

#### SECTION I: GENERAL

**Rule A** Public Health Measures.

**Rule B** Filing of Bills.

**Rule C** Electronic Signatures.

**Rule D** Interpretation of Permanent Senate Rules.

#### SECTION II: PARLIAMENTARY PROCEDURES

**Rule E** Physical Distancing Required.

<b>Rule F</b>	Remote Voting.
<b>Rule G</b>	Attendance and Quorum.
<b>Rule H</b>	Floor Motions.
<b>Rule I</b>	Call of the Senate.
<b>Rule J</b>	Referral of Bills to Committee.
<b>Rule K</b>	Consideration of Bills and Amendments.

**SECTION III: COMMITTEES**

<b>Rule L</b>	Committee Procedures.
---------------	-----------------------

**SECTION I  
GENERAL**

**Public Health Measures**

A. (1) Senate members and employees must wear a mask in all Senate buildings. This requirement does not apply if the member or employee is in an office or room by themselves. While physically present on the Senate floor, members and employees must wear masks provided by the Senate.

(2) Members and employees will be provided with a self-screening health tool to assist them in determining whether it is safe for them to be on campus. If a member or employee answers any of the self-screening questions in the affirmative, the member or employee should remain off campus and contact the human resource officer.

(3) For the duration of the 2021 legislative session, Senate buildings will be open to authorized members and staff only. Members of the capitol press corps will be permitted access to observe floor action with preapproval from the Secretary of the Senate. No member or employee may escort a member of the public into Senate buildings.

(4) All committee and floor proceedings will be broadcast to the public via streaming or televised platforms to ensure public access. (See Article II, Section 11 of the state Constitution.)

**Filing of Bills**

B. (1) Any member desiring to introduce a bill shall email the bill to the office of the code reviser by noon of the day before the convening of the session at which the bill is to be introduced. Only bills that have been emailed by a member or the member's legislative assistant may be considered for introduction.

(2) Sponsor sheets will be electronically available for introducing the bill. The member emailing the bill and corresponding sponsor sheet shall be considered the sponsor of the bill. The sponsoring member may designate one cosponsor of the bill by providing the cosponsor's name in the email and by including the cosponsor's name in the cc line of the email.

(3) Additional members may add themselves as cosponsors to the bill by emailing the Senate workroom by 5:00 p.m. of the day of its introduction.

(4) Agency and governor request legislation shall follow this process and the sponsoring member or member's legislative assistant must email such legislation to the office of the code reviser.

(5) The introduction of title-only bills is prohibited. For the purposes of this subsection, a title-only bill is a bill containing a title or short summary of the intended subject matter, without laying forth the full changes intended to any act or sections of law.

**Electronic Signatures**

C. Electronic or scanned signatures are authorized in place of any physical signatures that are otherwise required in order for a member to conduct legislative business.

**Interpretation of Permanent Senate Rules**

D. To the extent that a matter is not addressed in this Resolution, the Permanent Rules of the Senate adopted January 11, 2021, will govern. The President will interpret all rules and procedures to facilitate legislative business in a fair and efficient manner in light of the ongoing emergency and remote session.

**SECTION II  
PARLIAMENTARY PROCEDURES**

**Physical Distancing Required**

E. Senators voting on the Senate floor must maintain at least six feet of distance from one another.

**Remote Voting**

F. (1) Unless otherwise designated by the Facilities & Operations Committee, members will be required to vote remotely. Senate administration will make information technology provisions for members who wish to participate in floor action remotely from their offices or another isolated location on campus. Members who wish to vote remotely from their homes will be outfitted with necessary hardware and provided remote information technology support.

(2) During any roll call vote, members will record their vote using the remote voting system. The clerk will close electronic voting and announce each member's vote individually. The President will call on those members who are present but have not yet voted. The President will then provide members a final opportunity to be recognized and change their votes. The clerk will then announce the vote.

(3) If, during a roll call vote, a member's vote is unable to be taken, the member will be automatically excused. The member may request in writing that their vote be reflected in the Senate journal, though it will not count towards the final roll call.

(4) In accordance with Senate Rule 22, once begun, a roll call vote will not be interrupted because a member has connectivity issues. However, if a majority of members elected is no longer present due to connectivity issues, a majority of those still present may defer consideration of a bill, adjourn, or recess the Senate until a quorum can be reestablished.

**Attendance and Quorum**

G. A member of the Senate voting remotely is considered in attendance within the bar of the Senate if the member is participating in the session through a remote access program established by the Secretary of the Senate as provided in Senate Rule 70.

**Floor Motions**

H. Members are permitted to move a bill, resolution, or amendment; rise to a parliamentary inquiry; request a roll call vote; and rise to a point of order. The floor leaders of the majority and minority caucuses will make all other motions. A floor leader may yield to a member for a question of privilege.

**Call of the Senate**

I. A call of the Senate may be moved by the majority or minority floor leader and sustained by three Senators. If carried

by a majority of those present, the Secretary shall call the roll, after which the names of the absentees shall again be called. The business of the Senate will be suspended until the absent senators are considered within the bar of the Senate for such action as the Senate may deem proper. A call of the Senate may not interrupt a roll call vote, and no penalties shall be sustained for members experiencing connectivity issues.

#### **Referral of Bills to Committee**

**J.** (1) Draft bill referrals will be electronically published by 8:00 p.m. the evening before any session to consider them. All objections or requests for rereferral must be communicated in writing by a member to the majority floor leader by 8:00 a.m. the day of convening.

(2) The Senate may relieve the Rules Committee of a bill with the consent of a majority of the Senate, provided that two hours' notice has been given to the President and all members of the Senate by the majority leader. The majority leader will consult with the President prior to giving such notice.

#### **Consideration of Bills and Amendments**

**K.** (1) The majority floor leader will provide draft orders of consideration for the Second Reading Calendar to the minority floor leader by 5:00 p.m. two days before scheduled floor action. Bills may be added to orders of consideration with the consent of the majority and minority floor leaders.

(2) Once a bill is listed on a draft order of consideration submitted to the minority floor leader, any amendments must be submitted electronically to the Secretary of the Senate for consideration by 8:00 p.m. the day before scheduled floor action to be in order.

(3) On and after the third day preceding adjournment Sine Die of any session, or two days prior to any cut-off date for consideration of bills, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or during any special session of the legislature, this rule may be suspended by a majority vote.

### **SECTION III COMMITTEES**

#### **Committee Procedures**

**L.** (1) All committees will meet remotely. A member shall be considered in attendance at a committee hearing if the member is participating through a remote access program established by the Secretary of the Senate as provided in Senate Rule 70.

(2) All committees will rely upon and use the Electronic Bill Book. Committee staff should add all materials relating to hearings, work sessions, or executive sessions to the Electronic Bill Book as early as possible or when the material has been made public. Paper copies will not be provided to members.

(3) All committees will use the Committee Sign-In system used in the past by the public, which has been modified to allow universal remote testimony sign-in for all committee hearings. All committee members will be able to view the list of individuals who have signed in to testify on each bill. All testimony will be taken remotely or in writing. Members of the public wishing to testify may sign up remotely up to one hour before the committee is scheduled to meet.

(4) Chairs must publish the list of bills that may be considered for executive session by 4:00 p.m. two days preceding executive session. A chair with the consent of the ranking member has discretion to waive this deadline in extraordinary circumstances.

(5) Members must have amendment requests to nonpartisan committee staff by noon the day before scheduled executive action. Members should be considerate of staff and turn in amendment requests earlier if they are long or complex, keeping in mind the final deadline for consideration of amendments.

(6) All amendments, including substitutes, must be sponsored by a committee member. All amendments and effect statements must be either drafted or reviewed, or both, by nonpartisan committee staff. To be eligible for consideration at an executive session, amendments must be released from confidentiality and posted to the Electronic Bill Book for committee members by 4:00 p.m. the day before the executive session or the amendments will be considered out of order. A chair with the consent of the ranking member has discretion to waive this deadline in extraordinary circumstances.

(7) Committee voting will be done through recorded roll call votes with the results transmitted to the Secretary of the Senate via electronic means. Members must be present and visible to be eligible to vote during the executive session. Voting will not be allowed "subject to signatures."

(8) Electronic reports of standing committees must be received one hour prior to convening of the session in order to be read at said session. This requirement may be suspended by a majority of the Senate.

Senator Liias demanded a roll call.

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

#### **MOTION**

Senator Short moved that the following floor amendment no. 001 by Senator Short be adopted:

On page 1, after line 5, insert the following:

"WHEREAS, The Senate recognizes that it is essential to preserve the integrity of the legislative process and the ability of both legislators and the public to fully and meaningfully participate; and"

On page 2, beginning on line 14, after "members" strike all material through "buildings" on line 15 and insert ", employees, and members of the public must wear a mask and observe six feet of social distancing in all Senate buildings"

On page 2, beginning on line 25, after "open" strike all material through "buildings" on line 28

On page 3, beginning on line 35, after "(1)" strike all material through "remotely." on line 36 and insert "Members may choose to vote remotely or from the Senate floor using the voting system developed by the secretary of the Senate as provided in Senate Rule 70."

On page 6, line 1, after "(1)" strike "All committees will meet remotely." and insert "In addition to in-person attendance, legislators and members of the public may attend committee hearings remotely."

On page 6, line 14, after "bill." strike "All" and insert "In addition to in-person testimony,"

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

Senators Liias and Billig spoke against adoption of the amendment.

#### **MOTION**

On motion of Senator Wagoner, Senator Sheldon was excused.

Senator Wagoner demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 001 by Senator Short on page 1, after line 5 to Senate Resolution No. 8601.

#### ROLL CALL

The Secretary called the roll on the adoption of floor amendment no. 001 and the amendment was not adopted by the following vote: Yeas, 18; Nays, 28; Absent, 0; Excused, 3.

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

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

Excused: Senators Hawkins, McCune and Sheldon.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 003 by Senator Fortunato be adopted:

On page 3, line 33, after "another." insert "In order to accommodate additional member participation in person, the Senate galleries will be considered within the bar of the Senate and will be used for Senate member seating during floor sessions."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 003 by Senator Fortunato on page 3, line 33 to Senate Resolution No. 8601.

The motion by Senator Fortunato did not carry and floor amendment no. 003 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 002 by Senator Padden be adopted:

On page 4, beginning on line 31, after "order." strike all material through "motions." on line 32 and insert "For all other motions, members are encouraged, but not required, to work through the majority and minority floor leaders."

On page 4, beginning on line 35, after "moved" strike "by the majority or minority floor leader"

Senators Padden, Ericksen and Short spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

Senator Short demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 002 by Senator Padden on page 4, line 31 to Senate Resolution No. 8601.

#### ROLL CALL

The Secretary called the roll on the adoption of floor amendment no. 002 and the amendment was not adopted by the following vote: Yeas, 18; Nays, 28; Absent, 0; Excused, 3.

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

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

Excused: Senators Hawkins, McCune and Sheldon.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8601.

#### ROLL CALL

The Secretary called the roll on the adoption of Senate Resolution No. 8601 and the resolution was adopted by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

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

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

Excused: Senators Hawkins, McCune and Sheldon.

#### REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: "The President has to apologize for closing the conversation a little too early and I would like to recognize Senator Braun."

#### PERSONAL PRIVILEGE

Senator Braun: "Thank you Madam President. So, I just want to recognize the comment you just made, and no judgment, this is a very complex process. I very much admire the work you're doing up there. I think you've always done a fine job at the rostrum, and on a day like today we all owe each other a lot of grace. So, and in the end, I think the vote would have been exactly the same. I only rise for two reasons. One is, first, in spite of our many differences on these rules, I want to thank the staff who worked on them and our floor leaders who worked very hard to reach agreement wherever they could. That's very much appreciated even if we don't all get to a common, common viewpoint. I also want to use this as a learning opportunity. This is exactly the type of challenge we are going to face in the session ahead of us and this is, and a bill like this, that is that is a divided, almost evenly with not surprisingly the majority having the votes to implement the rules. These are the type of controversial things that are going to challenge us in the session ahead. I would

encourage us just as much as possible to work in good faith, to try to find compromises on controversial issues and if we can't and if it's not urgent, to perhaps set them aside until we can have a more transparent, and you know process, with better access by the public. And that's not a judgment Madam President. That's simply an observation that we have a particularly, you know, difficult challenge in front of us to conduct a session as transparent. That has access. That is fair. That recognizes that folks across our great state have many different viewpoints and they deserve to be heard as part of the process. So again, Madam President, thank you for the opportunity just to address this issue. Thank you for your good work there at the rostrum."

#### NOMINATION OF PRESIDENT PRO TEMPORE

The President Pro Tempore declared the nominations for the Office of President Pro Tempore of the Senate to be open.

Senator Billig moved the name of Senator Karen Keiser to be President Pro Tempore. Senator Braun seconded the nomination.

#### REMARKS BY SENATOR BILLIG

Senator Billig: "Well, thank you Madam President. I want to start by saying my nominee for President Pro Tem is my favorite senator out of all the senators. Madam President, seriously, I want to, it really gives me pleasure to rise to be able to nominate you to this position. You have shown in the years that you have served as President Pro Tem that you are thoughtful and fair. You know the rules. You're respected throughout this chamber and throughout the legislature and throughout the state of Washington. You, through your actions on the dais, have shown all of the reasons why this body should support you to continue as President Pro Tem and I ask for the body's support. Thank you."

#### REMARKS BY SENATOR BRAUN

Senator Braun: "Thank you Madam President. I rise to second the nomination for President Pro Tem. And I just like to make a couple comments. I second based on your long history of serving that position, you've done it with grace and, and respect for the rules. With a long history and understanding of our processes and a respect for those processes. I also want to make a comment. You know we had the opportunity to serve together for eight years, and we often have different viewpoints on very important issues to both of us, and when we do differ, you always at least treated me with respect and grace, and I appreciate that. And you're always, even more than that, you're willing to, in spite of our differences, when we do agree, you know, as we have more in recent years on our work together for the developmentally disabled, we found ways to set that aside and work collaboratively after an issue that we both care deeply about, and I admire that very much. So, thank you for your past service and I look forward to future service with you Madam President."

#### MOTION

On motion of Senator Liias, the nominations for the office of President Pro Tempore of the Senate were closed.

#### REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: "If I could just take a moment of personal privilege to thank the kind members

comments. It is an odd position to be in, presiding on this floor at that time while this is on before us."

#### NOMINATIONS FOR VICE PRESIDENT PRO TEMPORE

The President Pro Tempore declared the nominations for the Office of Vice President Pro Tempore of the Senate to be open.

Senator Liias moved the name of Senator Steve Conway to be President Pro Tempore. Senator Schoesler seconded the nomination.

#### REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Madam President. Senator Conway is, I think one of the most long, one of the longest tenured members of the legislature. I think he arrived here at some time when I was in elementary school and he has been contributing for decades to the work of the legislature. But more than just teasing him about his long tenure, what that means is he brings a deep respect and a deep understanding for the institution of the Senate, for our rules, for the traditions of the Senate. And as we saw over the last two years as he served as a Vice President Pro Tem, Senator Conway, whenever you've had to step aside, has been an able partner in ensuring that the Senate operates. He's brought his same reverence for the institution that he has as a member to his work as our vice president pro tempore and he will do an excellent job moving forward."

#### REMARKS BY SENATOR SCHOESLER

Senator Schoesler: "Thank you. the seniority of Senator Conway was mentioned but I was here a few weeks prior to his arrival and over those decades we have had very rigorous debates over obvious differences of philosophy but at the end of those vigorous debates Senator Conway was always civil, friendly and respected the institution which is very important to all of us, and I would urge your vote for Senator Conway."

#### MOTION

On motion of Senator Liias, the nominations for the office of Vice President Pro Tempore of the Senate were closed.

Senator Liias moved the name of Senator Steve Hobbs to be President Pro Tempore. Senator King seconded the nomination.

#### NOMINATIONS FOR VICE PRESIDENT PRO TEMPORE

The President Pro Tempore declared the nominations for the second Office of Vice President Pro Tempore of the Senate to be open.

#### REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Madam President. Senator Hobbs is my neighbor in South Snohomish County and brings with him also a long tenure in the Senate, a deep respect for this institution and a high reputation with members on both sides of the aisle from his bipartisan work on big issues, most notably transportation. It's also, we can never miss an opportunity to thank Senator Hobbs for his multiple acts of service. He also serves us in the National Guard and as we've struggled through this historic pandemic his work leading our relief efforts in the National Guard have been incredible and are another reminder of what a deep and

dedicated service, he's given to the people Washington and, why he will do a great job as our Vice President Pro Tem."

REMARKS BY SENATOR KING

Senator King: "Well thank you Madam President. I've had the pleasure of working with Steve for, Senator Hobbs I should say, sometimes we have to call him Senator, sometimes we have to call him what is it Colonel? I think. Anyway, it's been a, it's been a great honor for me to serve with him and I would ask the body to support his nomination."

MOTION

On motion of Senator Liias, the nominations for the second office of Vice President Pro Tempore of the Senate were closed.

NOMINATIONS FOR SECRETARY OF THE SENATE

The President Pro Tempore declared the nominations for the Office of Secretary of the Senate to be open.

REMARKS BY SENATOR BILLIG

Senator Billig: Thank you Madam President. Well, I am very glad to be able to rise in support of the nomination for Brad Hendrickson as the Secretary of the Senate. You know in a normal year; he does an amazing job keeping this place running. It's not an easy place. Believe it or not, were not always the easiest people to deal with. It is a complicated and unique situation, and he has done a very effective job in every year, but this year especially. This is been an extraordinary year and he has done an extraordinary job in delivering for the Senate, for the Legislature and for the people of Washington state. And one of the reasons that he's been able to be so effective is because of his experience. And I learned today, I knew that he had been part of the Senate for a long time, but this is actually going to be his fortieth year, or it was forty years ago that he started with the Senate, in 1982 as a Senate Intern. And in those forty years he has been mostly in or very close to this Chamber. So, I'm grateful that he's willing to serve and I urge the body to support his appointment/nomination as Secretary of the Senate. Thank you."

REMARKS BY SENATOR BRAUN

Senator Braun: "Thank you Madam President. I am pleased to stand and second the nomination of Brad Hendrickson for the Secretary of the Senate. This has been, as was previously mentioned, a very unusual year. It's been a lot of hard work just getting to today by both the Secretary and all of our staff. And the way I think about it is we essentially did not have, even though we haven't been here since last April, in many ways we didn't have an interim this year. We may not have been busy, you know, debating bills or passing bills but we were busy in hundreds of other ways we could never have foreseen a year ago. And a lot of that work fell to Brad his staff. Brad is capable. He's experienced. I didn't know forty years either. Congratulations. He's trusted and he's an enormously hard worker as others are here. So, I'm pleased again to second the nomination. Thank you, Madam President."

MOTION

On motion of Senator Wagoner, Senator Fortunato was excused.

On motion of Senator Liias, the nominations for the office of Secretary of the Senate were closed.

The President Pro Tempore declared the question before the Senate to be the election of Senator Keiser as President Pro Tempore of the Senate, Senators Conway and Hobbs as Vice President Pro Tempores of the Senate and Mr. Brad Hendrickson as the Secretary of the Senate.

ROLL CALL

The Secretary called the roll for the election of the offices of President Pro Tempore of the Senate, the two Vice President Pro Tempores of the Senate and the Secretary of the Senate and the nominees were elected by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Fortunato, Hawkins, McCune and Sheldon

STANDING COMMITTEE ASSIGNMENTS

Pursuant to the document entitled "Senate Standing Committees & Subcommittee – 2021," the President appointed the several senators to the standing committees of the senate as follows:

SENATE STANDING COMMITTEES & SUBCOMMITTEE – 2021

Agriculture, Water, Natural Resources & Parks

Van De Wege, <i>Chair</i>	Warnick, <i>Ranking</i>
Salomon, <i>Vice Chair</i>	Honeyford
Stanford	Short
Rolfes	

Business, Financial Services & Trade

Mullet, <i>Chair</i>	Dozier, <i>Ranking</i>
Hasegawa, <i>Vice Chair</i>	Brown
Hobbs	Wilson, L.
Frockt	

Early Learning & K-12 Education

Wellman, <i>Chair</i>	Hawkins, <i>Ranking</i>
Nobles, <i>Vice Chair - K12</i>	Dozier
Wilson, C. <i>Vice Chair -</i>	McCune
<i>Early Learning</i>	

Hunt  
Mullet  
Pedersen

Environment, Energy & Technology

Carlyle, <i>Chair</i>	Ericksen, <i>Ranking</i>
Lovelett, <i>Vice Chair</i>	Brown
Das	Fortunato
Hobbs	Sheldon
Liias	Short
Nguyen	

Stanford  
Wellman

Health & Long Term Care

Cleveland, <i>Chair</i>	Muzzall, <i>Ranking</i>
Frocht, <i>Vice Chair</i>	Holy
Conway	Padden
Keiser	Rivers
Randall	Wilson, J.
Robinson	
Van De Wege	

Behavioral Health Subcommittee

Dhingra, <i>Chair</i>	Wagoner, <i>Ranking</i>
Nobles	Warnick
Frocht	

Higher Education & Workforce Development

Randall, <i>Chair</i>	Holy, <i>Ranking</i>
Nobles, <i>Vice Chair</i>	Ericksen
Liias	

Housing & Local Government

Kuderer, <i>Chair</i>	Fortunato, <i>Ranking</i>
Das, <i>Vice Chair</i>	Short, <i>Asst. Ranking</i>
Cleveland	Gildon, <i>Asst. Ranking</i>
Lovelett	Warnick
Salomon	

Human Services, Reentry & Rehabilitation

Darneille, <i>Chair</i>	Gildon, <i>Ranking</i>
Nguyen, <i>Vice Chair</i>	Dozier
Saldaña	McCune
Wilson, C.	

Labor, Commerce & Tribal Affairs

Keiser, <i>Chair</i>	King, <i>Ranking</i>
Conway, <i>VC Labor</i>	Braun
Stanford, <i>VC Commerce &amp; Tribal Affairs</i>	Honeyford
Robinson	Schoesler
Saldaña	

Law & Justice

Pedersen, <i>Chair</i>	Padden, <i>Ranking</i>
Dhingra, <i>Vice Chair</i>	McCune, <i>Asst. Ranking</i>
Darneille	Holy
Kuderer	Wagoner
Salomon	

State Govt & Elections

Hunt, <i>Chair</i>	Wilson, J., <i>Ranking</i>
Kuderer, <i>Vice Chair</i>	Hawkins
Hasegawa	

Transportation

Hobbs, <i>Chair</i>	King, <i>Ranking</i>
Saldaña, <i>Vice Chair</i>	Fortunato
Cleveland	Hawkins
Das	Padden
Lovelett	Sheldon
Nguyen	Wilson, J.
Nobles	
Randall	
Wilson, C.	

Ways & Means

Rolfes, <i>Chair</i>	Wilson, L., <i>Ranking</i>
Robinson, <i>Vice Chair</i>	Brown, <i>Asst. Ranking-Operating</i>
	Honeyford, <i>Ranking - Capital</i>
Frocht, <i>Vice Chair Capital</i>	Schoesler, <i>Asst. Ranking - Capital</i>
Carlyle	
Conway	Braun
Darneille	Gildon
Dhingra	Muzzall
Hasegawa	Rivers
Hunt	Wagoner
Keiser	Warnick
Liias	
Mullet	
Pedersen	
Van De Wege	
Wellman	

Rules

Lt. Governor Heck, <i>Chair</i>	Braun, <i>Ranking</i>
Keiser, <i>Vice Chair</i>	Short
Billig	Gildon
Carlyle	King
Cleveland	Muzzall
Hasegawa	Rivers
Kuderer	
Liias	
Nguyen	
Pedersen	
Wilson, C.	

MOTIONS

On motion of Senator Liias, the appointments to the Standing Committees were confirmed by voice vote.

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

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

INTRODUCTION AND FIRST READING

SB 5000 by Senators Hawkins, Lovelett, Billig, Braun, Das, Ericksen, Fortunato, Gildon, Holy, Hunt, King, Kuderer, Muzzall, Nguyen, Padden, Pedersen, Rivers, Robinson, Salomon, Sheldon, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J., Carlyle, Mullet, Hasegawa and Conway

AN ACT Relating to creating a hydrogen fuel cell electric vehicle pilot sales and use tax exemption program; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Environment, Energy & Technology.

SB 5001 by Senators Warnick, Keiser, Wilson, C., Kuderer, Mullet, Holy, King, Brown, Wagoner and Conway

AN ACT Relating to providing small winery tax relief; reenacting and amending RCW 66.24.210; and creating a new section.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5002 by Senators Hunt, Hawkins, Rivers, Wilson, C., Carlyle, Dhingra, Mullet, Hasegawa and Conway  
AN ACT Relating to the state auditor's duties and procedures; amending RCW 43.09.185, 43.09.230, and 43.09.420; amending 2012 c 164 s 709 (uncodified); repealing RCW 43.09.265, 43.09.430, 43.09.435, 43.09.440, 43.09.445, 43.09.450, 43.09.455, 43.09.460, and 43.88.162; and repealing 2005 c 385 s 1 (uncodified).

Referred to Committee on State Government & Elections.

SB 5003 by Senators Keiser, Wilson, C., Kuderer, Saldaña, Stanford, Randall and Conway  
AN ACT Relating to enacting the living donor act; adding a new section to chapter 48.18 RCW; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 5004 by Senators Keiser, Warnick, Wilson, C., Kuderer, King, Saldaña, Das and Conway  
AN ACT Relating to providing a tax exemption for medical marijuana patients; amending RCW 69.50.535; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5005 by Senators Pedersen, Padden and Mullet  
AN ACT Relating to business corporations; amending RCW 23B.01.400, 23B.01.410, 23B.01.420, and 23B.08.210; and reenacting and amending RCW 23B.07.040.

Referred to Committee on Law & Justice.

SB 5006 by Senators Van De Wege, Wilson, C., Kuderer, Rivers, Lias, Saldaña and Nguyen  
AN ACT Relating to local parks funding options; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Housing & Local Government.

SB 5007 by Senators Van De Wege, Kuderer, Wilson, C., Nguyen and Conway  
AN ACT Relating to addressing the economic challenges facing Washington citizens from the COVID-19 pandemic through a temporary reduction in compliance and tax burden on electric utilities in order to lower costs and support direct utility assistance to low-income customers; amending RCW 19.285.040 and 19.405.060; and creating new sections.

Referred to Committee on Environment, Energy & Technology.

SB 5008 by Senators Robinson, Short, Wilson, C., Brown and Hasegawa  
AN ACT Relating to extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization; amending RCW 82.04.310; creating a

new section; providing an effective date; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

SB 5009 by Senators Padden, Pedersen, McCune, Mullet and Brown  
AN ACT Relating to the uniform public expression protection act; adding a new chapter to Title 4 RCW; and repealing RCW 4.24.525.

Referred to Committee on Law & Justice.

SB 5010 by Senators Das, Randall, Dhingra, Hunt, Keiser, Kuderer, Nguyen, Pedersen, Rolfes, Van De Wege, Wilson, C., Lias, Carlyle, Lovelett, Nobles, Saldaña, Hasegawa, Stanford, Robinson, Billig and Conway  
AN ACT Relating to prohibiting the use of credit scores to determine rates for personal lines of insurance; amending RCW 48.18.547, 48.18.610, and 48.19.035; adding a new section to chapter 48.19 RCW; creating a new section; repealing RCW 48.18.545; and providing effective dates.

Referred to Committee on Business, Financial Services & Trade.

SB 5011 by Senators Pedersen, Wilson, L., Kuderer, Warnick, Mullet and Brown  
AN ACT Relating to notice, meeting, and voting provisions for common interest communities, condominiums, and homeowners' associations; amending RCW 64.32.010, 64.34.332, 64.34.340, 64.34.352, and 64.38.035; reenacting and amending RCW 64.34.020 and 64.38.010; adding new sections to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; and adding new sections to chapter 64.38 RCW.

Referred to Committee on Law & Justice.

SB 5012 by Senators Lovelett, Kuderer, Wilson, C., Saldaña, Das, Stanford, Robinson and Nguyen  
AN ACT Relating to providing a local government option for the funding of essential affordable housing programs; amending RCW 67.28.181 and 82.14.410; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Housing & Local Government.

SB 5013 by Senators Hunt, Wilson, C. and Kuderer  
AN ACT Relating to local redistricting deadlines; amending RCW 29A.76.010; and reenacting and amending RCW 29A.92.050.

Referred to Committee on State Government & Elections.

SB 5014 by Senators Hunt, Wilson, C. and Das  
AN ACT Relating to clarifying the state offices for which elections to fill a vacancy may appear on the ballot in odd-numbered years; and amending RCW 29A.04.321.

Referred to Committee on State Government & Elections.

**SB 5015** by Senators Hunt, Kuderer, Wilson, C., Keiser, Dhingra, Hasegawa, Das, Billig and Nguyen  
AN ACT Relating to fraudulent portrayal of ballot drop boxes; and amending RCW 29A.84.610.

Referred to Committee on State Government & Elections.

**SB 5016** by Senators Warnick, Van De Wege and Brown  
AN ACT Relating to tracked and wheeled all-terrain vehicles; amending RCW 46.10.300; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.10 RCW; and adding a new section to chapter 46.09 RCW.

Referred to Committee on Transportation.

**SB 5017** by Senators Wellman, Honeyford, Wilson, C. and Mullet  
AN ACT Relating to clarifying school district procurement requirements for personal service contracts for construction management, value engineering, constructibility review, and building commissioning; amending RCW 28A.335.190; creating a new section; and declaring an emergency.

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

**SB 5018** by Senators Rivers, Wilson, C., Cleveland, Lovelett, Dhingra and Short  
AN ACT Relating to acupuncture and Eastern medicine; and amending RCW 18.06.010 and 18.06.230.

Referred to Committee on Health & Long Term Care.

**SB 5019** by Senators Kuderer, Hunt, Wilson, C. and Brown  
AN ACT Relating to the recording standards commission; amending RCW 65.24.010 and 65.24.040; adding a new section to chapter 65.24 RCW; creating a new section; and repealing RCW 65.24.900.

Referred to Committee on Housing & Local Government.

**SB 5020** by Senators Keiser, Robinson, Van De Wege, Kuderer, Wilson, C., Rolfes, Lovelett, Das, Stanford, Hasegawa and Conway  
AN ACT Relating to assessing a penalty on unsupported prescription drug price increases to protect the safety, health, and economic well-being of Washington residents; adding a new chapter to Title 69 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health & Long Term Care.

**SB 5021** by Senators Hunt, Wilson, C., Saldaña and Conway  
AN ACT Relating to the effect of expenditure reduction efforts on retirement benefits for public employees, including those participating in the shared work program; amending RCW 41.26.030, 41.32.010, 41.34.040, 41.35.010, 41.37.010, 41.40.010, and 43.43.120; adding a new section to chapter 41.50 RCW; and creating a new section.

Referred to Committee on Ways & Means.

**SB 5022** by Senators Das, Rolfes, Carlyle, Kuderer, Salomon, Dhingra, Wilson, C., Keiser, Lias, Pedersen, Lovelett, Nobles, Saldaña, Stanford and Nguyen

AN ACT Relating to the management of certain materials to support recycling and waste and litter reduction; amending RCW 43.21B.300, 70A.205.005, 70A.205.010, 70A.205.115, 70A.205.045, 70A.205.070, 81.77.030, 81.77.160, 81.77.185, and 81.80.470; reenacting and amending RCW 43.21B.110; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

**SB 5023** by Senators Wilson, C., Saldaña, Billig, Dhingra, Hasegawa, Kuderer, Lovelett, Pedersen, Salomon, Keiser, Lias, Darneille, Das, Stanford, Robinson and Nguyen

AN ACT Relating to working connections child care eligibility and unemployment benefits; amending RCW 43.216.137; creating new sections; and declaring an emergency.

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

**SB 5024** by Senators Padden, Pedersen, Van De Wege, Holy, Mullet, Brown, Gildon and Short

AN ACT Relating to reducing barriers to condominium construction; and amending RCW 64.55.010 and 64.90.645.

Referred to Committee on Law & Justice.

**SB 5025** by Senators Rolfes, Billig, Conway, Das, Hunt, Keiser, Kuderer, Lovelett, Pedersen, Salomon, Van De Wege, Wellman, Wilson, C., Dhingra, Saldaña, Hasegawa and Stanford

AN ACT Relating to the consumer protection improvement act; amending RCW 19.86.010, 19.86.080, 19.86.140, and 4.16.160; creating new sections; and prescribing penalties.

Referred to Committee on Law & Justice.

**SB 5026** by Senators Salomon, Cleveland, Conway, Keiser, Randall, Lovelett, Nobles, Hasegawa, Das, Nguyen and Hunt

AN ACT Relating to moneys available to a port district allocated for the purchase of zero and near zero emissions cargo handling equipment; and adding a new chapter to Title 53 RCW.

Referred to Committee on Transportation.

**SB 5027** by Senators Padden, Salomon, Wilson, C., Lovelett, Stanford and Hunt

AN ACT Relating to closed captioning on televisions in places of public accommodation; adding a new section to chapter 49.60 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

**SB 5028** by Senators Fortunato and Holy

AN ACT Relating to limiting state and local taxes, fees, and other charges relating to vehicles; amending RCW 46.17.355 and 46.17.323; reenacting and amending RCW

46.17.350; adding a new section to chapter 46.17 RCW; creating new sections; repealing RCW 46.17.365 and 46.68.415; and declaring an emergency.

Referred to Committee on Transportation.

SB 5029 by Senators Honeyford and Short

AN ACT Relating to tax deferrals for investment projects in high unemployment counties; amending RCW 82.60.010, 82.60.020, 82.60.049, 82.60.070, and 82.60.120; adding new sections to chapter 82.60 RCW; repealing RCW 82.60.060 and 82.60.065; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Business, Financial Services & Trade.

SB 5030 by Senators Mullet, Wellman, Rivers, Salomon, Wilson, C., Kuderer, Lias, Lovelett, Darneille, Nguyen, Hasegawa and Conway

AN ACT Relating to developing comprehensive school counseling programs; adding new sections to chapter 28A.320 RCW; creating a new section; and providing an expiration date.

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

SB 5031 by Senators Honeyford, Cleveland, Holy, Mullet, Brown, Warnick and Frockt

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

Referred to Committee on Transportation.

SB 5032 by Senators Hasegawa, Warnick, Wilson, C. and Kuderer

AN ACT Relating to the reauthorization and improvements to alternative public works contracting procedures; amending RCW 39.10.210, 39.10.220, 39.10.230, 39.10.240, 39.10.250, 39.10.300, 39.10.330, 39.10.350, 39.10.360, 39.10.370, 39.10.380, 39.10.385, 39.10.390, 39.10.400, 39.10.430, 39.10.440, 39.10.460, 39.10.490, 43.131.407, and 43.131.408; adding a new section to chapter 39.10 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government & Elections.

SB 5033 by Senators Kuderer, Saldaña, Wilson, C., Das and Nguyen

AN ACT Relating to limiting the property tax exemption for improvements to single-family dwellings to the construction of accessory dwelling units; amending RCW 84.36.400; and creating new sections.

Referred to Committee on Housing & Local Government.

SB 5034 by Senators Pedersen, Padden and Mullet

AN ACT Relating to nonprofit corporations; amending RCW 11.110.020, 23.95.255, 23.95.305, 7.60.025, 9.46.0209, 15.105.020, 18.100.050, 18.100.130, 18.100.134, 23.95.105, 24.50.010, 28A.710.010, 35.67.020, 35.67.190, 35.92.020, 36.89.080, 36.94.140, 39.34.030, 39.34.055, 41.04.382, 43.06.335, 43.07.120, 43.07.190, 43.15.030, 43.105.020, 43.210.020, 43.210.040, 43.330.135, 46.19.020, 48.30.135, 48.180.010, 64.34.300, 64.38.025, 64.90.400, 66.24.495, 66.24.680, 68.20.020, 70.45.070, 70.290.030, 79A.30.030, 79A.30.040, 79A.35.130, 79A.70.030, 82.04.4251, 82.04.4264, 82.04.431, 82.04.4328, 82.08.0203, 82.08.0293, 82.12.0293, 88.46.065, and 89.08.405; reenacting and amending RCW 19.142.010, 48.62.021, and 74.15.020; adding a new section to chapter 74.15 RCW; adding a new chapter to Title 24 RCW; repealing RCW 24.03.005, 24.03.009, 24.03.010, 24.03.015, 24.03.017, 24.03.020, 24.03.025, 24.03.027, 24.03.030, 24.03.035, 24.03.040, 24.03.043, 24.03.045, 24.03.046, 24.03.047, 24.03.048, 24.03.050, 24.03.055, 24.03.060, 24.03.065, 24.03.070, 24.03.075, 24.03.080, 24.03.085, 24.03.090, 24.03.095, 24.03.100, 24.03.103, 24.03.1031, 24.03.105, 24.03.110, 24.03.113, 24.03.115, 24.03.120, 24.03.125, 24.03.127, 24.03.130, 24.03.135, 24.03.140, 24.03.145, 24.03.150, 24.03.155, 24.03.160, 24.03.165, 24.03.170, 24.03.175, 24.03.180, 24.03.183, 24.03.185, 24.03.190, 24.03.195, 24.03.200, 24.03.205, 24.03.207, 24.03.210, 24.03.215, 24.03.217, 24.03.220, 24.03.225, 24.03.230, 24.03.235, 24.03.240, 24.03.245, 24.03.250, 24.03.255, 24.03.260, 24.03.266, 24.03.271, 24.03.276, 24.03.295, 24.03.300, 24.03.302, 24.03.305, 24.03.310, 24.03.315, 24.03.325, 24.03.332, 24.03.334, 24.03.335, 24.03.340, 24.03.345, 24.03.350, 24.03.360, 24.03.365, 24.03.370, 24.03.380, 24.03.390, 24.03.395, 24.03.405, 24.03.417, 24.03.420, 24.03.425, 24.03.430, 24.03.435, 24.03.440, 24.03.445, 24.03.455, 24.03.460, 24.03.465, 24.03.470, 24.03.480, 24.03.490, 24.03.500, 24.03.510, 24.03.520, 24.03.530, 24.03.540, 24.03.550, 24.03.900, 24.03.905, 24.03.915, 24.03.920, and 24.03.925; prescribing penalties; and providing effective dates.

Referred to Committee on Law & Justice.

SB 5035 by Senators Dhingra, Nguyen, Lovelett, Pedersen, Rolfes, Salomon, Wellman, Wilson, C., Kuderer, Lias, Carlyle, Darneille, Mullet, Saldaña, Hasegawa, Das, Stanford and Billig

AN ACT Relating to offender scoring of drug offenses; and amending RCW 9.94A.525.

Referred to Committee on Law & Justice.

SB 5036 by Senators Dhingra, Das, Nguyen, Pedersen, Wellman, Wilson, C., Carlyle, Darneille, Mullet, Hasegawa and Stanford

AN ACT Relating to conditional commutation by the clemency and pardons board; amending RCW 9.94A.501, 9.94A.565, 9.94A.633, 9.94A.728, and 9.94A.880; reenacting and amending RCW 9.94A.885; adding a new section to chapter 9.94A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Law & Justice.

**SB 5037** by Senators Braun, Mullet, Brown, Dozier, Holy, King, Wilson, L., Schoesler and Wagoner

AN ACT Relating to establishing transparent school opening metrics tied to COVID-19 prevalence; amending RCW 43.06.220, 43.70.130, 43.20.050, and 70.05.070; adding a new section to chapter 28A.630 RCW; creating a new section; providing a contingent expiration date; and declaring an emergency.

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

**SB 5038** by Senators Kuderer, Das, Hunt, Pedersen, Salomon, Wellman, Wilson, C., Liias, Carlyle, Lovelett, Dhingra, Darneille, Saldaña, Rolfes and Nguyen

AN ACT Relating to prohibiting the open carry of certain weapons at public demonstrations and the state capitol; reenacting and amending RCW 9.41.300; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

**SB 5039** by Senators Wilson, L., Mullet, Braun, Brown, Dozier, Fortunato, Hawkins, Honeyford, King, McCune, Muzzall, Short, Van De Wege, Wagoner, Warnick, Wilson, J., Schoesler, Holy and Gildon

AN ACT Relating to subjecting all gubernatorial emergency orders to legislative approval after thirty days; amending RCW 43.06.220; and declaring an emergency.

Referred to Committee on State Government & Elections.

**SB 5040** by Senators Fortunato, Wilson, J. and Lovelett

AN ACT Relating to enhancing litter control along state highways; amending RCW 70A.200.170 and 70A.200.190; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

**SB 5041** by Senators Fortunato, Brown and Gildon

AN ACT Relating to reducing unnecessary paperwork to promote development; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

**SB 5042** by Senators Salomon, Billig, Wilson, C., Liias and Kuderer

AN ACT Relating to the effective date of certain actions taken under the growth management act; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Housing & Local Government.

**SB 5043** by Senators Salomon, Rolfes, Wilson, C., Wellman, Lovelett, Saldaña, Das, Hasegawa, Conway, Hunt and Kuderer

AN ACT Relating to the provision of housing for school district employees; amending RCW 28A.335.240, 28A.335.250, 28A.335.130, and 82.29A.130; creating a new section; repealing RCW 28A.335.270; and providing an expiration date.

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

**SB 5044** by Senators Das, Wellman, Wilson, C., Lovelett, Darneille, Saldaña, Hasegawa, Stanford, Robinson, Nguyen, Nobles and Hunt

AN ACT Relating to equity, cultural competency, and dismantling institutional racism in the public school system; amending RCW 28A.345.100, 28A.415.420, and 28A.150.415; adding a new section to chapter 28A.415 RCW; creating a new section; and repealing RCW 28A.657.140.

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

**SB 5045** by Senators Warnick, Rolfes, Van De Wege, Schoesler, Lovelett, Short and Robinson

AN ACT Relating to establishing a state meat and poultry inspection program; amending RCW 16.50.130; and adding a new section to chapter 16.50 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

**SB 5046** by Senators Conway, Keiser and King

AN ACT Relating to workers' compensation claim resolution settlement agreements; amending RCW 51.04.062, 51.04.063, 51.04.065, 51.04.069, and 51.52.120; reenacting and amending RCW 42.56.230; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

**SB 5047** by Senators Carlyle, Muzzall, Pedersen, Kuderer, Wilson, C., Wellman, Liias, Darneille, Mullet, Saldaña, Hasegawa, Das, Stanford, Nguyen, Billig and Hunt

AN ACT Relating to reducing criminal justice expenses by eliminating the death penalty and instead requiring life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder; amending RCW 10.95.030; and repealing RCW 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080, 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130, 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185, 10.95.190, and 10.95.200.

Referred to Committee on Law & Justice.

**SB 5048** by Senators Mullet and Das

AN ACT Relating to reinsurance agreements; amending RCW 48.12.405, 48.12.435, and 48.12.445; and adding new sections to chapter 48.12 RCW.

Referred to Committee on Business, Financial Services & Trade.

**SB 5049** by Senators King, Billig, Rivers, Wilson, C., Schoesler and Mullet

AN ACT Relating to taxation of low-proof beverages; amending RCW 66.24.630 and 82.08.150; reenacting and amending RCW 66.04.010; and adding a new chapter to Title 82 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5050 by Senator Hasegawa

AN ACT Relating to real estate firms and brokers; and amending RCW 18.85.361 and 18.85.275.

Referred to Committee on Business, Financial Services & Trade.

SB 5051 by Senators Pedersen, Dhingra, Kuderer, Wilson, C., Wellman, Lias, Lovelett, Darneille, Mullet, Salomon, Hunt, Stanford and Nguyen

AN ACT Relating to state oversight and accountability of peace officers and corrections officers; amending RCW 43.101.010, 43.101.020, 43.101.030, 43.101.040, 43.101.060, 43.101.080, 43.101.085, 43.101.095, 43.101.105, 43.101.115, 43.101.135, 43.101.145, 43.101.155, 43.101.157, 43.101.230, 43.101.390, 43.101.420, 34.12.035, 40.14.070, 43.101.380, and 43.101.400; creating a new section; repealing RCW 43.101.096, 43.101.106, 43.101.116, 43.101.136, 43.101.146, 43.101.156, and 43.101.180; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5052 by Senators Keiser, Randall, Wilson, C., Kuderer, Cleveland, Lovelett, Nobles, Saldaña, Salomon, Das, Robinson, Nguyen, Frockt, Hasegawa and Conway

AN ACT Relating to the creation of health equity zones; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 5053 by Senators Padden, McCune, Holy, Gildon and Short

AN ACT Relating to abortion notification; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5054 by Senators Padden, Frockt, McCune, Short and Conway

AN ACT Relating to impaired driving; amending RCW 46.61.502, 46.61.5055, 46.61.5055, 46.61.504, and 9.94A.525; prescribing penalties; providing and effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5055 by Senators Nguyen, Saldaña, Wilson, C., Keiser, Kuderer, Lias, Lovelett, Darneille, Das, Nobles, Hunt, Stanford and Billig

AN ACT Relating to law enforcement personnel collective bargaining; amending RCW 41.56.122, 41.56.125, 41.56.100, 41.56.905, 36.65.050, and 41.80.020; and adding a new section to chapter 41.58 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5056 by Senators Salomon, Hunt, Cleveland and Das

AN ACT Relating to wilderness therapy programs; and adding a new section to chapter 71.24 RCW.

Referred to Committee on Health & Long Term Care.

SB 5057 by Senators Hasegawa and Hunt

AN ACT Relating to educator certification; amending RCW 28A.410.220, 28A.410.2211, and 28A.410.270; creating a new section; repealing RCW 28A.410.280; and providing an expiration date.

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

SB 5058 by Senators Rolfes and Van De Wege

AN ACT Relating to making technical changes to certain natural resources-related accounts; amending RCW 77.36.170; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5059 by Senators McCune, Holy and Wagoner

AN ACT Relating to protecting state and federal monuments, memorials, and statues from damage intentionally inflicted during the course of unpeaceful demonstrations or riots; amending RCW 9A.48.110; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5060 by Senators Short, Holy, King and Warnick

AN ACT Relating to the preservation of water rights for farmland and economic development; amending RCW 90.14.031, 90.14.140, 90.14.140, 90.14.160, 90.14.170, and 90.14.180; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5061 by Senators Keiser, Conway, Wilson, C., Dhingra, Billig, King, Saldaña, Stanford and Nguyen

AN ACT Relating to unemployment insurance; amending RCW 28B.50.030, 50.04.323, 50.16.030, 50.20.010, 50.20.020, 50.20.100, 50.20.118, 50.20.120, 50.20.140, 50.24.014, 50.29.021, 50.29.026, 50.29.027, 50.29.041, 50.29.062, 50.29.063, 50.44.060, 50.60.020, and 50.60.110; reenacting and amending RCW 50.20.050 and 50.29.025; adding new sections to chapter 50.04 RCW; adding a new section to chapter 50.12 RCW; adding a new section to chapter 50.60 RCW; creating a new section; repealing RCW 50.20.1201 and 50.20.1202; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5062 by Senators Carlyle, Nguyen, Billig, Das, Dhingra, Lovelett, Salomon, Sheldon, Wellman, Wilson, C., Pedersen, Darneille, Holy, Mullet and Hunt

AN ACT Relating to the management, oversight, and use of data; adding a new section to chapter 42.56 RCW; adding new chapters to Title 19 RCW; adding a new chapter to Title 43 RCW; creating new sections; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

SB 5063 by Senators Honeyford, Van De Wege, Warnick and Salomon

AN ACT Relating to the expiration date of the invasive species council; amending RCW 79A.25.310; and providing an expiration date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5064 by Senators Saldaña, Wilson, C., Keiser, Kuderer, Lovelett, Das, Stanford, Nguyen and Hasegawa

AN ACT Relating to qualifications for unemployment insurance when an individual voluntarily leaves work; amending RCW 50.20.010, 50.20.100, and 50.29.021; reenacting and amending RCW 50.20.050; adding a new section to chapter 50.04 RCW; and creating a new section.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5065 by Senators Kuderer, Stanford, Wilson, C., Keiser, Lovelett, Salomon, Saldaña, Hasegawa, Hunt and Conway

AN ACT Relating to safeguarding the public safety by protecting railroad workers; adding new sections to chapter 81.40 RCW; adding a new title to the Revised Code of Washington to be codified as Title 50C RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5066 by Senators Dhingra, Das, Hunt, Keiser, Kuderer, Lovelett, Pedersen, Salomon, Wilson, C., Lias, Darneille, Mullet, Nobles, Saldaña, Hasegawa, Stanford, Nguyen and Frockt

AN ACT Relating to a peace officer's duty to intervene; adding a new section to chapter 10.93 RCW; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Law & Justice.

SB 5067 by Senators Dhingra, Das, Hunt, Pedersen, Wilson, C., Darneille, Lovelett, Stanford and Nguyen

AN ACT Relating to potential impeachment disclosures; and adding a new section to chapter 10.93 RCW.

Referred to Committee on Law & Justice.

SB 5068 by Senators Randall, Rivers, Billig, Das, Dhingra, Hunt, Keiser, Kuderer, Lovelett, Muzzall, Saldaña, Wilson, C., Lias, Cleveland, Darneille, Nobles, Salomon, Warnick, Hasegawa, Stanford, Nguyen, Frockt and Conway

AN ACT Relating to improving maternal health outcomes by extending coverage during the postpartum period; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Health & Long Term Care.

SB 5069 by Senators Dhingra, Das, Hunt, Kuderer, Pedersen, Salomon, Wilson, C., Wellman, Lias, Darneille, Saldaña, Hasegawa, Stanford, Nguyen and Randall

AN ACT Relating to compliance audits of requirements relating to peace officers and law enforcement agencies; and adding new sections to chapter 43.101 RCW.

Referred to Committee on Law & Justice.

SB 5070 by Senators Rivers, Kuderer, Keiser, Pedersen, Lias, Dhingra, Lovelett, Mullet, Hasegawa, Stanford and Nguyen

AN ACT Relating to menstrual hygiene products in school and postsecondary institution bathrooms; adding a new section to chapter 28A.210 RCW; and adding a new chapter to Title 28B RCW.

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

SB 5071 by Senators Dhingra, Darneille, Das, Hunt, Kuderer, Wilson, C. and Nguyen

AN ACT Relating to creating transition teams to assist specified persons under civil commitment; amending RCW 10.77.150, 71.05.320, 71.05.320, 71.05.585, 70.02.230, 70.02.240, and 71.24.035; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 5072 by Senators Short, Kuderer, Wilson, C., Rolfes, Wagoner and Frockt

AN ACT Relating to the government issuance of a certificate of birth resulting in stillbirth; amending RCW 70.58A.530; creating a new section; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 5073 by Senators Dhingra, Das, Kuderer, Salomon, Warnick, and Wilson, C.

AN ACT Relating to improving involuntary commitment laws; amending RCW 71.05.210, 71.05.210, 71.05.240, 71.05.240, 71.05.320, 71.05.320, 71.05.340, 71.05.585, 71.05.590, 71.05.590, 71.34.755, 2.30.010, 70.02.230, 70.02.240, 71.05.425, and 71.24.035; amending 2020 c 302 s 110 (uncodified); reenacting and amending RCW 71.05.150, 71.05.150, 71.05.153, 71.05.153, 71.05.020, 71.05.020, 71.05.020, and 71.05.020; providing effective dates; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Health & Long Term Care.

SB 5074 by Senators Wagoner, Dhingra, and Wilson, C.

AN ACT Relating to establishing safe station pilot programs for persons in need of substance use disorder treatment; adding a new section to chapter 41.05 RCW; adding a new section to chapter 70.385 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 5075 by Senators Kuderer, Short, Wilson, C., Nobles, Saldaña, Stanford, Das and Conway

AN ACT Relating to expanding access to pharmacy services; adding new sections to chapter 48.43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 5076 by Senators Kuderer, Short, Wilson, C., Saldaña, Stanford, Das and Conway

AN ACT Relating to prescription coverage and the use of mail order services; adding a new section to chapter 48.43 RCW; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 5077 by Senators Dozier, Mullet, Das, Warnick, Wilson, C. and Brown

AN ACT Relating to providing authority to licensed companies to allow licensed mortgage loan originators to work from their residences without the company licensing the residence as a branch office of the company; and amending RCW 31.04.027, 31.04.075, 19.146.0201, and 19.146.265.

Referred to Committee on Business, Financial Services & Trade.

SB 5078 by Senators Liias, Kuderer, Wilson, C., Pedersen, Darneille, Hunt and Nguyen

AN ACT Relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, possession, distribution, importation, selling, offering for sale, purchasing, or transfer of large capacity magazines, by allowing continued possession of large capacity magazines limited to possession prior to, and inheritance on or after, the effective date of this act, subject to certain restrictions on the ability to sell or transfer such large capacity magazines and permitting their possession only on the owner's property or while engaged in lawful outdoor recreational activities or use at a licensed shooting range, or when transporting the large capacity magazine to or from these locations, and by providing limited exemptions applicable to certain government officers, agents, employees, or contractors, law enforcement and corrections officers and military members, licensed firearms manufacturers, dealers, and gunsmiths, and persons engaged in sport shooting or permanently relinquishing a large capacity magazine to law enforcement; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5079 by Senators Das, Kuderer, Wilson, C., Rolfes, Keiser, Lovelett, Hasegawa, Stanford, Robinson and Hunt

AN ACT Relating to extending the closure notice period for manufactured/mobile home communities; amending RCW 59.20.060, 59.20.073, 59.20.080, and 59.21.030; and creating a new section.

Referred to Committee on Housing & Local Government.

SB 5080 by Senators Carlyle, Frockt, Wilson, C., Wellman, Saldaña and Hunt

AN ACT Relating to providing flexibility in the distribution and use of local funds dedicated to facilities used for youth educational programming; and amending RCW 82.32.559 and 82.14.050.

Referred to Committee on Ways & Means.

SB 5081 by Senators Wagoner and Holy

AN ACT Relating to the burden of proof in disputes involving enforcement actions by certain regulatory agencies; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.70 RCW; and adding a new section to chapter 43.300 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5082 by Senators Fortunato, Hunt and Kuderer

AN ACT Relating to reestablishing the productivity board; amending RCW 41.60.020, 41.60.041, 41.60.050, 41.60.120, and 41.60.150; and reenacting and amending RCW 41.60.015.

Referred to Committee on State Government & Elections.

SB 5083 by Senators Frockt, Mullet, and Wilson, C.

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.19.501, 28B.15.210, 28B.15.310, 28B.20.725, 28B.30.750, 28B.35.370, 28B.50.360, 28B.77.070, 43.88D.010, and 43.185.050; amending 2020 c 356 ss 6002, 1002, 1003, 1006, 1013, 1009, 1022, 1027, 5002, and 5011, and 2019 c 413 ss 1007, 1010, 1014, 1058, 1060, 1074, 1079, 1077, 2088, 2089, 3020, 3091, 3217, 3235, 4004, and 5011 (uncodified); reenacting and amending RCW 43.155.050; creating new sections; repealing 2019 c 413 s 1059 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5084 by Senators Frockt, Mullet, and Wilson, C.

AN ACT Relating to state general obligation bonds and related accounts; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5085 by Senators Rolfes and Lovelett

AN ACT Relating to modifying certain alternative fuel vehicles fees; amending RCW 46.17.323; creating a new section; repealing RCW 46.17.324; providing an effective date; and providing a contingent expiration date.

Referred to Committee on Transportation.

SB 5086 by Senators Kuderer, Hunt, Wilson, C., Pedersen, Liias, Lovelett, Dhingra, Darneille, Mullet, Nobles, Saldaña,

Hasegawa, Das, Stanford, Nguyen, Robinson, Billig and Randall

AN ACT Relating to restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections; amending RCW 29A.08.520, 29A.08.230, 29A.40.091, 10.64.140, 2.36.010, and 72.09.275; and adding a new section to chapter 29A.04 RCW.

Referred to Committee on State Government & Elections.

SB 5087 by Senators Hasegawa, and Wilson, C.

AN ACT Relating to risk-based water quality standards for on-site nonpotable water systems; and adding a new section to chapter 90.46 RCW.

Referred to Committee on Environment, Energy & Technology.

SB 5088 by Senators Randall, Rivers, Wilson, C., Lovelett, Saldaña, Das, Nguyen and Robinson

AN ACT Relating to addressing a shortage of primary care services by increasing the scope of practice of naturopathic physicians; amending RCW 18.36A.040, 69.41.030, 69.41.030, and 69.50.101; reenacting and amending RCW 18.36A.020 and 69.50.101; adding new sections to chapter 18.36A RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 5089 by Senators Kuderer, Pedersen, Wilson, C., Liias, Dhingra, Darneille, Hasegawa, Hunt, Das and Nguyen

AN ACT Relating to peace officer hiring and certification; and amending RCW 41.12.070, 41.12.100, 41.14.100, 41.14.130, 43.43.020, and 43.43.360.

Referred to Committee on Law & Justice.

SB 5090 by Senators Keiser, Wilson, C., Liias, Lovelett, Saldaña, Stanford, Nguyen and Conway

AN ACT Relating to increasing worker protections; amending RCW 49.17.130, 49.17.140, 49.17.160, and 49.17.180; adding a new section to chapter 51.04 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5091 by Senators Rolfes, Wilson, L., and Wilson, C.

AN ACT Relating to fiscal matters; amending RCW 43.88.585; amending 2020 c 357 ss 101, 102, 103, 104, 105, 107, 108, 113, 115, 116, 117, 118, 119, 120, 121, 122, 125, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 505, 506, 507, 509, 510, 511, 513, 514, 515, 516, 517, 518, 519, 520, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 617, 612, 613, 614, 615, 616, 701, 702, 703, 704, 706, 707, 801, 804, and 907, and 2019 c 406 s 4 (uncodified); adding new sections to 2020 c 357

(uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5092 by Senators Rolfes, Wilson, L., and Wilson, C.

AN ACT Relating to fiscal matters; amending RCW 15.76.115, 41.45.230, 43.08.190, 43.79.195, 43.88.058, 43.99N.060, 43.185C.060, 43.320.110, 46.09.520, 70A.305.180, 79.105.150, 79A.25.210, and 86.26.007; amending 2020 c 127 s 14 (uncodified); reenacting and amending RCW 43.155.050 and 69.50.540; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5093 by Senators Liias, Lovelett, Pedersen, Wilson, C., Kuderer, Carlyle, Hunt, Das, Stanford, Nguyen and Cleveland

AN ACT Relating to reducing statewide greenhouse gas emissions by achieving greater decarbonization of residential and commercial buildings; amending RCW 19.27A.160, 19.27A.015, 19.27A.020, 19.27A.200, 80.28.074, 80.28.110, 80.28.190, 80.28.005, 43.21F.055, 35.92.430, and 54.16.390; amending 2007 c 349 ss 1 and 3 (uncodified); adding a new section to chapter 19.27A RCW; adding new sections to chapter 80.28 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 43.330 RCW; and creating new sections.

Referred to Committee on Environment, Energy & Technology.

SB 5094 by Senators Padden and Holy

AN ACT Relating to vascular neck restraints; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Law & Justice.

SB 5095 by Senators Wagoner and Holy

AN ACT Relating to public records act exemptions regarding concealed pistol licenses; and amending RCW 42.56.240.

Referred to Committee on State Government & Elections.

SB 5096 by Senators Robinson, Wilson, C., Hunt and Nguyen

AN ACT Relating to enacting an excise tax on gains from the sale or exchange of certain capital assets; amending RCW 82.32.655; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5097 by Senators Robinson, Keiser, Wilson, C., Van De Wege, Liias, Lovelett, Darneille, Saldaña, Hunt, Das, Stanford, Nguyen, Hasegawa and Conway

AN ACT Relating to expanding coverage of the paid family and medical leave program; amending RCW 50A.05.010, 50A.35.010, and 50A.35.020.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5098 by Senator Hunt

AN ACT Relating to certain reports; amending RCW 10.27.090 and 43.22.290; reenacting and amending RCW 4.24.250; and repealing RCW 18.32.040.

Referred to Committee on State Government & Elections.

SB 5099 by Senators Wagoner and Holy

AN ACT Relating to ensuring that offenders who are incarcerated and commit murder may be charged with the death penalty; amending RCW 10.95.040; adding a new section to chapter 10.95 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5100 by Senator Fortunato

AN ACT Relating to prohibiting the adoption of rules for the enforcement of gubernatorial emergency orders without legislative approval; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government & Elections.

SB 5101 by Senators Stanford, Wilson, C., Dhingra, Saldaña, Wagoner, Hasegawa, Hunt, Nguyen, Randall and Conway

AN ACT Relating to establishing tribal representation on the emergency management council; and amending RCW 38.52.040.

Referred to Committee on State Government & Elections.

SB 5102 by Senators Stanford, Conway, Das, Keiser and Kuderer

AN ACT Relating to industrial insurance medical examinations; amending RCW 51.36.070 and 51.32.195; adding a new section to chapter 51.52 RCW; and creating a new section.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5103 by Senators Stanford, King, Hobbs, Kuderer, Warnick, and Wilson, C.

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

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5104 by Senator Hasegawa

AN ACT Relating to a moratorium on facial recognition technology; amending RCW 43.386.901; adding a new chapter to Title 10 RCW; adding a new chapter to Title 19 RCW; creating a new section; prescribing penalties; providing expiration dates; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

SB 5105 by Senators Hasegawa, Nguyen, Wilson, C., Kuderer, Liias, Lovelett, Darneille, Nobles, Stanford, Das, Rolfes and Hunt

AN ACT Relating to implementing the recommendations of the office of equity task force; amending RCW 43.06D.030, 43.06D.040, and 43.06D.050; adding new sections to chapter 43.06D RCW; creating a new section; and providing an expiration date.

Referred to Committee on State Government & Elections.

SB 5106 by Senators Liias, Rivers, and Wilson, C.

AN ACT Relating to municipal access to local financial services; and repealing RCW 39.58.240.

Referred to Committee on Business, Financial Services & Trade.

SB 5107 by Senator Fortunato

AN ACT Relating to compassionate and effective strategies to address the homelessness crisis; adding a new section to chapter 36.01 RCW; adding a new section to chapter 9A.84 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Housing & Local Government.

SB 5108 by Senators Ericksen and Holy

AN ACT Relating to organizations and agencies that produce secret surveillance scores based on individuals' internet activity; amending RCW 42.56.594; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5109 by Senator Ericksen

AN ACT Relating to limiting the attorney general's ability to seek excessive sanctions under the fair campaign practices act against individuals who participate in elections; and amending RCW 42.17A.750.

Referred to Committee on State Government & Elections.

SB 5110 by Senators Ericksen and Darneille

AN ACT Relating to promoting greater access to the internet by modifying permitting, taxation, and other standards for telecommunications companies and facilities; amending RCW 43.21C.0384, 43.70.605, 80.36.375, 47.04.045, 47.04.047, 47.52.001, 47.52.220, 35.99.010, 35.99.020, 35.99.030, 35.99.040, 35.99.050, 35.99.060, 35.99.080, 35A.21.245, 80.36.320, 77.12.210, 79.36.530, 79.110.240, 54.16.300, 54.16.330, and 54.16.420; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5111 by Senators Ericksen and Holy

AN ACT Relating to protecting the independence of public employees on matters of public concern; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on State Government & Elections.

SB 5112 by Senators Ericksen and Kuderer

AN ACT Relating to requiring broadband internet access service providers to provide virtual private network service; amending RCW 19.385.020; and adding new sections to chapter 19.385 RCW.

Referred to Committee on Environment, Energy & Technology.

SB 5113 by Senator Fortunato

AN ACT Relating to making statutory changes to align with certain recent gubernatorial emergency orders to protect privacy, reduce regulatory burdens, and provide tax relief; amending RCW 46.20.117 and 46.20.120; reenacting and amending RCW 42.56.230 and 46.20.117; repealing RCW 19.02.085, 50.29.041, and 84.36.825; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Elections.

SB 5114 by Senators Braun, Mullet, Brown, Fortunato, Rivers, Wilson, L., Short, Gildon, Holy, Muzzall, Wilson, J., Schoesler, Sheldon, Dozier, King and Wagoner

AN ACT Relating to safely reopening Washington; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government & Elections.

SB 5115 by Senators Keiser, Lias, Wilson, C., Kuderer, Lovelett, Salomon, Stanford, Nguyen and Conway

AN ACT Relating to establishing health emergency labor standards; amending RCW 49.58.060, 49.58.070, 50A.15.010, 50A.15.020, 49.46.020, and 49.46.210; adding a new section to chapter 51.32 RCW; adding a new section to chapter 49.17 RCW; adding a new section to chapter 50A.15 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new chapter to Title 49 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5116 by Senators Hasegawa, Wilson, C., Hunt and Kuderer

AN ACT Relating to establishing guidelines for government procurement and use of automated decision systems in order to protect consumers, improve transparency, and create more market predictability; amending RCW 43.386.901; adding a new section to chapter 49.60 RCW; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on State Government & Elections.

SB 5117 by Senators Nguyen, Saldaña, Wilson, C., Lovelett, Darneille, Dhingra, Kuderer, Muzzall, Robinson, Hasegawa, Das and Billig

AN ACT Relating to rental vouchers to eligible offenders; amending RCW 9.94A.729 and 9.94A.729; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5118 by Senators Darneille, Wilson, C., Lias, Saldaña, Hasegawa, Das, Mullet and Nguyen

AN ACT Relating to supporting successful reentry; amending RCW 9.98.010; reenacting and amending RCW 36.70A.200; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5119 by Senators Darneille, Wilson, C., Robinson, Salomon, Hasegawa, Das, Mullet and Nguyen

AN ACT Relating to individuals in custody; adding a new section to chapter 72.09 RCW; adding a new section to chapter 43.06C RCW; and adding a new section to chapter 70.48 RCW.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5120 by Senators Darneille, Wilson, C., Lias, Lovelett, Robinson, Saldaña, Hasegawa, Das, Mullet and Nguyen

AN ACT Relating to the criminal sentencing of youth and young adults; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5121 by Senators Darneille, Wilson, C., Dhingra, Hasegawa, Das, Mullet and Nguyen

AN ACT Relating to expanding eligibility for the graduated reentry program; and amending RCW 9.94A.733 and 9.94A.728.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5122 by Senators Darneille, Wilson, C., Pedersen, Robinson, Saldaña, Hasegawa, Das and Nguyen

AN ACT Relating to the jurisdiction of juvenile court; amending RCW 9A.04.050, 13.04.030, 13.04.030, 13.40.020, 13.40.020, 13.40.0357, 13.40.0357, 13.40.080, 13.40.080, 13.40.193, 13.40.193, 13.40.300, 13.40.300, 13.40.511, 13.40.511, 13.40.590, 13.40.590, 13.40.600, and 13.40.600; reenacting and amending RCW 13.04.011 and 13.04.011; adding a new section to chapter 13.04 RCW; adding a new section to chapter 43.216 RCW; providing effective dates; and providing expiration dates.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5123 by Senators Darneille, Wilson, C., Saldaña, Das and Nguyen

AN ACT Relating to creating a developmentally appropriate response to youth who commit sexual offenses; amending RCW 9A.44.130, 9A.44.128, 9A.44.140, 9A.44.142, 9A.44.145, 9A.44.148, 13.50.260, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, 9A.44.040, 9A.44.050, 9A.44.060, 9A.44.100, 9A.44.105, 9A.44.115, 9A.44.196, 9.68A.040, 9.68A.060, 9.68A.090, 9.68A.100,

9.68A.101, 9.68A.102, 9.68A.103, 9.94A.835, 13.04.030, 13.40.0357, 9.94A.515, 9.94A.507, 9.94A.525, and 13.40.162; adding new sections to chapter 9A.44 RCW; adding a new section to chapter 9.68A RCW; adding a new section to chapter 9.94A RCW; creating new sections; repealing RCW 9A.44.143; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5124 by Senators Cleveland and Rivers

AN ACT Relating to the practice of colon hydrotherapy; amending RCW 18.36A.060, 18.36A.140, 18.36A.160, and 18.130.040; reenacting and amending RCW 18.36A.020 and 18.130.040; adding a new section to chapter 18.36A RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 5125 by Senators Cleveland, Short, and Wilson, C.

AN ACT Relating to affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement; and amending RCW 90.58.140, 90.58.355, and 90.58.356.

Referred to Committee on Environment, Energy & Technology.

SB 5126 by Senators Carlyle, Saldaña, Conway, Wilson, C., Pedersen, Liias, Salomon, Hunt, Das, Stanford, Nguyen and Frockt

AN ACT Relating to the Washington climate commitment act; amending RCW 70A.15.1030, 70A.15.2200, and 70A.15.3000; adding a new chapter to Title 70A RCW; creating a new section; prescribing penalties; providing an expiration date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

SB 5127 by Senators Dhingra, Padden, Kuderer, Short, Warnick, Wilson, C., Wagoner and Nguyen

AN ACT Relating to courthouse facility dogs; amending RCW 10.52.110; and creating a new section.

Referred to Committee on Law & Justice.

SB 5128 by Senators Wellman, Wilson, C., Keiser, Lovelett, Dhingra, Saldaña, Hunt, Nguyen and Conway

AN ACT Relating to student transportation funding during a local, state, or national emergency; amending RCW 28A.160.170 and 28A.160.192; adding a new section to chapter 28A.160 RCW; creating a new section; and declaring an emergency.

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

SB 5129 by Senators Saldaña, Darneille, Wilson, C., Nobles, Stanford and Nguyen

AN ACT Relating to possession of vapor, vapor products, tobacco, and tobacco products by minors; amending RCW 70.155.110 and 70.345.160; creating new sections; and repealing RCW 70.155.080 and 70.345.140.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5130 by Senators Kuderer, Keiser, Wilson, C., Saldaña, Hunt, Stanford, Robinson and Das

AN ACT Relating to employee's rights concerning personnel files and disciplinary actions; and amending RCW 49.12.250.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5131 by Senator Holy

AN ACT Relating to county clerks duties related to recall petitions; and amending RCW 29A.56.140.

Referred to Committee on State Government & Elections.

SB 5132 by Senators Pedersen, Padden and Mullet

AN ACT Relating to trusts and estates; amending RCW 11.02.005, 11.12.020, 11.12.040, 11.20.020, 11.20.070, 30B.24.005, 11.12.110, 11.12.120, 11.95.110, 11.95.120, 11.95.130, 11.95.140, 11.95.150, 11.97.010, 11.97.900, 11.40.140, 11.48.120, 11.48.130, 11.68.041, 11.68.050, 11.68.065, 11.68.070, 11.68.090, 11.68.095, 11.68.100, 11.68.110, 11.68.112, 11.68.114, 11.68.120, 11.96A.030, 11.96A.110, 11.96A.220, 11.96A.220, 11.96A.230, 11.98.900, 11.100.050, 11.104A.900, and 11.114.020; adding new sections to chapter 11.12 RCW; adding new sections to chapter 11.68 RCW; adding new chapters to Title 11 RCW; creating a new section; recodifying RCW 11.104A.901, 11.104A.907, 11.95.100, 11.95.110, 11.95.120, 11.95.130, 11.95.140, and 11.95.150; repealing RCW 11.104A.001, 11.104A.005, 11.104A.010, 11.104A.020, 11.104A.030, 11.104A.040, 11.104A.050, 11.104A.060, 11.104A.070, 11.104A.080, 11.104A.090, 11.104A.100, 11.104A.110, 11.104A.120, 11.104A.130, 11.104A.140, 11.104A.150, 11.104A.160, 11.104A.170, 11.104A.180, 11.104A.190, 11.104A.200, 11.104A.210, 11.104A.220, 11.104A.230, 11.104A.240, 11.104A.250, 11.104A.260, 11.104A.270, 11.104A.280, 11.104A.290, 11.104A.300, 11.104A.900, 11.104A.904, 11.104A.905, 11.104A.906, 11.95.010, 11.95.020, 11.95.030, 11.95.040, 11.95.060, 11.95.070, 11.95.160, and 11.95.900; providing effective dates; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5133 by Senators Conway, Wilson, C., Keiser, Saldaña and Hasegawa

AN ACT Relating to the definition of confidential employee for the purposes of state collective bargaining; and amending RCW 41.80.005.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5134 by Senators Salomon, Darneille, Das, Wilson, C., Pedersen and Hunt

AN ACT Relating to enhancing public trust and confidence in law enforcement and strengthening law enforcement accountability for general authority Washington peace officers, excluding department of fish and wildlife officers, by: Excluding police accountability topics from being subject to bargaining in those law enforcement union contracts, precluding use of arbitration for those law enforcement officer disciplinary appeals, and specifying mandatory grounds for discharge from employment for those general authority Washington peace officers; amending RCW 41.56.100 and 41.56.905; and adding a new chapter to Title 41 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5135 by Senators Das, Wilson, C., Stanford, Nguyen and Hasegawa

AN ACT Relating to unlawfully summoning a police officer; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Law & Justice.

SB 5136 by Senators Wilson, C., Short, Nguyen and Frockt

AN ACT Relating to prohibiting fees for child care licenses; amending RCW 43.216.300; and creating new sections.

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

SB 5137 by Senators King, Short, Wagoner, Honeyford, Gildon and Muzzall

AN ACT Relating to suspending workers' compensation cost-of-living adjustments for fiscal year 2022, changing the basis of certain future adjustments to the consumer price index, and capping the rate of increase for future adjustments; and amending RCW 51.32.072, 51.32.075, 51.32.090, and 51.08.018.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5138 by Senators Kuderer, Hasegawa, Wilson, C., Saldaña, Salomon, Das and Nguyen

AN ACT Relating to eliminating a business and occupation tax deduction for financial institutions to fund affordable housing; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 82.04.29005 and 82.04.4292; and providing an effective date.

Referred to Committee on Business, Financial Services & Trade.

SB 5139 by Senators Das, Lovelett, Wilson, C., Liias, Darneille, Hunt and Nguyen

AN ACT Relating to limiting rent increases after expiration of the governor's eviction moratorium; amending RCW 59.18.140; and declaring an emergency.

Referred to Committee on Housing & Local Government.

SJM 8000 by Senators Rivers, Muzzall, Schoesler, Fortunato, Sheldon, Gildon and Warnick

Applying for a convention to propose amendments to the United States Constitution relating to fiscal restraints on the

federal government, the power and jurisdiction of the federal government, and limit terms of office for federal officials and for members of congress.

Referred to Committee on State Government & Elections.

SJM 8001 by Senators Muzzall, Rolfes, Warnick, Salomon, Lovelett, Holy, Mullet and Billig

Requesting various entities assist state and local governments in Washington with monitoring and mitigating PFAS contamination of surface water and groundwater.

Referred to Committee on Environment, Energy & Technology.

SJR 8200 by Senators Keiser, Conway, Mullet and Nguyen

Proposing an amendment to the Constitution concerning the investment of funds to provide for long-term care services and supports.

Referred to Committee on Ways & Means.

SJR 8201 by Senators Gildon, Van De Wege, King, Mullet, Brown, and Wilson, L.

Amending the state Constitution to allow the legislature to convene a special session upon an affirmative vote of three-fifths of its members.

Referred to Committee on State Government & Elections.

SCR 8400 by Senators Ericksen, Fortunato, Brown, Wagoner, and Wilson, L.

Convening a special legislative session, beginning January 12, 2021, for a period of not more than 30 consecutive days.

Referred to Committee on State Government & Elections.

SCR 8401 by Senators Liias and Short

Establishing cutoff dates for the consideration of legislation during the 2021 regular session of the sixty-seventh legislature.

#### MOTION

Senator Liias moved that all measures listed on the Introduction and First Reading report be referred to the committees as designated with the exceptions of Senate Bill No. 5129 which was designated to the Committee on Labor, Commerce & Tribal Affairs and referred to the Committee on Human Services, Reentry & Rehabilitation and Senate Bill No. 5138 which was designated to the Committee Ways & Means and referred to the Committee on Business, Financial Services & Trade and Senate Concurrent Resolution No. 8401 is to be placed on the 2<sup>nd</sup> reading calendar.

#### MOTION

Senator Short moved to amend the motion by Senator Liias and that Senate Concurrent Resolution No. 8400 be placed on the 2<sup>nd</sup> reading calendar and immediately considered.

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: : "Senator Short, this is a compound motion and we will take up the first part of your

motion, Senate Concurrent Resolution No. 8400 to be placed on the 2<sup>nd</sup> Reading Calendar.”

Senators Erickson, Fortunato, Wilson, J., and Short spoke in favor of adoption of the motion.

Senator Liias spoke against adoption of the motion.

Senator Short demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the motion by Senator Short to amend the motion by Senator Liias and place Senate Concurrent Resolution No. 8400 on the 2<sup>nd</sup> Reading Calendar.

ROLL CALL

The Secretary called the roll on the motion by Senator Short to amend the motion by Senator Liias and the motion was not adopted by the following vote: Yeas, 18; Nays, 28; Absent, 0; Excused, 3.

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

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

Excused: Senators Hawkins, McCune and Sheldon

The President Pro Tempore declared the question before the Senate to be the motion by Senator Liias that all measures listed on the Introduction and First Reading report be referred to the committees as designated with the exceptions of Senate Bill No. 5129 which was designated to the Committee on Labor, Commerce & Tribal Affairs and referred to the Committee on Human Services, Reentry & Rehabilitation and Senate Bill No. 5138 which was designated to the Committee Ways & Means and referred to the Committee on Business, Financial Services & Trade and Senate Concurrent Resolution No. 8401 is to be placed on the 2<sup>nd</sup> reading calendar.

The motion by Senator Liias carried and the motion was adopted by voice vote.

MOTIONS

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

At 1:17 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

----

The Senate was called to order at 2:04 p.m. by President Pro Tempore.

MESSAGE FROM THE HOUSE

January 11, 2021

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4400,

HOUSE CONCURRENT RESOLUTION NO. 4401, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

HCR 4400 by Representative Sullivan Adopting joint rules.

Placed on SECOND READING CALENDAR.

HCR 4401 by Representative Sullivan

Convening Joint Sessions of the Legislature for the purposes of canvassing the vote of Constitutional elective state officers as required by Article III, section 4 of the state Constitution and receiving the Inaugural Address of Governor Jay Inslee.

Placed on SECOND READING CALENDAR.

MOTIONS

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

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senators Liias and Short

Establishing cutoff dates for the consideration of legislation during the 2021 regular session of the sixty-seventh legislature.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Senate Concurrent Resolution No. 8401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8401.

SENATE CONCURRENT RESOLUTION NO. 8401 having received a majority was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4401, by Representative Sullivan

Convening Joint Sessions of the Legislature for the purposes of canvassing the vote of Constitutional elective state officers as required by Article III, section 4 of the state Constitution and receiving the Inaugural Address of Governor Jay Inslee.

The measure was read the second time.

#### MOTION

On motion of Senator Liias, the rules were suspended, House Concurrent Resolution No. 4401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4401.

HOUSE CONCURRENT RESOLUTION NO. 4401 having received a majority was adopted by voice vote.

#### SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4400, by Representative Sullivan

Adopting joint rules.

The measure was read the second time.

#### MOTION

On motion of Senator Liias, the rules were suspended, House Concurrent Resolution No. 4400 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

Senator Liias demanded a roll call.

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

Senator Braun spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4400.

#### ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 4400 and the concurrent resolution passed the Senate by the following vote: Yeas, 28; Nays, 16; Absent, 0; Excused, 5.

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

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

Excused: Senators Ericksen, Fortunato, Hawkins, McCune and Sheldon

HOUSE CONCURRENT RESOLUTION NO. 4400, having received the constitutional majority, was declared passed. There

being no objection, the title of the concurrent resolution was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Keiser: "I would like to take a point of privilege time here to thank the rostrum staff. You have no idea how many hours of work these wonderful people have put in to make today's session go so well. Please thank Brittany and Sean, Sarah and Brad, Victoria and Jeannie. Please, stand. And I want to give you all my personal thanks and gratitude as well."

#### MOTION

On motion of Senator Liias, the Senate reverted to the third order of business.

#### MESSAGES FROM THE SECRETARY OF STATE

March 25, 2020

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6038 entitled:

"AN ACT Relating to acupuncture and Eastern medicine."

A technical bill drafting mistake resulted in the removal of the word "diagnosis" from acupuncturists' and Eastern Medicine practitioners' scope of practice, which would unintentionally limit their practices to therapeutic treatment. Acupuncturists and Eastern Medicine practitioners have long been authorized to diagnose individuals and removing this from statute could result in insurance companies denying claims.

For these reasons I have vetoed Senate Bill No. 6038 in its entirety.

Respectfully submitted,

/s/

Jay Inslee  
Governor

April 3, 2020

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Second Substitute Senate Bill No. 6027 entitled:

"AN ACT Relating to floating residences."

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Second Substitute Senate Bill No. 6027 in its entirety.

Respectfully submitted,

/s/

Jay Inslee  
Governor

April 3, 2020

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6065 entitled:

"AN ACT Relating to establishing the Washington blockchain work group."

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Substitute Senate Bill No. 6065 in its entirety.

Respectfully submitted,

/s/

Jay Inslee  
Governor

April 3, 2020

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6088 entitled:

"AN ACT Relating to establishing a prescription drug affordability board."

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Substitute Senate Bill No. 6088 in its entirety.

Respectfully submitted,

/s/

Jay Inslee  
Governor

April 3, 2020

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Second Substitute Senate Bill No. 6128 entitled:

"AN ACT Relating to improving maternal health outcomes by extending coverage during the postpartum period."

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Engrossed Second Substitute Senate Bill No. 6128 in its entirety.

Respectfully submitted,

/s/

Jay Inslee  
Governor

April 3, 2020

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6142 entitled:

"AN ACT Relating to creating the Washington common application."

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Substitute Senate Bill No. 6142 in its entirety.

Respectfully submitted,

/s/

Jay Inslee  
Governor

April 3, 2020

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 6430 entitled:

"AN ACT Relating to establishing a statewide industrial waste coordination program."

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Senate Bill No. 6430 in its entirety.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

April 3, 2020

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Second Substitute Senate Bill No. 6518 entitled:

"AN ACT Relating to reducing prenatal exposure and harm to children by limiting environmental exposure to certain pesticides."

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.

For these reasons I have vetoed Engrossed Second Substitute Senate Bill No. 6518 in its entirety.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

March 25, 2020

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 21, Engrossed Senate Bill No. 5402 entitled:

"AN ACT Relating to improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and approved under the process established in chapter 43.88A RCW."

This bill makes technical corrections to a variety of tax laws with the intent to correct errors and simplify the statutes wherever

possible, without having any substantive effect on tax policy or revenue collections.

Section 21 updates an out of date reference to the definition of "hog fuel." This section is being vetoed because it duplicates the change to RCW 82.12.956 made in section 3 of House Bill 2848.

For these reasons I have vetoed Section 21 of Engrossed Senate Bill No. 5402.

With the exception of Section 21, Engrossed Senate Bill No. 5402 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

March 31, 2020

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 21, Second Substitute Senate Bill No. 5601 entitled:

"AN ACT Relating to health care benefit managers."

This bill requires health care managers to register with the Insurance Commissioner, and it also imposes requirements on health care benefit managers and pharmacy benefit managers. Section 21 of the bill establishes a work group on pharmacy contracts to review fee structures and the use of performance-based contracts. This section was made subject to an appropriation. However, no funding was provided in the budget for this work group.

For these reasons I have vetoed Section 21 of Second Substitute Senate Bill No. 5601.

With the exception of Section 21, Second Substitute Senate Bill No. 5601 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

March 31, 2020

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 6, Engrossed Substitute Senate Bill No. 5759 entitled:

"AN ACT Relating to the use of remote technology in corrective lens prescriptions."

Section 6 of this bill limits the Department of Health's current discipline authority under the Uniform Discipline Act and is estimated to cost \$584,000 to implement, which is not included in the budget.

For these reasons I have vetoed Section 6 of Engrossed Substitute Senate Bill No. 5759.

With the exception of Section 6, Engrossed Substitute Senate Bill No. 5759 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

March 31, 2020

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 10, Engrossed Substitute Senate Bill No. 6280 entitled:

"AN ACT Relating to the use of facial recognition services."

Section 10 establishes a legislative task force on facial recognition services with the purpose of:

- providing recommendations addressing the potential abuses and threats posed by the use of facial recognition services, while also addressing how to facilitate and encourage the continued development of these services;
- providing recommendations regarding the adequacy and effectiveness of applicable Washington state laws; and
- conducting a study on the quality, accuracy, and efficacy of a service.

While the purpose of this task force is very important, it was not funded in the budget. I recommend that the Legislature engage the Ruckelshaus Center in preparing a situation assessment that would inform policy recommendations on facial recognition technologies. Such an assessment would answer many questions about how best to proceed, and could better inform the creation of a task force in a subsequent legislative session.

For these reasons I have vetoed Section 10 of Engrossed Substitute Senate Bill No. 6280.

With the exception of Section 10, Engrossed Substitute Senate Bill No. 6280 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

April 2, 2020

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 6 and 7, Second Substitute Senate Bill No. 6528 entitled:

"AN ACT Relating to the prevention of derelict vessels."

Section 6 creates a new grant program for enforcing vessel registration, and Section 7 creates a new pilot program for vessel disposal. Unfortunately, neither of these new programs are sustainable due to the rapidly changing budget outlook as a result of our state's efforts to respond to the Coronavirus outbreak.

For these reasons I have vetoed Sections 6 and 7 of Second Substitute Senate Bill No. 6528.

With the exception of Sections 6 and 7, Second Substitute Senate Bill No. 6528 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

April 2, 2020

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section Sec 3, Substitute Senate Bill No. 6570 entitled:

"AN ACT Relating to law enforcement officer mental health and wellness."

Section 3 of this bill directs the Washington Association of Sheriffs and Police Chiefs to establish three pilot projects, subject to amounts appropriated for this purpose, to support behavioral health and other improvement efforts for law enforcement officers. With the rapidly changing environment related to the state's response to COVID-19 and the new economic realities the state faces, I made the difficult choice to veto the funding provided to support this pilot project in Sec 218 (17) and Sec 221 (65) of Engrossed Substitute Senate Bill 6168.

For these reasons I have vetoed Section Sec 3 of Substitute Senate Bill No. 6570.

With the exception of Section Sec 3, Substitute Senate Bill No. 6570 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

April 3, 2020

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 101(2); 102(3); 11 (19); 116(9); 127(28); 127(79); 127(81); 127(87); 127(97); 127(99) ; 127(101); 127(112); 129(15); 129(17); 129(19); 202(1)(0); 204(28); 204(34); 204(37); 204(38); 205(14); 211(60); 211(68); 211(74); 211(76); 211(78); 211(79); 211(81); 211(84); 211(86); 212(7); 214(9); 215(24)(c )(d); 215(56); 215(69); 218(17); 221(55); 221(56); 221(58); 221(59); 221(61); 221(63); 221(68); 222(2)(i); 225(2)(u); 225(2)(ft); 225(2)(gg); 225(2)(jj); 225(2)(11); 225(4)(a)(ii); 225(4)(d)(viii); 225(4)(cc);,; 302(24); 302(30); 302(31); 302(32); 302(33);

302(42); 304(7); 304(10); 306(5); 306(10); 307, page 334, lines 22-23 ;307(22); 307(25); 307(26); 307(27); 307(28); 307(36); 308(25); 308(28); 308(32); 309(23); 309 (27); 501(3)(h); 501(3)(k); 501(4)(aa); 501(4)(dd); 501(4)(ee); 501(4)(gg); 501(4)(jj); 501(4)(kk); 501(4)(v); 501(4)(w); 501(4)(x); 502(3); 503(2)(d); 506(10); 520(2); 520(15); 520(24); 520(26); 520(27); 520(28); 520(34); 601(9); 602(27); 602(28); 602(29); 602(31); 602(32); 603(42); 603(43); 603(44); 603(46); 603(49); 603(50); 603(53); 603(54); 603(55); 603(56); 603(57); 604(24); 604(25);604(26); 604(29); 604(30); 604(31); 604(32); 604(33); 604(34); 604(35); 605(9); 605(11); 605(12);606(7); 606(8); 606(9); 606(10); 607(5)(f); 607(5)(g); 607(5)(h); 607(7); 607(8); 608(9); 608(12);608(13); 609(4); 609(5); 609(7); 609(9); 609(10); 609(11); 710; 715; 722; 801, page 529, line 34;804, page 535, lines 32-34; and 923, Engrossed Substitute Senate Bill No. 6168 entitled: "AN ACT Relating to fiscal matters."

**Section 101(2), House of Representatives, page 2; Section 102(3), Senate, page 3; and Section 923, pages 562-564, Business Plan for Establishment of Publicly Owned Depository/State Bank**

These sections fund the creation of a joint legislative task force to develop a business plan for establishing a publicly owned depository/state bank in Washington. This issue has already been studied at length during the past three years. For this reason, I have vetoed Section 101(2), Section 102(3) and Section 923.

**Section 113(19), page 12, Administrator for the Courts, Clark County CASA Program**

This section provides an additional appropriation solely for the Clark County YWCA Court Appointed Special Advocate (CASA) program. Adding a single appropriation for one CASA program jeopardizes the current equitable allocation approach established by the Washington Association of Juvenile Court Administrators. For this reason, I have vetoed Section 113(19).

**Section 127(112), page 67, Department of Commerce, Commercial Property/Clean Energy**

provide the necessary funding to support the new collaborative. For this reason, I have vetoed Section 211(76).

**Section 211(81), pages 196-197, Health Care Authority-Medical Assistance, Prior Authorization for Antiviral Drugs**

The Health Care Authority, in coordination with the Department of Health, is directed to develop a strategy to deliver HIV antiviral drugs to enrollees without requiring a prior authorization for these prescriptions. This policy would jeopardize the state's ability to participate in the federal drug rebate program and would substantially increase costs to the state. For this reason, I have vetoed Section 211(81).

**Section 212(7), page 200, Health Care Authority, Medicare-eligible Retiree Stakeholder Group**

This section directs the Health Care Authority to convene a stakeholder group to provide feedback to the Office of the State Actuary. While the interest in this topic is welcome, work has been underway for some time. The Health Care Authority has already completed a report on this topic and provision of the first new option for Medicare-eligible retiree medical coverage begins on January 1, 2021. Further, the new workgroup overlaps the work of the Public Employees' Benefits Board, which includes retiree representatives and can solicit stakeholder feedback and provide information to the Legislature. I will ask the Board to include this topic on its agenda, invite the Office of State Actuary to the discussion on this issue, and report to the Legislature and

me on stakeholder preferences and any additional recommendations. For these reasons, I have vetoed Section 212(7).

**Section 215(24)(c) and Section 215(24)(d), pages 213-214, Health Care Authority- Community Behavioral Health, Long-term Psychiatric Inpatient Report**

This proviso directs the Health Care Authority report to the Legislature on the impact of rate increases provided to long-term psychiatric inpatient providers on their capacity to serve clients and client utilization of this service. The agency indicates that there will be insufficient data to write a report by December 1, 2020. For this reason, I have vetoed Section 215(24)(c) and Section 215(24)(d).

**Section 221(59), pages 265-266, Department of Health, Telemedicine Work Group**

This section directs the Department of Health, within existing resources, to convene a work group to collect information and establish guidelines and recommendations for how the Office of the Insurance Commissioner can include telemedicine services in network adequacy requirements. The staff and stakeholders necessary to convene this work group are the same individuals working to address the COVID-19 outbreak. This work group requirement would divert critical resources from the pandemic response. For these reasons I have vetoed Section 221(59) and am directing the Department of Health to perform as much of the activity as feasible within available resources, given that this is important work in the current environment.

**Section 221(61), page 266, Department of Health, Vapor Product Labeling**

This section provides funding to implement Engrossed Second Substitute Senate Bill 6254. However, this bill did not pass the Legislature. For this reason, I have vetoed Section 221(61).

**Section 222(2)(i), pages 273-274, Department of Corrections, Body Scanner Pilot Expansion**

data for the previous fiscal year on an annual basis to the Education Research and Data Center (ERDC) by October 1. Section 129(21) directs the ERDC to update and expand its higher education finance report website. I am directing the higher education institutions to cooperate with the ERDC to provide the budget, expenditure and revenue data in a timely fashion and to provide the state- funded full-time equivalent student enrollment data as soon as it is feasible. The required fiscal year data is not audited or prepared by October 1; however, it could be available annually in March or April. For these reasons, I have vetoed Section 601(9).

**Section 602(32), pages 461-462, State Board for Community and Technical Colleges, Running Start Data**

This section directs but does not provide funding for the State Board for Community and Technical Colleges (SBCTC) to collect Running Start data for fiscal year 2018, fiscal year 2019, and fiscal year 2020 for the 34 community and technical colleges for a task force created in Section 609(11). The data is requested at a level of granularity that does not currently exist in college financial systems. This would require time-consuming and manual processes to create these data elements. The SBCTC is willing to provide data on dual credit student demographics and outcomes, but does not have the resources to manually create financial data. For these reasons, I have vetoed Section 602(32).

**Section 603(53), page 474, University of Washington, Adoption of Common Application**

**Section 604(31), pages 482-483, Washington State University, Adoption of Common Application**

**Section 605(11), page 485, Eastern Washington University, Adoption of Common Application Section 606(9), page 487, Central Washington University, Adoption of Common Application Section 608(12), page 493, Western Washington University, Adoption of Common Application**

These sections provide funding solely for implementation of Substitute Senate Bill 6142. I have vetoed Substitute Senate Bill 6142; therefore, this funding is not necessary. For this reason, I have vetoed Section 603(53), Section 604(31), Section 605(11), Section 606(9), and Section 608(12).

**Section 722, page 528, Special Appropriations, Forest and Forest Products Carbon Account**

Engrossed Second Substitute House Bill 2528 did not create the Forest and Forest Products Carbon Account, so funds cannot be transferred into this account. For this reason, I have vetoed Section 722.'

Section 801, page 529, line 34, For the State Treasurer, Manufacturing and Warehouse Jobs Centers Account

This section provides funding to implement Engrossed House Bill 1948. I have vetoed Engrossed House Bill 1948; therefore, this appropriation is not necessary. For this reason, I have vetoed Section 801.

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. My staff and I have conferred with Democratic and Republican leaders in both the

**Section 211(84), pages 197-198, Health Care Authority, Prescription Drug Affordability Section 211(86), page 198, Health Care Authority, Postpartum Period Coverage**

Section 214(9), pages 203-204, Health Care Authority, Postpartum Period Coverage Section 215(56), page 223, Health Care Authority, Training Grants for Providers

Section 215(69), pages 226-227, Health Care Authority, Pilot Project to Increase Access for ITA Transportation

Section 218(17), pages 234-235, Criminal Justice Training Commission, Law Enforcement Officer Mental Health and Wellness

Section 221(55), pages 264-265, Department of Health, Implementation of SHB 2419 (Death With Dignity Barriers)

Section 221(56), page 265, Department of Health, Distribution of Fruit and Vegetable Benefit

Section 221(58), page 265, Department of Health, Collaboration on Report on School Supplies of Epinephrine Autoinjectors

Section 221(63), pages 266-267, Department of Health, Work Group on Sexually Transmitted Infections

Section 221(68), page 267, Department of Health, Group B Water Systems

Section 225(2)(u), page 288, Department of Children, Youth and Families, Creation of YVLifeSet Program

Section 225(2)(ff), page 291, Department of Children, Youth and Families, Implementation of SHB 2525 (Family Connections Program)

Section 225(2)(gg), page 291, Department of Children, Youth and Families, Rate Increase for Child- Placing Agencies

Section 225(2)(ij), page 291, Department of Children, Youth and Families, Extracurricular Activities for Foster Youth

Section 225(2)(11), page 292, Department of Children, Youth and Families, Rate Study and Report on Contracted Parent-Child Visitation Services

Section 225(4)(a)(ii), page 299, Department of Children, Youth and Families, ECEAP Rate Increase

Section 225(4)(d)(viii), page 301, Department of Children, Youth and Families, Reduce Co-pays for Recipients and Report to Legislature

Section 225(4)(cc), pages 309-310, Department of Children, Youth and Families, Early Learning Dual Language Grant Program for ECEAP and WCCC

Section 302(24), page 321, Department of Ecology, Increase for Local Solid Waste Financial Assistance Program Integration Plan

Section 501(4)(v), pages 391-392, Office of the Superintendent of Public Instruction, Balanced School Year Pilot

Section 501(4)(w), page 392, Office of the Superintendent of Public Instruction, Health Education Standards

Section 501(4)(x), pages 392-393, Office of the Superintendent of Public Instruction, Collaboration on Report on School Supplies of Epinephrine Autoinjectors

Section 501(4)(dd), pages 393-394, Office of the Superintendent of Public Instruction, Spanish Language Arts Standards

Section 501(4)(ee), page 394, Office of the Superintendent of Public Instruction, Individual Health Plans Model Policy

Section 501(4)(gg), page 394, Office of the Superintendent of Public Instruction, Ethnic Studies Materials

Section 501(4)(jj), page 395, Office of the Superintendent of Public Instruction, Model Civics Curriculum

Section 501(4)(kk), page 395, Office of the Superintendent of Public Instruction, Small School Grants

Section 502(3), page 397, Office of the Superintendent of Public Instruction, Enhanced Paraeducator Training

Section 503(2)(d), page 400, Office of the Superintendent of Public Instruction, Guidance Counselors

Section 506(10), pages 415-416, Office of the Superintendent of Public Instruction, Backfill of Transportation Funds

Section 520(2), pages 436-438, Office of the Superintendent of Public Instruction, Expansion of Robotics/CTE Student Leadership Program

Section 520(15), pages 445-446, Office of the Superintendent of Public Instruction, Expansion of Extracurriculars Grant Program

Section 520(24), page 448, Office of the Superintendent of Public Instruction, Expansion of Media Literacy Grant Program

Section 520(26), pages 448-449, Office of the Superintendent of Public Instruction, Develop Bilingual Environmental Education Program

Section 520(27), page 449, Office of the Superintendent of Public Instruction, Design and Planning for Maritime Education in South King County

Section 520(28), page 449, Office of the Superintendent of Public Instruction, Create System of Career-Learning Opportunities for Students

Section 604(32), page 483, Washington State University, Implementation of SSB 6306 (Soil Health Initiative)

Section 604(33), page 483, Washington State University, Solar Siting Pilot Project in Columbia Basin

Section 604(34), page 483, Washington State University, Mental Health Counselor Position

Section 604(35), page 483, Washington State University, Implementation of E2SSB 6518 (Environmental Exposure to Certain Pesticides)

Section 605(9), page 485, Eastern Washington University, Expand American Sign Language Program

Section 605(12), page 485, Eastern Washington University, Mental Health Counselor Position

Section 606(7), pages 486, Central Washington University, Develop Educational American Sign Language Interpreter Preparation Program

Section 606(8), page 487, Central Washington University, Technology Purchase to Supervise Student Teachers in Rural Areas

Section 606(10), page 487, Central Washington University, Mental Health Counselor Position

Section 607(5)(f), pages 489-490, The Evergreen State College, WSIPP Study on Transitional Kindergarten Programs

Section 607(5)(g), page 490, The Evergreen State College, WSIPP Review of Mandatory Arrests in Domestic Violence Cases

Section 607(5)(h), page 490, The Evergreen State College, WSIPP Study of Access to Voting and Voter Registration

Section 607(7), page 491, The Evergreen State College, Implementation of Engrossed Senate Bill 6313 (Increasing Opportunities for Young Voters)

Section 607(8), page 491, The Evergreen State College, Mental Health Counselor Position

Section 608(9), page 493, Western Washington University, Development and Expansion of American Sign Language Education

Section 608(13), page 493, Western Washington University, Mental Health Counselor Position

Section 609(4), page 494, Washington Student Achievement Council, Administration Costs for Washington College Grant

Section 609(5), page 494, Washington Student Achievement Council, Expansion of College Bound Scholarship to Ninth Graders

Section 609(7), pages 494-495, Washington Student Achievement Council, New Task Force on Student Access to Health Care at Institutions

Section 609(9), page 496, Washington Student Achievement Council, Marketing and

With the exception of Sections 101(2); 102(3); 113(19); 116(9); 127(28); 127(79); 127(81); 127(87); 127(97); 127(99); 127(101); 127(112); 129(15); 129(17); 129(19); 202(1)(0); 204(28); 204(34); 204(37); 204(38); 205(14); 211(60); 211(68); 211(74); 211(76); 211(78); 211(79); 211(81); 211(84); 211(86); 212(7); 214(9); 215(24)(c); 215(56); 215(69); 218(17); 221(55); 221(56); 221(58); 221(59); 221(61); 221(63); 221(68); 222(2)(i); 225(2)(u); 225(2)(ff); 225(2)(gg); 225(2)(jj); 225(2)(11); 225(4)(a)(ii); 225(4)(d)(viii); 225(4)(cc); 302(24); 302(30); 302(31); 302(32); 302(33); 302(42); 304(7); 304(10); 306(5); 306(10); 307, page 334, lines 22-23; 307(22); 307(25); 307(26); 307(27); 307(28); 307(36); 308(25); 308(28); 308(32); 309(23); 309(27); 501(3)(h); 501(3)(k); 501(4)(aa); 501(4)(dd); 501(4)(ee); 501(4)(gg); 501(4)(jj); 501(4)(kk); 501(4)(v); 501(4)(w); 501(4)(x); 502(3); 503(2)(d); 506(10); 520(2); 520(15); 520(24); 520(26); 520(27); 520(28); 520(34); 601(9); 602(27); 602(28); 602(29); 602(31); 602(32); 603(42); 603(43); 603(44); 603(46); 603(49); 603(50); 603(53); 603(54); 603(55); 603(56); 603(57); 604(24); 604(25); 604(26); 604(29); 604(30); 604(31); 604(32); 604(33); 604(34); 604(35); 605(9); 605(11); 605(12); 606(7); 606(8); 606(9); 606(10); 607(5)(f); 607(5)(g); 607(5)(h); 607(7); 607(8); 608(9); 608(12); 608(13); 609(4); 609(5); 609(7); 609(9); 609(10); 609(11); 710; 715; 722; 801, page 529, line 34; 804, page 535, lines 32-34; and 923 Engrossed Substitute Senate Bill No. 6168 is approved.

Respectfully submitted,

/s/

Jay Inslee

Governor

MOTION

On motion of Senator Liias, the partial veto messages and veto messages from the Governor were held at the desk.

January 7, 2021

To the Honorable Lt. Governor Cyrus Habib, President of the Senate and the Senate of the State of Washington

Ladies and Gentlemen:

In compliance with the provisions of Article III, Section 11, of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 2020 Regular Session of the 66<sup>th</sup> Legislature, copies of which are attached.

Sincerely,

/s/

Taylor K. Wonhoff  
Deputy General Counsel

**FULL AND UNCONDITIONAL PARDON OF  
CHRISTINA LOUISE MARTINEZ**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2006, Christina Louise Martinez pleaded guilty to DUI in Seattle Municipal Court, Cause No. 483557. This conviction followed events in which Ms. Martinez was drinking and driving.

WHEREAS, Ms. Martinez accepts responsibility for her behavior, and she has satisfied all the conditions of her sentence.

WHEREAS, Ms. Martinez has no other criminal history.

WHEREAS, *in* the years since this conviction, Ms. Martinez has begun to pursue a career in nursing.

WHEREAS, in December 2019, the Clemency and Pardons Board reviewed Ms. Martinez' petition for a pardon. At her hearing, Ms. Martinez presented testimony that this conviction prevents her from advancing in her nursing education and professional career. She explained that due to this conviction, in her home state of Pennsylvania, she cannot sit for certain exams necessary to be licensed to provide care to patients.

WHEREAS, the Seattle City Attorney's Office does not object to Ms. Martinez' petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor grant Ms. Martinez a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant Christina Louise Martinez this FULL AND UNCONDITIONAL PARDON for her conviction for DUI in Seattle Municipal Court, Cause No. 483557.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of October, A.D., two thousand and twenty.

/s/

Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State

**CONDITIONAL COMMUTATION  
OF  
EUGENE YOUNGBLOOD**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1992, a jury found Eugene Jayson Youngblood guilty of CONSPIRACY TO COMMIT FIRST DEGREE MURDER and two counts of FIRST DEGREE MURDER in Kitsap County Superior Court Cause No. 92-1-00021-9. These convictions followed events in which Mr. Youngblood, then a teenager, discussed with his associates the murder of two victims as part of a gang conflict. His associates then borrowed Mr. Youngblood 's car and used it to drive to the victims, where they then shot the victims dead. Mr. Youngblood was not present with his associates at the time of the shootings.

WHEREAS, for these convictions, Mr. Youngblood was sentenced to roughly 65 years in prison, and to date, he has served roughly 29 years. One of his co-defendants served 26 years for the same convictions and has already been released from prison.

WHEREAS, Mr. Youngblood has had no DOC infractions since 2012.

WHEREAS, in June 2019, the Clemency and Pardons Board reviewed Mr. Youngblood's clemency petition. The testimony before the Board was that though Mr. Youngblood first became a gang mascot at age 10 and a full member by the time he was 13, he has been gang-free for over 16 years. Testimony also described Mr. Youngblood's maturation while incarcerated, how he has earned his associate's degree, and how he has crafted a strong reentry plan, which includes job prospects, housing and other wraparound services.

WHEREAS, the Kitsap County Prosecuting Attorney does not oppose Mr. Youngblood's petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Youngblood's sentence. In making this recommendation, the Board cited Mr. Youngblood's maturity, remorse, and his taking ownership and learning from his past mistakes. It also recognized his strong support system and robust reentry transition plan.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crimes, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Eugene Jayson Youngblood's 1992 sentence for CONSPIRACY TO COMMIT FIRST DEGREE MURDER and two counts of FIRST DEGREE MURDER in Kitsap County Superior Court Cause No. 92-1-00021-9, conditioned on his written agreement to comply with all terms outlined by the

Department of Corrections (DOC) in the below community transition plan. Under this plan, DOC shall have the authority to release Mr. Youngblood as soon as Mr. Youngblood receives DOC approval on his offender release plan and after DOC completes all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Youngblood must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Youngblood shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for regular contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Participate in polygraph examinations, as directed by DOC, to verify compliance with this order.
5. As directed by DOC, obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
6. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
7. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
8. Not operate a motor vehicle without a valid driver's license and registration.
9. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
10. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
11. Participate in regular substance abuse support group meetings, as directed by DOC.
12. Not frequent or work in bars or taverns or any environments where the primary business is alcohol or marijuana.
13. Be subject to regular drug and alcohol testing, as directed by DOC.
14. Not possess chemicals commonly used to make illegal drugs, as determined by DOC.
15. Have no contact with known criminal felons, drug dealers, gang members, or individuals on active community supervision or in prison unless approved by DOC.
16. Follow all gang-related prohibitions, as directed by DOC.
17. Not possess tools associated with burglary, unless approved by DOC.
18. Complete the Thinking for a Change program, as directed by DOC.
19. Report to DOC all law enforcement contacts within 24 hours of occurrence.
20. Not obtain a passport during his term of community supervision.

PROVIDED, that Mr. Youngblood shall remain under

DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Youngblood is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Youngblood to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Youngblood if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Youngblood violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Youngblood will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Youngblood has provided to the Office of the Governor or, if Mr. Youngblood is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Youngblood submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Youngblood an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Youngblood has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Youngblood is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Youngblood will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Youngblood may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Youngblood may abscond if not detained. If detained, Mr. Youngblood will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 11<sup>th</sup> day of December, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**FULL AND UNCONDITIONAL PARDON  
OF  
RYAN STEVEN YOUNG**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2007, Ryan Steven Young pleaded guilty to DUI and THIRD DEGREE DWLS in Spokane County District Court, Cause No. C655297. The convictions followed an incident in which Mr. Young drove a friend's car while intoxicated, bumping it against a roadside curb.

WHEREAS, Mr. Young accepts responsibility for his behavior. He has fulfilled the terms of his judgment and sentence.

WHEREAS, Mr. Young has committed no other crimes since 2007. In the years since this incident, Mr. Young has successfully completed drug-alcohol addiction treatment, and he earned his bachelor's degree in 2012. He maintains steady employment in the restaurant industry, and he also holds a real estate license.

WHEREAS, in September 2019, the Clemency and Pardons Board reviewed Mr. Young's petition for a pardon. At his hearing, Mr. Young presented testimony that in 2016, he married a citizen of the United Kingdom living in Canada; and, these convictions preclude him from traveling to Canada to live there with her. Instead, he currently lives in Bellingham and can only see her when she visits him.

WHEREAS, the Spokane County Prosecuting Attorney supports Mr. Young's petition for a pardon.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Young be granted a full pardon. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crimes, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant Ryan Steven Young this FULL AND UNCONDITIONAL PARDON for his DUI and THIRD DEGREE DWLS convictions in Spokane County District Court, Cause No. C655297.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 17<sup>th</sup> day of June, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**FULL AND UNCONDITIONAL PARDON  
OF  
ELAINE CHRISTINE WILLIAMS**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2003, Elaine Christine Williams pleaded guilty to CHILD ENDANGERMENT WITH A CONTROLLED SUBSTANCE in Whatcom County Superior Court, Cause No. 02-1-01434-1. This conviction followed events in which drug manufacturing was taking place in Ms. Williams' home in the presence of her young child.

WHEREAS, Ms. Williams accepts responsibility for her behavior, and she has satisfied all the conditions of her sentence.

WHEREAS, Ms. Williams has no other criminal history. And following this incident, Ms. Williams successfully completed chemical dependency treatment.

WHEREAS, in the years since this conviction, Ms. Williams has consistently worked as nurse.

WHEREAS, in December 2019, the Clemency and Pardons Board reviewed Ms. Williams' petition for a pardon. At her hearing, Ms. Williams presented testimony that this conviction prevents her from advancing in her nursing career. She explained that this conviction precludes her from providing care to vulnerable populations, including the elderly.

WHEREAS, at the clemency hearing, the Whatcom County Prosecutor's Office offered support for Ms. Williams, as did the victim.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor grant Ms. Williams a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant Elaine Christine Williams this FULL AND UNCONDITIONAL PARDON for her conviction for CHILD ENDANGERMENT WITH A CONTROLLED SUBSTANCE in Whatcom County Superior Court, Cause No. 02-1-01434-1.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of October, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**CONDITIONAL COMMUTATION  
OF  
CURTIS THORNTON**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1997, a jury found Curtis Gene Thornton guilty of FIRST DEGREE ROBBERY in Spokane County Superior Court Cause No. 96-1-00785-5. This conviction followed events in which Mr. Thornton and associates entered a coin and jewelry exchange store and announced that they were robbing it before

threatening and then beating the store clerk and leaving with \$1500 worth of merchandise and cash.

WHEREAS, this conviction followed other earlier serious felony convictions, resulting in Mr. Thornton being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Thornton has served over 23 years in prison for this crime. The other two serious felony offenses on Mr. Thornton's record, his other "strike" offenses, are for second degree robbery. His criminal history is a product of his challenges with substance abuse.

WHEREAS, in 2019 the Washington State Legislature passed ESSB 5288, which prospectively removed second degree robbery from the list of serious offenses under the state's persistent offender statute. So, were Mr. Thornton to be convicted on his two second degree robbery offenses today, he would not qualify as a persistent offender.

WHEREAS, in December 2019, the Clemency and Pardons Board reviewed Mr. Thornton's clemency petition. The testimony before the Board was that Mr. Thornton has shown remorse for his past conduct, and he has been accepted to House of Mercy, which will provide him housing and sober living support as well as a plethora of additional re-entry services.

WHEREAS, the Spokane County Prosecuting Attorney does not oppose Mr. Thornton's petition, nor does the victim.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Thornton's sentence. In making this recommendation, the Board cited Mr. Thornton's advanced age, his lack of any violent history, and his opportunities for shelter and support through the House of Mercy.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Curtis Gene Thornton's 1997 sentence for FIRST DEGREE ROBBERY in Spokane County Superior Court Cause No. 99-1-00011-1, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in an in-custody transition plan, to be completed no later than March 1, 2022. While in custody, Mr. Thornton must successfully complete a DOC-approved six-month work-release program. If Mr. Thornton satisfies all phases of his in-custody transition plan by March 1, 2022, DOC shall have the authority to release him after first completing all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Thornton must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Thornton shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for regular contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Unless DOC advises otherwise, obtain DOC-approved employment or enroll in DOC-approved educational,

vocational, or other programming, and report it to DOC along with changes in status.

5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Not operate a motor vehicle without a valid driver's license and registration.
8. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
9. Complete a chemical dependency assessment and complete any treatment recommendations, as directed by DOC.
10. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
11. Not possess chemicals which one could reasonably believe may be used to make illicit drugs, as determined by DOC.
12. Not visit or work in bars, taverns, or other establishments in which alcohol or marijuana is the primary commodity being sold, unless approved by DOC.
13. Be subject to regular drug and alcohol testing as directed by DOC.
14. Have no contact with known criminal felons, drug dealers, or individuals on active community supervision or in prison unless approved by DOC.
15. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Thornton shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Thornton is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Thornton to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Thornton if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Thornton violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Thornton will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Thornton has provided to the Office of the Governor or, if Mr. Thornton is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Thornton submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Thornton an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the

Governor for the Governor's final and conclusive determination on whether Mr. Thornton has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Thornton is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Thornton will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Thornton may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Thornton may abscond if not detained. If detained, Mr. Thornton will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of November, A.D., two thousand and twenty.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**CONDITIONAL COMMUTATION  
OF  
EUGENE SMITH**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1995, a jury found Eugene Smith guilty of one count each of FIRST DEGREE ROBBERY and SECOND DEGREE ASSAULT in Snohomish County Superior Court Cause No. 95-1-01611-6. The convictions followed events in which Mr. Smith, then substance-addicted, initiated a fight with a companion, hitting her in the face and pulling a knife on her, demanding that she give him money.

WHEREAS, these convictions followed other earlier serious felony convictions, resulting in Mr. Smith being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Smith has served 25 years in prison for these crimes. But for his status as a persistent offender, he would have been released from prison over a decade ago.

WHEREAS, Mr. Smith now suffers from a range of chronic health conditions, including hypertension, lung disease, and diabetes. He is considered a low risk to re-offend.

WHEREAS, in September 2019, the Clemency and Pardons Board reviewed Mr. Smith's clemency petition. The testimony before the Board was that Mr. Smith has shown remorse for his past conduct, and he has a strong support network prepared to assist him in any eventual transition to the community. Testimony also demonstrated that Mr. Smith achieved sobriety, and he has shown a dedication to self-improvement while in prison.

WHEREAS, the Snohomish County Prosecuting Attorney supports Mr. Smith's petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Smith's sentence. In making this recommendation, the Board cited Mr. Smith's health conditions, lack of violent infractions on his prison record, and the support of the Snohomish County Prosecuting Attorney.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Eugene Smith's 1995 sentence for FIRST DEGREE ROBBERY and SECOND DEGREE ASSAULT in Snohomish County Superior Court Cause No. 95-1-01611-6, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in an in-custody transition plan, to be completed no later than October 1, 2021. While in custody, Mr. Smith must successfully complete a DOC-approved six-month work-release program. If Mr. Smith satisfies all phases of his in-custody transition plan by October 1, 2021, DOC shall have the authority to release him after first completing all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Smith must comply with any conditions set forth by DOC.

These conditions shall include, but not be limited to the following:

Mr. Smith shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Not operate a motor vehicle without a valid driver's license and registration.
8. Not possess firearms, ammunition, explosives, or dangerous weapons as determined by DOC.
9. Complete a chemical dependency assessment and complete any treatment recommendations, as directed by DOC.
10. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.

11. Do not possess chemicals which one could reasonably believe may be used to make illicit drugs, as determined by DOC.
12. Not visit or work in bars, taverns, or other establishments in which alcohol or marijuana is the primary commodity being sold, unless approved by DOC.
13. Attend regular community substance abuse programming, as instructed by DOC.
14. Be subject to regular drug and alcohol testing as directed by DOC.
15. Have no contact with known criminal felons, drug dealers, or individuals on active community supervision or in prison unless approved by DOC.
16. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Smith shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Smith is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Smith to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Smith if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Smith violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Smith will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Smith has provided to the Office of the Governor or, if Mr. Smith is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Smith submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Smith an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Smith has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Smith is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Smith will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Smith may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Smith may abscond if not detained. If detained, Mr. Smith will be provided a

preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 17<sup>th</sup> day of June, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**FULL AND UNCONDITIONAL PARDON  
OF  
WILSON MICHAEL ROYER**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2007, Wilson Michael Royer pleaded guilty to two counts of SECOND DEGREE ROBBERY and SECOND DEGREE UNLAWFUL FIREARM POSSESSION in King County Superior Court, Cause No. 07-C-03595-4. These convictions followed events in which a then-16-year-old Mr. Royer, influenced by two of his older associates, used a firearm to rob their drug dealer.

WHEREAS, Mr. Royer accepts responsibility for his behavior, and he has satisfied all the conditions of his sentence.

WHEREAS, Mr. Royer has no other criminal history.

WHEREAS, since this conviction, Mr. Royer graduated with honors from Washington State University and has worked for several years as an engineer in the energy sector.

WHEREAS, in December 2019, the Clemency and Pardons Board reviewed Mr. Royer's petition for a pardon. At his hearing, Mr. Royer presented evidence that he is diagnosed with autism spectrum disorder, depression, and Asperger's Syndrome. Professionally, he works in the energy sector, but he has been barred from some career advancement opportunities because of these felony convictions.

WHEREAS, the King County Prosecuting Attorney's Office does not oppose Mr. Royer's petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor grant Mr. Royer a full pardon.

WHEREAS, at the time of his crimes, Mr. Royer was a teenager. The scientific and criminal justice communities have documented the difficulty the juvenile brain has in engaging in behavior control, often leading juveniles to exhibit a transient rashness, proclivity for risk, and inability to assess the full consequences of their actions. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant Wilson Michael Royer this FULL AND UNCONDITIONAL PARDON for his convictions on two counts of SECOND DEGREE ROBBERY and SECOND DEGREE UNLAWFUL FIREARM POSSESSION in King County Superior Court, Cause No. 07-C-03595-4.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27<sup>th</sup> day of October, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**CONDITIONAL COMMUTATION  
OF  
DEAN ALAN ROYER**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1995, a jury found Dean Alan Royer guilty of three counts of SECOND DEGREE ASSAULT, and one count of FIRST DEGREE BURGLARY in Pierce County Superior Court Cause No. 95-1-01997-0. The convictions followed events in 1995 in which Mr. Royer was burglarizing a home when the victim arrived. Mr. Royer drew a firearm, pointing it at the victim before fleeing. In an ensuing chase, Mr. Royer shot at the pursuing law enforcement vehicles.

WHEREAS, this conviction followed other earlier serious felony convictions, resulting in Mr. Royer being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Royer has served over 24 years in prison on this sentence. He is now considered a low risk to reoffend.

WHEREAS, Mr. Royer has had just one infraction in the past 19 years, and no infractions since 2009.

WHEREAS, in March 2019, the Clemency and Pardons Board reviewed Mr. Royer's clemency petition. The testimony before the Board was that Mr. Royer has shown remorse for his past conduct, and he has now been sober for over 16 years. He has prepared a strong reentry plan that includes the support of his wife who he married in 2012, as well as job prospects as a plumber or in asbestos abatement.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Royer's sentence. In making this recommendation, the Board cited Mr. Royer's strong community transition plan, his 16 years of sobriety, his strong community and family support network, and his promising career options.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crimes, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Dean Alan Royer's 1995 sentence on three counts of SECOND DEGREE ASSAULT, and one count of FIRST DEGREE BURGLARY in Pierce County Superior Court Cause No. 95-1-01997-0, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in an in-custody transition plan, to be completed no later than May 1, 2021. While in custody, Mr. Royer must successfully complete a DOC-approved six-month work-release program. If Mr. Royer satisfies all phases of his in-custody transition plan by

May 1, 2021, DOC shall have the authority to release him after first completing all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Royer must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Royer shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Not operate a motor vehicle without a valid driver's license and registration.
8. Not possess firearms, ammunition, explosives, or dangerous weapons as determined by DOC.
9. Not possess tools associated with burglary, unless possessed for legitimate reasons, as determined by DOC.
10. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
11. Not possess common drug-making chemicals, absent a legitimate reason for possessing them, as determined by DOC.
12. Not visit or work in bars, taverns, or other establishments in which alcohol or marijuana is the primary commodity being sold, unless approved by DOC.
13. Attend regular community substance abuse support programming, as instructed by DOC.
14. Be subject to regular drug and alcohol testing as directed by DOC.
15. Not associate with known criminal felons, drug dealers, or gang members unless approved by DOC.
16. Have no contact with individuals on active community supervision or in prison unless approved by DOC.
17. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Royer shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Royer is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Royer to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Royer if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Royer violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Royer will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Royer has provided to the Office of the Governor or, if Mr. Royer is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Royer submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Royer an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Royer has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Royer is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Royer will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Royer may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Royer may abscond if not detained. If detained, Mr. Royer will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of April, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**FULL AND UNCONDITIONAL PARDON  
OF  
TRI MINH PHAM**

To All to Whom These Presents Shall Come, Greetings:  
WHEREAS, in 1995, nineteen-year-old Tri Minh Pham was a passenger in a car with several associates, seated in the back seat. The car approached another man. The driver stopped the car and the driver and his associate in the front passenger seat exited the car and fired several shots at the other man, killing him.

WHEREAS, a jury found Mr. Pham guilty of FIRST DEGREE MANSLAUGHTER, as an accomplice, in King County Superior Court, Cause No. 95-1-03068-4. The trial court sentenced Mr. Pham to 38 months in prison.

WHEREAS, Mr. Pham has accepted full responsibility for his actions and completed all of his sentence requirements. Following his period in Washington State custody, he was released to federal immigration detention, where he served an additional three years in custody.

WHEREAS, following his eventual release from custody, Mr. Pham earned a college degree, married and raised a family, and became a homeowner in Wisconsin. He has also maintained steady employment as an information technologies professional.

WHEREAS, this is the only criminal conviction on Mr. Pham's record, he has lived crime-free in the community for the last twenty years.

WHEREAS, due to Mr. Pham's conviction, he now faces the possibility of imminent deportation from the United States to Vietnam, a country from which he and his family immigrated in 1990 when he was a teenager.

WHEREAS, the King County Prosecuting Attorney's Office does not object to Mr. Pham's petition. Nobody has expressed any opposition to Mr. Pham's petition.

WHEREAS, in June 2020, the Clemency and Pardons Board reviewed Mr. Pham's petition for a pardon. At his hearing, Mr. Pham presented testimony that his deportation would devastate his community, and specifically his family, including his young daughters.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor grant Mr. Pham a full pardon.

WHEREAS, I have reviewed the pertinent facts and circumstances surrounding this matter, the circumstances of the crime and the consequences that this deportation will have on Mr. Pham and his family, and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Tri Minh Pham this FULL AND UNCONDITIONAL pardon of his FIRST DEGREE MANSLAUGHTER conviction in King County Superior Court, Cause No. 95-1-03068-4.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24<sup>th</sup> day of June, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**CONDITIONAL COMMUTATION  
OF  
WILLIAM DEAN PEASE**

To All to Whom These Presents Shall Come, Greetings:  
WHEREAS, in 1998, William Dean Pease pleaded guilty FIRST DEGREE ROBBERY in King County Superior Court Cause No. 98-1-06347-1 KNT. The conviction followed events in which Mr. Pease, addicted to cocaine, entered a bank with a BB gun and a flare gun, demanding and taking money before fleeing.

WHEREAS, this conviction followed other earlier serious felony convictions, resulting in Mr. Pease being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Pease has served over 21 years in prison for this crime. But for his status as a persistent offender, he would have been released from prison over a decade ago.

WHEREAS, Mr. Pease has had no serious infractions in prison since 2002. At 82 years old, he is considered a low risk to reoffend.

WHEREAS, in September 2019, the Clemency and Pardons Board reviewed Mr. Pease's clemency petition. The testimony before the Board was that Mr. Pease has shown remorse for his past conduct, and he has a strong support network prepared to assist him in any eventual transition to the community. Testimony also demonstrated that Mr. Pease achieved sobriety over 20 years ago, and he has shown a committed work ethic and dedication to self-improvement while in prison.

WHEREAS, the King County Prosecuting Attorney supports Mr. Pease's petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Pease's sentence. In making this recommendation, the Board cited Mr. Pease's strong family and community support network, and their ability to help him transition from custody. It also cited the support from the King County Prosecuting Attorney's Office as well as Mr. Pease's advanced age and low risk to reoffend.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE William Dean Pease's 1998 sentence for FIRST DEGREE ROBBERY in King County Superior Court Cause No. 98-1-06347-1 KNT, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in a community transition plan. Under this plan, DOC shall have the authority to release Mr. Pease once Mr. Pease receives DOC approval on his offender release plan and after DOC completes all appropriate notifications. He will then begin serving 36 months of DOC community supervision. During this period in community supervision, Mr. Pease must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Pease shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status, unless DOC waives this provision.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking

overnight visits away from the DOC-approved residence, even if just for one night.

6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Not operate a motor vehicle without a valid driver's license and registration.
8. Not possess firearms, ammunition, explosives, or dangerous weapons as determined by DOC.
9. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
10. Do not possess chemicals which one could reasonably believe may be used to make illicit drugs, as determined by DOC.
11. Not visit or work in bars, taverns, or other establishments in which alcohol or marijuana is the primary commodity being sold, unless approved by DOC.
12. Be subject to regular drug and alcohol testing as directed by DOC.
13. Have no contact with known drug dealers, known criminal felons, or individuals on active community supervision or in prison unless approved by DOC.
14. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Pease shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Pease is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Pease to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Pease if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Pease violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Pease will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Pease has provided to the Office of the Governor or, if Mr. Pease is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Pease submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Pease an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Pease has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Pease is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be

revoked and the sentence of the court reinstated, whereupon Mr. Pease will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Pease may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Pease may abscond if not detained. If detained, Mr. Pease will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 17<sup>th</sup> day of June, A.D., two thousand and twenty.

/s/

Jay Inslee  
Governor

/s/

Mark Neary  
Assistant Secretary of State

#### **FULL AND UNCONDITIONAL PARDON OF MICHAEL DONALD ORMSBEE**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1987, Michael Donald Ormsbee pleaded guilty to SECOND DEGREE ASSAULT in Grays Harbor County Superior Court, Cause No. 87-1-240-6. The conviction followed an altercation in which Mr. Ormsbee initiated a fight with his then- girlfriend, knocking her to the floor and kicking her.

WHEREAS, Mr. Ormsbee accepts responsibility for his behavior. He satisfied all the terms of his sentence, including ten months of incarceration.

WHEREAS, Mr. Ormsbee has been convicted of no other crimes in over 30 years. In 2001, a court issued Mr. Ormsbee an order of discharge for this conviction, restoring his civil rights.

WHEREAS, in June 2019, the Clemency and Pardons Board reviewed Mr. Ormsbee's petition for a pardon. At his hearing, Mr. Ormsbee testified that he has maintained employment since his release, and he has flourished as a youth athletics coach.

WHEREAS, at his hearing, Mr. Ormsbee also testified that this conviction has posed challenges for him in securing work as a youth coach with some organizations.

WHEREAS, the victim's family supports Mr. Ormsbee's petition, stating that Mr. Ormsbee has demonstrated his character and value to his community for more than two decades.

WHEREAS, the Grays Harbor County Prosecuting Attorney also supports Mr. Ormsbee's petition, citing his rehabilitation, post-conviction record, and the support of the victim's family.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Ormsbee be granted a full pardon. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant Michael Donald Ormsbee this FULL AND UNCONDITIONAL PARDON for his SECOND DEGREE ASSAULT conviction in Grays Harbor County Superior Court, Cause No. 87-1-240-6.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of March, A.D., two thousand and twenty.

/s/

Jay Inslee  
Governor



/s/

Mark Neary  
Assistant Secretary of State

#### **CONDITIONAL COMMUTATION OF LEONARD NORLING**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1999, a jury found Leonard Luigi Norling guilty of SECOND DEGREE ROBBERY in Mason County Superior Court Cause No. 99-1-00011-1. This conviction followed events in which Mr. Norling and the victim were engaged in an altercation after which Mr. Norling took the victim's jacket.

WHEREAS, this conviction followed other earlier serious felony convictions, resulting in Mr. Norling being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Norling has served over 20 years in prison for this crime. But for his status as a persistent offender, he would have been released from prison over a decade ago.

WHEREAS, in 2019 the Washington State Legislature passed ESSB 5288, which prospectively removed second degree robbery from the list of serious offenses under the state's persistent offender statute. So, had Mr. Norling been convicted on this current offense today, it would not qualify him as a persistent offender.

WHEREAS, while incarcerated, Mr. Norling has earned his GED, and he has also completed other personal and professional growth education programs.

WHEREAS, in December 2019, the Clemency and Pardons Board reviewed Mr. Norling's clemency petition. The testimony before the Board was that Mr. Norling has shown remorse for his past conduct, and he has cultivated a strong community support network through his church which will help him secure transportation and housing resources. Furthermore, while in custody Mr. Norling has developed transferable job skills, particularly as a plumber apprentice.

WHEREAS, the Mason County Prosecuting Attorney does not oppose Mr. Norling's petition. Additionally, Mr. Norling's sentencing judge supports his petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Norling's sentence. In making this recommendation, the Board cited Mr. Norling's strong community support network and the support of his sentencing judge.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of

the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Leonard Luigi Norling' s 1999 sentence for SECOND DEGREE ROBBERY in Mason County Superior Court Cause No. 99-1-00011-1, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in an in-custody transition plan, to be completed no later than March 1, 2022. While in custody, Mr. Norling must successfully complete a DOC-approved six-month work-release program. If Mr. Norling satisfies all phases of his in-custody transition plan by March 1, 2022, DOC shall have the authority to release him after first completing all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Norling must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Norling shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Not operate a motor vehicle without a valid driver' s license and registration.
8. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
9. Complete a chemical dependency assessment and complete any treatment recommendations, as directed by DOC.
10. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician' s prescription and DOC approval.
11. Not possess chemicals which one could reasonably believe may be used to make illicit drugs, as determined by DOC.
12. Not visit or work in bars, taverns, or other establishments in which alcohol or marijuana is the primary commodity being sold, unless approved by DOC.
13. Attend regular community substance abuse programming, as instructed by DOC.
14. Be subject to regular drug and alcohol testing as directed by DOC.
15. Have no contact with known criminal felons, drug dealers, or individuals on active community supervision or in prison unless approved by DOC.

16. Be subject to periodic polygraph examinations, as directed by DOC, to monitor compliance with conditions of supervision and this order.

17. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Norling shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Norling is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Norling to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Norling if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Norling violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Norling will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor' s intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Norling has provided to the Office of the Governor or, if Mr. Norling is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Norling submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Norling an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor' s final and conclusive determination on whether Mr. Norling has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Norling is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Norling will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Norling may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Norling may abscond if not detained. If detained, Mr. Norling will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of November, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

### CONDITIONAL COMMUTATION OF GRADY MITCHELL

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1984, a jury found Grady Allan Mitchell guilty of AGGRAVATED FIRST DEGREE MURDER in King County Superior Court Cause No. 83-1-02643-8. This conviction followed events in which Mr. Mitchell, seeking to exact revenge against an adversary, confronted his adversary's uncle. When the uncle declined to reveal to Mr. Mitchell the whereabouts of his nephew, Mr. Mitchell beat and then murdered the uncle.

WHEREAS, for this conviction, Mr. Mitchell was sentenced to life in prison without the possibility of parole, and to date, he has served over 36 years.

WHEREAS, Mr. Mitchell has had no prison infractions since 2008, and the Department of Corrections now classifies him as a low risk to reoffend.

WHEREAS, in 1993, Mr. Mitchell helped establish the Youth Program at the Washington State Reformatory, to do outreach to at-risk youth. He also launched the Redemption Project to provide mentorship to other incarcerated individuals.

WHEREAS, in June 2020, the Clemency and Pardons Board reviewed Mr. Mitchell's clemency petition. The testimony before the Board was that Mr. Mitchell married in 2012 and upon release plans to live in her home with her support. Testimony also demonstrated that Mr. Mitchell has professional job offers available to him upon his release.

WHEREAS, the King County Prosecuting Attorney testified at Mr. Mitchell's clemency hearing, stating that a 40-year sentence is appropriate for Mr. Mitchell's crime. Under the terms outlined herein, Mr. Mitchell will have served over 40 years for this offense.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Mitchell's sentence. In making this recommendation, the Board cited the length of Mr. Mitchell's sentence and the input from the King County Prosecutor's Office, as well as Mr. Mitchell's strong familial support network, particularly his wife.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Grady Allan Mitchell's 1984 sentence for AGGRAVATED FIRST DEGREE MURDER in King County Superior Court Cause No. 83-1-02643-8, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in the below community transition plan. Under this plan, DOC shall have the authority to

release Mr. Mitchell as soon as Mr. Mitchell receives DOC approval on his offender release plan and after DOC completes all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Mitchell must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Mitchell shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for regular contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Participate in polygraph examinations, as directed by DOC, to verify compliance with this order.
5. As directed by DOC, obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
6. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
7. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
8. Not operate a motor vehicle without a valid driver's license and registration.
9. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
10. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
11. Participate in regular substance abuse support group meetings, if directed by DOC.
12. Complete a chemical dependency assessment and any recommended treatments stemming therefrom, as directed by DOC.
13. Not visit or work in bars or taverns or any environments where the primary business is alcohol or marijuana.
14. Be subject to regular drug and alcohol testing, as directed by DOC.
15. Not possess chemicals commonly used to make illegal drugs, as determined by DOC.
16. Have no contact with known criminal felons, drug dealers, or individuals on active community supervision or in prison unless approved by DOC.
17. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Mitchell shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Mitchell is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Mitchell to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Mitchell if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Mitchell violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Mitchell will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Mitchell has provided to the Office of the Governor or, if Mr. Mitchell is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Mitchell submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Mitchell an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Mitchell has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Mitchell is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Mitchell will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Mitchell may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Mitchell may abscond if not detained. If detained, Mr. Mitchell will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 11<sup>th</sup> day of December, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**CONDITIONAL COMMUTATION OF  
MICHAEL LIDEL**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2003, Michael Anthony Lidel pleaded guilty to two counts of FIRST DEGREE THEFT and one count of SECOND DEGREE BURGLARY in Pierce County Superior Court Cause No. 03-1-01-01269-8, and one count of FIRST DEGREE THEFT in King County Superior Court Cause No. 03-

1-06324-6 SEA. These convictions followed events in which an unarmed Mr. Lidel, to secure money to support himself, engaged in a series of hold-ups at two banks and a bookstore.

WHEREAS, in order to avoid a strike offense, Mr. Lidel pleaded guilty to an exceptional sentence in which he would serve multiple consecutive ten-year sentences. His earliest release date is December 2029. Mr. Lidel has now served over 15 years in prison for these crimes.

WHEREAS, while incarcerated, Mr. Lidel has earned his GED, his high school diploma, his associate's degree, and his paralegal certificate. He has been infractioned just once during his many years in prison on these convictions.

WHEREAS, in June 2020, the Clemency and Pardons Board reviewed Mr. Lidel's clemency petition. The testimony before the Board was that Mr. Lidel has shown remorse for his past conduct. During the hearing, it was explained that Mr. Lidel married in 2003 and, upon release from prison, intends to live with his wife; it was also learned that Mr. Lidel is eligible for Farestart's culinary training program, which will help him transition to the community and provide him support and professional development opportunities.

WHEREAS, neither the Pierce County Prosecuting Attorney nor the King County Prosecuting Attorney oppose Mr. Lidel's petition for a commutation.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Lidel's sentence. In making this recommendation, the Board cited Mr. Lidel's drive to seize educational opportunities while incarcerated, his lone prison infraction, and the support that he will get from his wife upon release from custody. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crimes, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Michael Anthony Lidel's sentence for his convictions on two counts of FIRST DEGREE THEFT and one count of SECOND DEGREE BURGLARY in Pierce County Superior Court Cause No. 03-1-01-01269-8, and one count of FIRST DEGREE THEFT in King County Superior Court Cause No. 03-1-06324-6 SEA, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in the below community transition plan. Under this plan, DOC shall have the authority to release Mr. Lidel as soon as Mr. Lidel receives DOC approval on his offender release plan and after DOC completes all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Lidel must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Lidel shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for regular contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.

4. Unless DOC advises otherwise, obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
5. Reside in DOC-approved housing and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Not operate a motor vehicle without a valid driver's license and registration.
8. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
9. Obtain a mental health assessment and complete any treatment recommendations, as directed by DOC.
10. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
11. Be subject to regular drug and alcohol testing as directed by DOC.
12. Have no contact with known criminal felons, drug dealers, or individuals on active community supervision or in prison unless approved by DOC.
13. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Lidel shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Lidel is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Lidel to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Lidel if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Lidel violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Lidel will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Lidel has provided to the Office of the Governor or, if Mr. Lidel is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Lidel submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Lidel an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Lidel has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Lidel is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony

in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Lidel will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Lidel may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Lidel may abscond if not detained. If detained, Mr. Lidel will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 17<sup>th</sup> day of November, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### CONDITIONAL COMMUTATION OF PEPE JAQUEZ

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1999, a jury found Pepe Jaquez guilty of FIRST DEGREE ROBBERY in Pierce County Superior Court Cause No. 98-1-05398-6. This conviction followed events in which Mr. Jaquez pulled a knife on a store clerk and demanded cash. After prying open the register, Mr. Jaquez emptied the till of \$10 before fleeing without physically harming the clerk.

WHEREAS, this conviction followed other earlier serious felony convictions, resulting in Mr. Jaquez being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Jaquez has served over 20 years in prison for this crime. Had he not been sentenced as a persistent offender, Mr. Jaquez would have faced a standard range sentence as high as 14 years.

WHEREAS, Mr. Jaquez has had no prison infractions since 2005, and the Department of Corrections now classifies Mr. Jaquez as a low-risk to reoffend.

WHEREAS, in June 2020, the Clemency and Pardons Board reviewed Mr. Jaquez's clemency petition. The testimony before the Board was that Mr. Jaquez has shown remorse for his past conduct, and that his criminal history was the product of substance addiction; but, he has been sober since 2005. Further, Mr. Jaquez enjoys a strong family and community support network, which will provide him transportation, shelter, emotional support, and other assistance during his reentry.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Jaquez's sentence. In making this recommendation, the Board cited Mr. Jaquez's lack of infractions since 2005, his strong family and community support network, and his maturity and transformation over his period of incarceration.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the

Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Pepe Jaquez's 1999 sentence for FIRST DEGREE ROBBERY in Pierce County Superior Court Cause No. 98-1-05398-6, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in the below community transition plan. Under this plan, DOC shall have the authority to release Mr. Jaquez as soon as Mr. Jaquez receives DOC approval on his offender release plan and after DOC completes all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Jaquez must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Jaquez shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for regular contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Unless DOC advises otherwise, obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Not operate a motor vehicle without a valid driver's license and registration.
8. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
9. Obtain a mental health assessment and complete any treatment recommendations, as directed by DOC.
10. Complete a chemical dependency assessment and complete any treatment recommendations, as directed by DOC.
11. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
12. Not possess chemicals which one could reasonably believe may be used to make illicit drugs, as determined by DOC.
13. Not visit or work in bars, taverns, or other establishments in which alcohol or marijuana is the primary commodity being sold, unless approved by DOC.
14. Be subject to regular drug and alcohol testing as directed by DOC.

15. Have no contact with known criminal felons, drug dealers, or individuals on active community supervision or in prison unless approved by DOC.

16. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Jaquez shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Jaquez is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Jaquez to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Jaquez if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Jaquez violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Jaquez will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Jaquez has provided to the Office of the Governor or, if Mr. Jaquez is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Jaquez submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Jaquez an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Jaquez has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Jaquez is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Jaquez will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Jaquez may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Jaquez may abscond if not detained. If detained, Mr. Jaquez will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 11<sup>th</sup> day of December, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

### CONDITIONAL COMMUTATION OF FREDDIE HAMPTON

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2000, a jury found Freddie Hampton guilty of SECOND DEGREE ROBBERY in King County Superior Court Cause No. 99-1-50929-0. This conviction followed events in 1999 in which Mr. Hampton, homeless and substance addicted, committed a series of robberies at the same bank by handing demand letters to a bank teller.

WHEREAS, this conviction followed other earlier serious felony convictions, resulting in Mr. Hampton being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Hampton has served over 20 years in prison on this sentence. But for his status as a persistent offender, he would have been released from prison over 15 years ago.

WHEREAS, in June 2019, the Clemency and Pardons Board reviewed Mr. Hampton's clemency petition. The testimony before the Board was that Mr. Hampton has shown remorse for his past conduct, and he has been sober for 19 years. Also, as a veteran, Mr. Hampton is eligible for VA housing benefits and he has other housing options upon release to the community.

WHEREAS, the King County Prosecuting Attorney supports Mr. Hampton's petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Hampton's sentence. In making this recommendation, the Board cited Mr. Hampton's strong community transition plan, his lack of drug/physical fighting infractions in prison and his remarkable personal growth during his incarceration. It also cited the positive support from the King County Prosecuting Attorney's Office.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Freddie Hampton's 2000 sentence for SECOND DEGREE ROBBERY in King County Superior Court Cause No. 99-1-50929-0, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in an in-custody transition plan, to be completed no later than August 1, 2021. While in custody, Mr. Hampton must successfully complete a DOC-approved six-month work-release program. If Mr. Hampton satisfies all phases of his in-custody transition plan by August 1, 2021, DOC shall have the authority to release him after first completing all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under

community supervision, Mr. Hampton must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Hampton shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Not operate a motor vehicle without a valid driver's license and registration.
8. Not possess firearms, ammunition, explosives, or dangerous weapons as determined by DOC.
9. Not possess tools associated with burglary, unless possessed for legitimate reasons, as determined by DOC.
10. Complete a chemical dependency assessment and complete any treatment recommendations, as directed by DOC.
11. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
12. Not visit or work in bars, taverns, or other establishments in which alcohol or marijuana is the primary commodity being sold, unless approved by DOC.
13. Attend regular community Narcotics Anonymous programming, as instructed by DOC.
14. Be subject to regular drug and alcohol testing as directed by DOC.
15. Not associate with known criminal felons, unless approved by DOC.
16. Have no contact with known drug dealers, or individuals on active community supervision or in prison unless approved by DOC.
17. Not enter a bank without having a legitimate reason to do so, and notify DOC of intent to enter any bank to conduct any banking business.
18. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Hampton shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Hampton is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Hampton to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Hampton if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Hampton violates any of the conditions of this Conditional

Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Hampton will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Hampton has provided to the Office of the Governor or, if Mr. Hampton is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Hampton submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Hampton an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Hampton has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Hampton is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Hampton will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Hampton may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Hampton may abscond if not detained. If detained, Mr. Hampton will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of April, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**CONDITIONAL COMMUTATION OF  
EDGAR GARCIA**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Edgar Rosendo Garcia pleaded guilty to FIRST DEGREE ROBBERY, FIRST DEGREE ASSAULT, FIRST DEGREE UNLAWFUL FIREARM POSSESSION, and two counts of SECOND DEGREE ASSAULT in King County Superior Court Cause No. 04-1-13566-1-KNT. The convictions followed events in 2004 in which Mr. Garcia, high on

methamphetamines, stole a law enforcement vehicle before breaking into a residence and robbing the residents at gunpoint. Later when he was confronted outside, he shot a victim in the elbow.

WHEREAS, Mr. Garcia was sentenced to 300 months for these convictions. He has served over 185 months in prison for these crimes.

WHEREAS, Mr. Garcia now suffers from terminal stage-four lung cancer, and though he is undergoing treatment, the cancer continues to spread.

WHEREAS, Mr. Garcia is considered a low-risk to re-offend. In his over 16 years in custody on this offense, he has received just one serious infraction.

WHEREAS, in September 2020, the Clemency and Pardons Board reviewed Mr. Garcia's clemency petition. The testimony before the Board was that Mr. Garcia has shown remorse for his past conduct. Given his advanced lung cancer, doctors estimate that Mr. Garcia has just months to live. When released from prison, he intends to live the remainder of his life in the care of his wife and family.

WHEREAS, the King County Prosecuting Attorney supports Mr. Garcia's petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Garcia's sentence. In making this recommendation, the Board cited Mr. Garcia's health condition and his strong familial support network, as well as the support of the King County Prosecuting Attorney's Office.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crimes, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Edgar Rosendo Garcia's 2007 sentence for FIRST DEGREE ROBBERY, FIRST DEGREE ASSAULT, FIRST DEGREE UNLAWFUL FIREARM POSSESSION, and two counts of SECOND DEGREE ASSAULT in King County Superior Court Cause No. 04-1-13566-1-KNT, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in the below community transition plan. Under this plan, DOC shall have the authority to release Mr. Garcia as soon as Mr. Garcia receives DOC approval on his offender release plan and after DOC completes all appropriate notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Garcia must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Garcia shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, policies, rules, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.

4. As determined by DOC if his health permits, obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Not operate a motor vehicle without a valid driver's license and registration.
8. Not possess firearms, ammunition, explosives, or dangerous weapons as determined by DOC.
9. Complete a chemical dependency assessment and complete any treatment recommendations, as directed by DOC.
10. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
11. Be subject to regular drug and alcohol testing as directed by DOC.
12. Have no contact with known criminal felons, drug dealers, or individuals on active community supervision or in prison unless approved by DOC.
13. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Garcia shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision.

Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Garcia is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Garcia to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Garcia if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Garcia violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Garcia will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Garcia has provided to the Office of the Governor or, if Mr. Garcia is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Garcia submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Garcia an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Garcia has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Garcia is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony

in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Garcia will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Garcia may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Garcia may abscond if not detained. If detained, Mr. Garcia will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 29<sup>th</sup> day of September, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

#### **CONDITIONAL COMMUTATION OF DOUGLAS EDWARD GALLAGHER**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2007, a jury found Douglas Edward Gallagher guilty of two counts of FIRST DEGREE ROBBERY, and one count each of FIRST DEGREE BURGLARY, UNLAWFUL POSSESSION OF A FIREARM, and TAKING A MOTOR VEHICLE in King County Superior Court Cause No. 04-1-10392-1. The conviction followed events in 2004 in which Mr. Gallagher, while on methamphetamines, broke into a home while the victim was present and took a firearm. After fleeing that home, he stole a vehicle at gunpoint before being apprehended.

WHEREAS, this conviction followed other earlier serious felony convictions, resulting in Mr. Gallagher being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Gallagher has served 16 years in prison on this sentence. Mr. Gallagher is now considered a low-risk to reoffend.

WHEREAS, Mr. Gallagher has had no serious infractions in prison in over a decade.

WHEREAS, in June 2019, the Clemency and Pardons Board reviewed Mr. Gallagher's clemency petition. The testimony before the Board was that Mr. Gallagher has shown remorse for his past conduct, and he has been sober for over 10 years. He has prepared a strong reentry plan that includes the support of his wife of over 12 years, as well as encouraging employment prospects because of the dog training skills he developed while incarcerated.

WHEREAS, the King County Prosecuting Attorney does not object to Mr. Gallagher's petition so long as he ultimately serves at least 17 years in prison for this behavior.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Gallagher's sentence. In making this recommendation, the Board cited Mr. Gallagher's strong community transition plan, his seeking help to

confront his addictions, and the compelling letter of support submitted by his sentencing judge.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crimes, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Douglas Edward Gallagher's 2007 sentence on two counts of FIRST DEGREE ROBBERY, and one count each of FIRST DEGREE BURGLARY, UNLAWFUL POSSESSION OF A FIREARM, and TAKING A MOTOR VEHICLE in King County Superior Court Cause No. 04-1-10392-1, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in an in-custody transition plan, to be completed no later than August 1, 2021. While in custody, Mr. Gallagher must successfully complete a DOC-approved six-month work-release program. If Mr. Gallagher satisfies all phases of his in-custody transition plan by August 1, 2021, DOC shall have the authority to release him after first completing all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Gallagher must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Gallagher shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Not operate a motor vehicle without a valid driver's license and registration.
8. Not possess firearms, ammunition, explosives, or dangerous weapons as determined by DOC.
9. Not possess tools associated with burglary, unless possessed for legitimate reasons, as determined by DOC.
10. Complete a chemical dependency assessment and complete any treatment recommendations, as directed by DOC.
11. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
12. Not possess common drug-making chemicals, absent a legitimate reason for possessing them, as determined by DOC.
13. Not visit or work in bars, taverns, or other establishments in which alcohol or marijuana is the primary commodity being sold, unless approved by DOC.
14. Attend regular community substance abuse support programming, as instructed by DOC.
15. Be subject to regular drug and alcohol testing as directed by DOC.
16. Participate in polygraph testing as directed by DOC.
17. Not associate with known criminal felons, drug dealers, or gang members unless approved by DOC.
18. Have no contact with individuals on active community supervision or in prison unless approved by DOC.
19. Report to DOC all law enforcement contacts within 24 hours of occurrence.
20. Complete the Thinking for a Change program, if eligible and as the program may be available, as directed by DOC.

PROVIDED, that Mr. Gallagher shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Gallagher is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Gallagher to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Gallagher if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Gallagher violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Gallagher will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Gallagher has provided to the Office of the Governor or, if Mr. Gallagher is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Gallagher submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Gallagher an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Gallagher has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Gallagher is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Gallagher will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Gallagher may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above

conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Gallagher may abscond if not detained. If detained, Mr. Gallagher will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 21<sup>st</sup> day of April, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

### CONDITIONAL COMMUTATION OF IVAN FOWLER

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1997, a jury found Ivan Allan Fowler guilty of SECOND DEGREE ASSAULT in Cowlitz County Superior Court Cause No. 97-1-00441-9. This conviction followed events in which Mr. Fowler and the victim got into a fist fight which escalated when they brandished knives, and Mr. Fowler cut the victim.

WHEREAS, this conviction followed other earlier serious felony convictions, resulting in Mr. Fowler being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute.

WHEREAS, Mr. Fowler has served over 23 years in prison for this crime. Had he not been sentenced as a persistent offender; he would have been facing a statutory maximum ten year sentence and he would have been released over a decade ago.

WHEREAS, while incarcerated, Mr. Fowler has obtained work skills. He is a master welder and also has developed painting and plumbing skills.

WHEREAS, in December 2019, the Clemency and Pardons Board reviewed Mr. Fowler's clemency petition. The testimony before the Board was that Mr. Fowler has shown remorse for his past conduct, and he has a strong family and community support network that will provide him housing and employment opportunities.

WHEREAS, the Clemency and Pardons Board voted to recommend that the Governor commute Mr. Fowler's sentence. In making this recommendation, the Board cited Mr. Fowler's positive trajectory in recent years, as well as his strong family and community support network's willingness to provide Mr. Fowler housing, transportation, and employment opportunities.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Ivan Allan Fowler's 1997 sentence for SECOND DEGREE ASSAULT in Cowlitz County Superior Court Cause No. 97-1-00441-9, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections

(DOC) in an in-custody transition plan, to be completed no later than March 1, 2022. While in custody, Mr. Fowler must successfully complete a DOC-approved six-month work-release program. If Mr. Fowler satisfies all phases of his in-custody transition plan by March 1, 2022, DOC shall have the authority to release him after first completing all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Fowler must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Fowler shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for regular contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Unless DOC advises otherwise, obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Not operate a motor vehicle without a valid driver's license and registration.
8. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
9. Complete a substance abuse evaluation and complete any treatment recommendations, as directed by DOC.
10. Participate in regular substance abuse support groups, reporting participation as directed by DOC.
11. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
12. Not possess chemicals which one could reasonably believe may be used to make illicit drugs, as determined by DOC.
13. Not visit or work in bars, taverns, or other establishments in which alcohol or marijuana is the primary commodity being sold, unless approved by DOC.
14. Be subject to regular drug and alcohol testing as directed by DOC.
15. Have no contact with known criminal felons, drug dealers, or individuals on active community supervision or in prison unless approved by DOC.
16. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Fowler shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision.

Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Fowler is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Fowler to perform affirmative acts deemed

appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Fowler if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Fowler violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Fowler will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Fowler has provided to the Office of the Governor or, if Mr. Fowler is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Fowler submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Fowler an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Fowler has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Fowler is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Fowler will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Fowler may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Fowler may abscond if not detained. If detained, Mr. Fowler will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 16<sup>th</sup> day of November, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**FULL AND UNCONDITIONAL PARDON OF JASMINE AKEIA EDINGTON**

To All to Whom These Presents Shall Come, Greetings:  
WHEREAS, in 2008, Jasmine Akeia Edington pleaded guilty to FOURTH DEGREE ASSAULT and POSSESSING A DANGEROUS WEAPON ON SCHOOL GROUNDS in Clark County District Court, Cause Nos. 16131V and 73616. The

assault conviction resulted from events in which Ms. Edington, then in high school, got into a fight with another girl. The other conviction followed a consensual search of Ms. Edington's backpack at her high school, in which a pocketknife was found.

WHEREAS, Ms. Edington accepts responsibility for her behavior as a teenager, and she has satisfied all the conditions of her sentences.

WHEREAS, Ms. Edington has committed no felonies in the years since these two convictions. Ms. Edington earned her associate's degree in 2018 and is now pursuing a career in nursing.

WHEREAS, in September 2019, the Clemency and Pardons Board reviewed Ms. Edington's petition for a pardon. At her hearing, Ms. Edington presented testimony that these convictions prevent her from advancing in her nursing program. They also preclude her from chaperoning her children's school field trips.

WHEREAS, at the clemency hearing, nobody expressed opposition to Ms. Edington's petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor grant Ms. Edington a full pardon.

WHEREAS, at the time of her crimes, Ms. Edington was a teenager. The scientific and criminal justice communities have documented the difficulty the juvenile brain has in engaging in behavior control, often leading juveniles to exhibit a transient rashness, proclivity for risk, and inability to assess the full consequences of their actions. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crimes, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant Jasmine Akeia Edington this FULL AND UNCONDITIONAL PARDON for her FOURTH DEGREE ASSAULT and POSSESSING A DANGEROUS WEAPON ON SCHOOL GROUNDS convictions in Clark County District Court, Cause Nos. 16131V and 73616.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 17<sup>th</sup> day of June, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**CONDITIONAL COMMUTATION OF KENNETH DONALD**

To All to Whom These Presents Shall Come, Greetings:  
WHEREAS, in 1997, a jury found Kenneth Russell Donald guilty of FIRST DEGREE ROBBERY in Pierce County Superior Court Cause No. 96-1-03101-3. This conviction followed events in which Mr. Donald held up a state liquor store; though unarmed, he led witnesses to believe he was carrying a weapon.

WHEREAS, this conviction followed other earlier serious felony convictions, resulting in Mr. Donald being sentenced to life in prison without the possibility of parole under Washington's

persistent offender statute. Had he not been sentenced as a persistent offender; Mr. Donald would have been released from prison several years ago.

WHEREAS, Mr. Donald has served over 23 years in prison for this crime. The other serious felony offenses on Mr. Donald's record, his other "strike" offenses, are for second degree robbery. His criminal history is a product of his challenges with substance abuse.

WHEREAS, in 2019 the Washington State Legislature passed ESSB 5288, which prospectively removed second degree robbery from the list of serious offenses under the state's persistent offender statute. So, were Mr. Donald to be convicted on the present offense today, he would not qualify as a persistent offender.

WHEREAS, in his over-23 years incarcerated on this present offense, Mr. Donald has no major infractions.

WHEREAS, Mr. Donald is now over 70 years old, and he is experiencing significant health challenges.

WHEREAS, in September 2020, the Clemency and Pardons Board reviewed Mr. Donald's clemency petition. The testimony before the Board was that Mr. Donald has shown remorse for his past conduct, and he is eligible for veterans' health care and transitional housing programming.

WHEREAS, the Pierce County Prosecuting Attorney does not oppose Mr. Donald's petition.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Donald's sentence. In making this recommendation, the Board cited Mr. Donald's advanced age and medical condition, his family support network and availability of veterans' programming, as well as his openness and transparency about his past and future.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Kenneth Russell Donald's 1997 sentence for FIRST DEGREE ROBBERY in Pierce County Superior Court Cause No. 96-1-03101-3, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in the below community transition plan. Under this plan, DOC shall have the authority to release Mr. Donald as soon as Mr. Donald receives DOC approval on his offender release plan and after DOC completes all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Donald must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Donald shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for regular contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. As directed by DOC, obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or

other programming, and report it to DOC along with changes in status.

5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Not operate a motor vehicle without a valid driver's license and registration.
8. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
9. Complete a chemical dependency assessment and any treatment recommendations, as directed by DOC.
10. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
11. Be subject to regular drug and alcohol testing as directed by DOC.
12. Have no contact with known criminal felons, drug dealers, or individuals on active community supervision or in prison unless approved by DOC.
13. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Donald shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Donald is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Donald to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Donald if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Donald violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Donald will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Donald has provided to the Office of the Governor or, if Mr. Donald is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Donald submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Donald an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Donald has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Donald is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr.

Donald will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Donald may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Donald may abscond if not detained. If detained, Mr. Donald will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 4<sup>th</sup> day of December, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**FULL AND UNCONDITIONAL PARDON OF CHARLES WILLIAM DEJOHN**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1989, Charles William DeJohn pleaded guilty to violating the UNIFORM CONTROLLED SUBSTANCES ACT in King County Superior Court, Cause No. 89-1-01693-8. The conviction followed events in which Mr. DeJohn was growing marijuana in his home.

WHEREAS, Mr. DeJohn accepts responsibility for his behavior. He satisfied all the terms of his sentence, and a court discharged him from his sentence in 1991.

WHEREAS, Mr. DeJohn has not been convicted of any other crimes in over 25 years.

WHEREAS, in June 2019, the Clemency and Pardons Board reviewed Mr. DeJohn's petition for a pardon. At his hearing, Mr. DeJohn testified that he has maintained employment since this offense.

WHEREAS, at his hearing, Mr. DeJohn also testified that this conviction has posed challenges for his family. His wife is a state-certified caretaker for a dependent adult with special needs who has lived and received 24-hour care in Mr. DeJohn's home for several years. Because of state rules, Mr. DeJohn's conviction may require this dependent adult to move out of his home.

WHEREAS, the King County Prosecuting Attorney does not object to Mr. DeJohn's petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. DeJohn be granted a full pardon. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant Charles William DeJohn this FULL AND UNCONDITIONAL

PARDON for his violation of the UNIFORM CONTROLLED SUBSTANCES ACT in King County Superior Court, Cause No. 89-1-01693-8.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13<sup>th</sup> day of March, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**CONDITIONAL COMMUTATION OF JASON MICHAEL BULLERI-TILFORD**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2002, a jury found Jason Michael Bulleri-Tilford guilty of three counts of FIRST DEGREE ASSAULT in Pierce County Superior Court Cause No. 01-1-05604-4. The convictions followed events in which Mr. Bulleri-Tilford grabbed the steering wheel of his girlfriend's car while she was driving, forcing her car into oncoming traffic and causing a head-on collision, injuring several people.

WHEREAS, Mr. Bulleri-Tilford has served 18 years in prison on these convictions.

WHEREAS, in March 2019, the Clemency and Pardons Board reviewed Mr. Bulleri-Tilford's clemency petition. The testimony before the Board was that Mr. Bulleri-Tilford has shown remorse for his past conduct, and he has a strong family support network prepared to assist him in any eventual transition to the community. Testimony demonstrated that Mr. Bulleri-Tilford married while in prison and plans to pursue a career in computer science when he is released from custody.

WHEREAS, testimony before the Clemency Board also demonstrated that Mr. Bulleri-Tilford has accrued 4,000 hours as an electrical apprentice, and he has employment arranged for him upon his release.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Bulleri-Tilford's sentence. In making this recommendation, the Board cited Mr. Bulleri-Tilford's strong family and community support network, and his strong job skills and prospects for work upon his release to the community.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Jason Michael Bulleri-Tilford's 2002 sentence for three counts of FIRST DEGREE ASSAULT in Pierce County Superior Court Cause No. 01-1-05604-4, conditioned on his written agreement to comply with all terms outlined by DOC in the below community transition plan. Under this plan, DOC shall have the authority to release Mr. Bulleri-Tilford once Mr. Bulleri-Tilford receives DOC approval on his offender release plan and after DOC completes all appropriate notifications. Upon release from custody, Mr. Bulleri-Tilford will begin serving 36 months

of DOC community supervision. During this period of community supervision, Mr. Bulleri-Tilford must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Bulleri-Tilford shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders, and make regular payments on outstanding legal financial obligations.
3. Be available for contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
5. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
6. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
7. Not operate a motor vehicle without a valid driver's license and registration.
8. Not possess firearms, ammunition, explosives, or dangerous weapons as determined by DOC.
9. Not possess in the home, or use, alcohol or controlled substances, including medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
10. Do not possess chemicals which one could reasonably believe may be used to make illicit drugs, as determined by DOC.
11. Not visit or work in bars, taverns, or other establishments in which alcohol or marijuana is the primary commodity being sold, unless approved by DOC.
12. Attend regular community substance abuse support programming, as instructed by DOC.
13. Be subject to regular drug and alcohol testing as directed by DOC.
14. Obtain a domestic violence assessment within 90 days of the start of community supervision and follow any recommendations.
15. Complete stress and anger programming as approved by DOC within the first 14 months of community supervision.
16. Not associate with known criminal felons or gang members, unless approved by DOC.
17. Have no contact with known drug dealers, or individuals on active community supervision or in prison unless approved by DOC.
18. Report to DOC all law enforcement contacts within 24 hours of occurrence.
19. Complete the Thinking for a Change program during the first year of community supervision, if the program is available.

PROVIDED, that Mr. Bulleri-Tilford shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Bulleri-

Tilford is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Bulleri-Tilford to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Bulleri-Tilford if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Bulleri-Tilford violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Bulleri-Tilford will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Bulleri-Tilford has provided to the Office of the Governor or, if Mr. Bulleri-Tilford is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Bulleri-Tilford submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Bulleri-Tilford an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Bulleri-Tilford has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Bulleri-Tilford is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Bulleri-Tilford will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Bulleri-Tilford may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Bulleri-Tilford may abscond if not detained. If detained, Mr. Bulleri-Tilford will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15<sup>th</sup> day of April, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**CONDITIONAL COMMUTATION OF  
LOUIS BARROW JR.**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1999, a jury found Louis Barrow Jr. guilty of SECOND DEGREE MURDER in King County Superior Court Cause No. 98-1-00899-3. This conviction followed events in which Mr. Barrow, after breaking into a home, was fleeing from law enforcement at a high speed, eventually crossing the center-line and crashing into an oncoming car, killing its driver.

WHEREAS, this conviction followed other earlier serious felony convictions, resulting in Mr. Barrow being sentenced to life in prison without the possibility of parole under Washington's persistent offender statute. Had he not been sentenced as a persistent offender; Mr. Barrow would likely have already been released from prison.

WHEREAS, Mr. Barrow has served over 22 years in prison for this crime. Another of the serious felony offenses on Mr. Barrow's record, one of his "strike" offenses, is for attempted second degree robbery.

WHEREAS, in 2019 the Washington State Legislature passed ESSB 5288, which prospectively removed second degree robbery from the list of serious offenses under the state's persistent offender statute. So, were Mr. Barrow to be convicted on the present offense today, he would not qualify as a persistent offender.

WHEREAS, Mr. Barrow has maintained his sobriety for over a decade, and the Department of Corrections now classifies him as a low risk to reoffend.

WHEREAS, in December 2018, the Clemency and Pardons Board reviewed Mr. Barrow's clemency petition. The testimony before the Board was that during his incarceration, Mr. Barrow has accepted responsibility for his past behavior, matured, and rebuilt his family support network. He also has strong job prospects awaiting his reentry to the community.

WHEREAS, the King County Prosecuting Attorney supports Mr. Barrow's clemency petition.

WHEREAS, the Clemency and Pardons Board voted to recommend that the Governor commute Mr. Barrow's sentence. In making this recommendation, the Board cited Mr. Barrow's strong familial network and job prospects, his classification as a low risk to reoffend, his job history while incarcerated, and the remorse he showed for his past behavior.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Louis Barrow Jr.'s 1999 sentence for SECOND DEGREE MURDER in King County Superior Court Cause No. 98-1-00899-3, conditioned on his written agreement to comply with all terms outlined by the Department of Corrections (DOC) in the below community transition plan. Under this plan, DOC shall have the authority to release Mr. Barrow as soon as Mr. Barrow receives DOC approval on his offender release plan and after DOC completes all appropriate statutory notifications. He will then begin serving 36 months of DOC community supervision. During this period in custody and under community supervision, Mr. Barrow must comply with any conditions set forth by DOC. These conditions shall include, but not be limited to the following:

Mr. Barrow shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC.
2. Comply with all applicable judgment and sentence orders.
3. Be available for regular contact with DOC as directed, and consent to DOC home and employment visits and/or searches, including searches of person, automobiles, personal property, electronic devices, or social media accounts.
4. Participate in polygraph examinations, as directed by DOC, to verify compliance with this order.
5. As directed by DOC, obtain DOC-approved employment or enroll in DOC-approved educational, vocational, or other programming, and report it to DOC along with changes in status.
6. Reside in DOC-approved housing, and obtain DOC permission before changing residences or taking overnight visits away from the DOC-approved residence, even if just for one night.
7. Not travel outside his county of residence without written DOC approval, or remain in, or out of, a given geographical area as directed by DOC.
8. Not operate a motor vehicle without a valid driver's license and registration.
9. Not possess firearms, ammunition, explosives, or dangerous weapons, as determined by DOC.
10. Not possess in the home, or use, alcohol or controlled substances, including
11. medications or marijuana or paraphernalia, without a valid physician's prescription and DOC approval.
12. Participate in regular substance abuse support group meetings, if directed by DOC.
13. Not visit or work in bars or taverns or any environments where the primary business is alcohol or marijuana.
14. Be subject to regular drug and alcohol testing, as directed by DOC.
15. Not possess chemicals commonly used to make illegal drugs, as determined by DOC.
16. Not possess tools or burglary tools other than those used for legitimate purposes, as determined by DOC.
17. Have no contact with known criminal felons, drug dealers, or individuals on active community supervision or in prison unless approved by DOC.
18. Complete the Thinking for a Change program, as directed by DOC.
19. Report to DOC all law enforcement contacts within 24 hours of occurrence.

PROVIDED, that Mr. Barrow shall remain under DOC supervision and explicitly follow the conditions established by DOC during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Barrow is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Barrow to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Barrow if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Barrow violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Barrow will be immediately returned to any facility that the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the

Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Barrow has provided to the Office of the Governor or, if Mr. Barrow is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Barrow submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Barrow an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Barrow has violated the terms of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Barrow is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Barrow will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Barrow may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Barrow may abscond if not detained. If detained, Mr. Barrow will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14<sup>th</sup> day of December, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**FULL AND UNCONDITIONAL PARDON OF  
MANDEL JARVIS ABERNATHY JR.**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2007, Mandel Jarvis Abernathy, Jr. pleaded guilty to SECOND DEGREE ASSAULT in Pierce County Superior Court, Cause No. 07-1-1766-8. The conviction followed an altercation in which Mr. Abernathy was confronted by the victim, and then fought with him before shooting him.

WHEREAS, Mr. Abernathy accepts responsibility for his behavior. He has served his period of incarceration, and he has paid over \$28,000 in victim restitution and other legal financial obligations.

WHEREAS, Mr. Abernathy has committed no other crimes since this conviction. Following his incarceration, Mr. Abernathy completed a program at the Divers Institute of Technology.

WHEREAS, in June 2019, the Clemency and Pardons Board reviewed Mr. Abernathy's petition for a pardon. At his hearing, Mr. Abernathy testified that this conviction hinders his ability to secure consistent employment, find stable work opportunities, and advance professionally so that he may provide for his family.

WHEREAS, at his hearing, Mr. Abernathy also testified that this conviction makes it difficult for him to rent an apartment.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Abernathy be granted a full pardon. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant Mandel Jarvis Abernathy, Jr. this FULL AND UNCONDITIONAL PARDON for his SECOND DEGREE ASSAULT conviction in Pierce County Superior Court, Cause No. 07-1-1766-8.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 17<sup>th</sup> day of March, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

**REVOCATION OF  
SECOND AMENDED CONDITIONAL COMMUTATION  
OF  
JOSEPH SCOTT WHARTON**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Joseph Scott Wharton was convicted on April 22, 1997, of five counts of Robbery in the Second Degree in King County Superior Court Cause Number 97-1-00657-7 and sentenced to serve life without the possibility of parole under Washington's persistent offender law, otherwise known as the "Three Strikes" law.

WHEREAS, Mr. Wharton submitted a petition to the Washington State Clemency and Pardons Board in 2012, requesting that Governor Christine Gregoire commute his life sentence.

WHEREAS, Mr. Wharton showed considerable rehabilitation during his period of incarceration. Though Mr. Wharton had no reason to believe he would ever be released from prison, he proactively sought out and participated in whatever classes or programs were available to improve his life skills and enhance his education, in addition to counseling and treatment for his previous substance abuse and his ongoing recovery from addiction.

WHEREAS, following Mr. Wharton's Clemency and Pardons Board hearing on December 7, 2012, the Board issued a unanimous recommendation supporting the commutation of Mr. Wharton's life sentence. King County Prosecutor Dan Satterberg supported his conditional release; and the sentencing judge for his "third strike" offense, then-retired King County Superior Court Judge Michael J. Fox, also supported a commutation.

WHEREAS, on July 30, 2013, I commuted Mr. Wharton's sentence, contingent on a series of conditions to which Mr. Wharton agreed, including refraining from drug and alcohol use, participating in a residential treatment program, and regularly reporting to his community corrections officer for urinalysis testing. In October 2013, however, Mr. Wharton left his residential substance treatment program without permission and was later found to have violated the terms of his community supervision multiple times.

WHEREAS, following the findings that Mr. Wharton violated the terms of his July 30, 2013, Conditional Commutation, I revoked Mr. Wharton's Conditional Commutation on February 19, 2014.

WHEREAS, in the period following the revocation of Mr. Wharton's Conditional Commutation, he demonstrated further personal growth and maturity, and on July 6, 2017, I issued an Amended Conditional Commutation to allow him another opportunity to transition to the community. But after several months in the community following his re-release, in March 2019, Mr. Wharton again was found to have violated the terms of his Amended Conditional Commutation after he again used illegal drugs.

WHEREAS, following this violation of his Amended Conditional Commutation, I offered Mr. Wharton yet another opportunity to reenter society, and in September 2019, I issued his Second Amended Conditional Commutation, which released him to an inpatient substance abuse treatment program. Unfortunately, in November 2019, Mr. Wharton again violated his terms of community supervision when he used illegal drugs. Since this most recent violation of the terms of his community supervision and Second Amended Conditional Commutation, he has been detained by the Department of Corrections (DOC).

WHEREAS, while in DOC custody on this violation of the terms of his Second Amended Conditional Commutation, Mr. Wharton was infracted when he verbally assaulted DOC staff. According to Mr. Wharton's infraction report, "This behavior is a reflection of his ongoing escalating negative behavior patterns."

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington under RCW 10.01.120, revoke Mr. Wharton's Second Amended Conditional Commutation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 8<sup>th</sup> day of October, A.D., two thousand and twenty.

/s/  
Jay Inslee  
Governor



/s/  
Mark Neary  
Assistant Secretary of State

December 7, 2020

Amy Mann and Jaylia Lewis Seattle Clemency Project  
1317 Commercial St., Suite #204  
Bellingham, WA 98225

Re: Conditional Commutation - Douglas Edward Gallagher  
King County Cause No. 04-1-10392-1

Dear Ms. Mann and Ms. Lewis:

On April 21, 2020, I granted a Conditional Commutation to your client, Douglas Gallagher. At the time, the Department of Corrections (DOC) recommended that Mr. Gallagher complete a work release program before transitioning to community supervision no later than August 1, 2021. Consequently, I conditioned Mr. Gallagher's commutation on his completing a work release program on this timeline.

Recently, DOC re-reviewed Mr. Gallagher's circumstances, and it now recommends that I waive Mr. Gallagher's work release requirement and authorize his more immediate release.

Accordingly, with this addendum letter, I am waiving Mr. Gallagher's work release requirement. I am further clarifying that Mr. Gallagher shall be released to begin serving his 36-month term of community supervision as soon as DOC approves his offender release plan and completes all statutory release requirements.

All other conditions in Mr. Gallagher's Conditional Commutation shall remain unchanged.

Sincerely,  
/s/  
Jay Inslee  
Governor

April 16, 2020

Spencer Gheen Attorney at Law  
2701 First Ave., Suite 410 Seattle, WA 98121

Re: Conditional Commutation - Prenters Broughton III  
Pierce County Cause No. 00-1-00828-9

Dear Mr. Gheen:

On December 17, 2019, I granted a Conditional Commutation to your client, Prenters Broughton III. At the time, the Department of Corrections (DOC) recommended that Mr. Broughton complete a work release program before transitioning to community supervision no later than May 1, 2021. Consequently, I conditioned Mr. Broughton's commutation on his completing a work release program on this timeline.

Recently, DOC re-reviewed Mr. Broughton's circumstances, and it now recommends that I waive Mr. Broughton's work release requirement and authorize his more immediate release.

Accordingly, with this addendum letter, I am waiving Mr. Broughton's work release requirement. I am further clarifying that Mr. Broughton shall be immediately released to begin serving his 36-month term of community supervision as soon as DOC approves his offender release plan and completes all statutory release requirements.

All other conditions in Mr. Broughton's Conditional Commutation shall remain unchanged.

Sincerely,  
/s/  
Jay Inslee  
Governor

December 7, 2020

Byron P. Stevens Karr Tuttle Campbell  
701 Fifth Avenue, Suite 3300  
Seattle, WA 98104

Re: Conditional Commutation - Curtis Thornton  
Spokane County Superior Court Cause No. 96-1-00785-5

Dear Mr. Stevens:

On November 16, 2020, I granted a Conditional Commutation to your client, Curtis Thornton. At the time, the Department of Corrections (DOC) recommended that Mr. Thornton complete a work release program before transitioning to community supervision no later than March 1, 2022. Consequently, I conditioned Mr. Thornton's commutation on his completing a work release program on this timeline.

Recently, DOC re-reviewed Mr. Thornton's circumstances, and it now recommends that I waive Mr. Thornton's work release requirement and authorize his more immediate release.

Accordingly, with this addendum letter, I am waiving Mr. Thornton's work release requirement. I am further clarifying that Mr. Thornton shall be released to begin serving his 36-month term of community supervision as soon as DOC approves his offender release plan and completes all statutory release requirements.

All other conditions in Mr. Thornton's Conditional Commutation shall remain unchanged.

Sincerely,  
/s/  
Jay Inslee  
Governor

December 7, 2020

Spencer Gheen PKG Law, P.S.  
2701 First Avenue, Suite 410  
Seattle, WA 98121

Re: Conditional Commutation - Eugene Smith  
Snohomish County Cause No. 95-1-01611-6

Dear Mr. Gheen:

On June 17, 2020, I granted a Conditional Commutation to your client, Eugene Smith. At the time, the Department of Corrections (DOC) recommended that Mr. Smith complete a work release program before transitioning to community supervision no later than October 1, 2021. Consequently, I conditioned Mr. Smith commutation on his completing a work release program on this timeline.

Recently, DOC re-reviewed Mr. Smith's circumstances, and it now recommends that I waive

Mr. Smith's work release requirement and authorize his more immediate release.

Accordingly, with this addendum letter, I am waiving Mr. Smith's work release requirement. I am further clarifying that, upon completion of the in-custody treatment program that he just started, Mr. Smith shall be released to begin serving his 36-month term of community supervision once DOC approves his offender release plan and completes all statutory release requirements.

All other conditions in Mr. Smith's Conditional Commutation shall remain unchanged.

Sincerely,  
/s/  
Jay Inslee  
Governor

April 14, 2020

Harry H. Schneider Perkins Coie LLP  
1201 Third Ave., Suite 4900  
Seattle, WA 98101

Re: Conditional Commutation Addendum - Percy Levy Dear

Mr. Schneider:

On April 8, 2019, I granted a Conditional Commutation to your client, Percy Levy. At the time, the Department of Corrections (DOC) recommended that Mr. Levy complete a work release program before transitioning to community supervision no later than September 1, 2020. Consequently, I conditioned Mr. Levy's commutation on his completing a work release program on this timeline.

Recently, DOC re-reviewed Mr. Levy's circumstances, and it now recommends that I waive Mr. Levy's work release requirement.

Accordingly, with this addendum letter, I am waiving Mr. Levy's work release requirement. I am further clarifying that Mr. Levy shall be immediately released to begin serving his 48-month term of community supervision as soon as DOC approves his offender release plan and completes all statutory release requirements. With this letter, I also grant DOC the authority to transfer Mr. Levy to serve his term of community supervision in California where his wife resides. He shall serve this term of community supervision pursuant to an approved interstate compact with the State of California.

All other conditions in Mr. Levy's Conditional Commutation shall remain unchanged.

Sincerely,  
/s/  
Jay Inslee  
Governor

December 7, 2020

Thomas Hillier Perkins Coie  
1201 Third Ave., Suite 4900  
Seattle, WA 98101-3099

Re: Conditional Commutation - Dean Alan Royer  
Pierce County Cause No. 95-1-01997-0

Dear Mr. Hillier:

On April 21, 2020, I granted a Conditional Commutation to your client, Dean Royer. At the time, the Department of Corrections (DOC) recommended that Mr. Royer complete a work release program before transitioning to community supervision no later than May 1, 2021.

Consequently, I conditioned Mr. Royer's commutation on his completing a work release program on this timeline.

Recently, DOC re-reviewed Mr. Royer's circumstances, and it now recommends that I waive any remaining time on Mr. Royer's current work release program.

Accordingly, with this addendum letter, I am waiving the remaining duration of Mr. Royer's work release requirement. I am further clarifying that Mr. Royer shall be released to begin serving his 36-month term of community supervision as soon as DOC approves his offender release plan and completes all statutory release requirements.

All other conditions in Mr. Royer's Conditional Commutation shall remain unchanged.

Sincerely,  
/s/  
Jay Inslee

Governor

December 8, 2020

Thomas H. Wolfendale Attorney at Law  
925 Fourth Ave., Suite 2900  
Seattle, WA 98104

Re: Conditional Commutation - Freddie Hampton  
King County Cause No. 99-1-50929-0

Dear Mr. Wolfendale:

On April 21, 2020, I granted a Conditional Commutation to your client, Freddie Hampton. At the time, the Department of Corrections (DOC) recommended that Mr. Hampton complete a work release program before transitioning to community supervision no later than August 1, 2021.

Consequently, I conditioned Mr. Hampton's commutation on his completing a work release program on this timeline.

Recently, DOC re-reviewed Mr. Hampton's circumstances, and it now recommends that I waive Mr. Hampton's work release requirement and authorize his more immediate release.

Accordingly, with this addendum letter, I am waiving Mr. Hampton's work release requirement. I am further clarifying that Mr. Hampton shall be released to begin serving his 36-month term of community supervision as soon as DOC approves his offender release plan and completes all statutory release requirements.

All other conditions in Mr. Hampton's Conditional Commutation shall remain unchanged.

Sincerely,  
/s/  
Jay Inslee  
Governor

December 7, 2020

Joseph Bringman Perkins Coie LLP  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099

Re: Conditional Commutation - Leonard Norling  
Mason County Superior Court Cause No. 99-1-00011-1

Dear Mr. Bringman:

On November 16, 2020, I granted a Conditional Commutation to your client, Leonard Norling.

At the time, the Department of Corrections (DOC) recommended that Mr. Norling complete a work release program before transitioning to community supervision no later than March 1, 2022. Consequently, I conditioned Mr. Norling's commutation on his completing a work release program on this timeline.

Recently, DOC re-reviewed Mr. Norling's circumstances, and it now recommends that I waive Mr. Norling's work release requirement and authorize his more immediate release.

Accordingly, with this addendum letter, I am waiving Mr. Norling's work release requirement. I am further clarifying that Mr. Norling shall be released to begin serving his 36-month term of community supervision as soon as DOC approves his offender release plan and completes all statutory release requirements.

All other conditions in Mr. Norling's Conditional Commutation shall remain unchanged.

Sincerely,  
/s/  
Jay Inslee  
Governor

**FULL AND UNCONDITIONAL PARDON OF  
MANUEL SANDOVAL**

To All to Whom These Presents Shall Come, Greetings:  
WHEREAS, Manuel Sandoval was found guilty of MARIJUANA POSSESSION in Benton County District Court, Case No. J00511460, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Manuel Sandoval this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Benton County District Court, Case No. J00511460.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 18<sup>th</sup> day of November, A.D., two thousand and twenty.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

**FULL AND UNCONDITIONAL PARDON OF  
DWIGHT JAMES HAAK**

To All to Whom These Presents Shall Come, Greetings:  
WHEREAS, Dwight James Haak was found guilty of MARIJUANA POSSESSION in Cowlitz County District Court, Case No. C00610370, a misdemeanor offense.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which legalized the possession of small amounts of marijuana for personal recreational use for adults.

WHEREAS, this is the only criminal conviction on the petitioner's record.

WHEREAS, because of society's evolving views of adult marijuana use and the ongoing burden this conviction places on the petitioner, I have determined that the best interests of justice will be served by this action, as part of my Marijuana Justice Initiative.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Dwight James Haak this pardon for the misdemeanor conviction of MARIJUANA POSSESSION, in Cowlitz County District Court, Case No. C00610370.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at

Olympia on this 26<sup>th</sup> day of February, A.D., two thousand and twenty.



/s/  
Jay Inslee  
Governor

/s/  
Mark Neary  
Assistant Secretary of State

MESSAGE FROM OTHER STATE OFFICERS

January 11, 2021

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

For your information, the following reports have been submitted by the various agencies, departments, and taskforces and received by the Office of the Secretary of the Senate since the close of the previous session:

**Agriculture, Department of** – “*Electronic Cattle Transaction Reporting System, 2020 Report*”, pursuant to 16.57.450 RCW; “*Livestock Identification Program*”, pursuant to 16.57.460 RCW; “*Soil Health Initiative Biennial Progress Report for 2020*”, pursuant to 15.145.020 RCW; “*Recommendations of the Pollinator Health Task Force - for Pollinator Health in Washington, 2020 Report*”, in accordance with Substitute Senate Bill No. 5552;

**Attorney General, Office of the** – “*Implementing Deadly Force Data Collection: Reforms Necessary to Ensure Full Reporting*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Hate Crimes Advisory Working Group Report*”, pursuant to 43.10.300 RCW;

**Beef Commission, Washington State** – “*Beef Commission 2019-20 Annual Report*”, pursuant to 16.67.200 RCW;

**Board of Education and Professional Educator Standards Board** – “*Biennial Joint Report – 2020*”, pursuant to 28A.305.035 RCW;

**Children, Youth, and Families, Department of** – “*Quarterly DCYF Social Services Specialists Report, April - June 2020*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Quarterly DCYF Social Services Specialists Report, January - March 2020*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Quality Assurance Report, July 1, 2018 - June 30, 2019*”, pursuant to 74.13.260 RCW; “*Child Welfare Worker Training Improvement Plan*”, in accordance with Substitute Senate Bill No. 5955; “*Newborn Safe Surrender -- Information Collection 2009-2018*”, pursuant to 13.34.360 RCW; “*Quarterly DCYF Social Services Specialists Report, October - December 2019*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Behavioral Rehabilitation Services Semi-Annual Report, June 2020*”, in accordance with Engrossed Substitute House Bill No. 1109;

**Commerce, Department of** – “*Affordable Housing Cost Data 2020*”, in accordance with Substitute House Bill No. 1102; “*State Surplus Property Program, 2020 Annual Report of Inventory of State-Owned Real Properties and Recommendations*”, pursuant to 43.63A.510 RCW; “*Criminal Penalty Fees Related to Sexual Exploitation Crimes, Fiscal Year 2020 Report*”, pursuant to 43.280.100 RCW; “*Affordable and Supportive Housing Tax Credit*”, pursuant to 82.14.540 RCW; “*Impact Fee Deferral Report, 2020 Report*”, pursuant to 43.31.980 RCW; “*Associate Development Organizations, 2019-2020 Report*”, pursuant to

43.330.082 RCW; “*Energy and Climate Policy Advisory Committee: Report on Clean Energy Fund Recommendations*”, in accordance with Senate Bill No. 5116; “*2020 Child Care Policy Recommendations: Modeling the Cost of Quality, Improving the Working Connections Subsidy Program & Supporting Workforce Compensation and Development*”, pursuant to 43.330.527 RCW; “*Innovation Partnership Zone Program 2020 Biennial Report*”, pursuant to 43.330.270 RCW; “*Community Economic Revitalization Board 2020 Biennial Legislative Report*”, pursuant to 43.160 RCW; “*Community Economic Revitalization Board Rural Broadband Program 2020 Legislative Report*”, in accordance with Substitute House Bill No. 1102; “*Behavioral Health Facilities Report*”, in accordance with Substitute House Bill No. 1102; “*Financial Fraud and Identify Theft Investigation and Prosecution Program, 2019 Progress Report on Task Force and Recommendations*”, pursuant to 43.330.300 RCW; “*Impact Fee Deferral Report, 2019 Report*”, pursuant to 43.31.980 RCW; “*Human Trafficking Laws and Investigations, July 2017-June 2019*”, pursuant to 43.280.095 RCW; “*Financial Feasibility Review of Skagit Regional Public Facilities District Improvements to McIntyre Hall Performing Arts & Conference Center*”, pursuant to 35.57.025 RCW; “*Lead-Based Paint Program, Biennial Report, December 2019*”, pursuant to 70.103.050 RCW; “*School District Inventory Data Assessment*”, in accordance with Substitute House Bill No. 1102; “*Child Care Industry Assessment*”, pursuant to 43.330.529 RCW; “*Foreclosure Fairness Program Annual Report 2020*”, pursuant to 61.24.163 RCW; “*Green Economy, Final Report*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Bond Cap Allocation Program, 2020 Biennial Policy Report and Activity Summary*”, pursuant to 39.86.190 RCW; “*SeaTac International Airport Operations Study*”, in accordance with Engrossed Substitute Senate Bill No. 6032; “*Developmental Disabilities Ombuds Program Annual Report SFY 2020*”, in accordance with Engrossed Second Substitute Senate Bill No. 6564;

**Commercially Sexually Exploited Children Statewide Coordinating Committee** – “*Overview of Children's Advocacy Centers in Washington State*”, pursuant to 7.68.802 RCW;

**Community & Technical Colleges, State Board for (SBCTC)** – “*Community and Technical College Counselors Task Force Final Report*”, in accordance with Engrossed Substitute House Bill No. 1355;

**County Road Administration Board, Washington State** – “*Emergency Loan Program Usage Program - Establishment to October 31, 2020*”, pursuant to 36.78.130 RCW;

**Courts, Administrative Office of the** – “*District and Municipal Court Judges' Association Annual Report for 2020*”, pursuant to 3.70.040 RCW;

**Ecology, Department of** – “*Evaluation, Assessment, and Recommendations for the Responsible Management of Plastic Packaging in Washington*”, pursuant to 70A.520 RCW; “*Statewide Progress on Setting Instream Flows*”, pursuant to 90.82.080 RCW; “*Streamflow Restoration Law Update, Report to the Legislature*”, pursuant to 90.94 RCW; “*Walla Walla Pilot Local Water Management Program*”, in accordance with Second Substitute Senate Bill No. 5352; “*Cannabis Science Task Force Recommendations: Laboratory Quality Standards for Pesticides in Cannabis Plants*”, pursuant to 43.21A.735 RCW; “*Water Power License Fees: Expenditures, Recommendations, Accountability, and Recognition, June 2020*”, pursuant to 90.16.050 RCW; “*Priority Consumer Products, Safer Products for Washington Implementation Phase 2*”, pursuant to 70.365.030 RCW; “*Yakima River Basin Integrated Water*

*Resource Management Plan, Implementation Status Report 2019*", pursuant to 90.38.100 RCW;

**Education, Washington State Board of** – "*Graduation Pathway Options, 2020 Report*", pursuant to 28A.655.260 RCW; "*Mastery-based Learning, 2020 Report*", in accordance with Engrossed Second Substitute House Bill No. 1599;

**Environmental Justice Task Force** – "*Recommendations for Prioritizing Environmental Justice in Washington State Government 2020*", in accordance with Engrossed Substitute House Bill No. 1109;

**Financial Management, Office of** – "*Pupil Transportation Allocation Study: How the State Funds K-12 Student Transportation*", in accordance with Engrossed Substitute Senate Bill No. 6168; "*Prioritizing Actions and Investments for Climate Resiliency in Washington*", in accordance with Engrossed Substitute Senate Bill No. 6168; "*One Washington Quarterly Report, April - June 2020*", in accordance with Substitute Senate Bill No. 5883; "*Serve Washington: How State Government Can Better Invest in Volunteers*", in accordance with Substitute Senate Bill No. 5265;

**Fish and Wildlife, Department of** – "*Fish Passage Barrier Statewide Removal Strategy Progress Report*", pursuant to 77.95.160 RCW; "*Elk Herd Management Pilot Project Summary Report*", pursuant to 77.36.190 RCW; "*Eastern Washington Pheasant Enhancement Program Annual Report*", pursuant to 77.12.820 RCW; "*Puget Sound Recreational Fisheries Enhancement Fund, 2020 Report*", pursuant to 77.105.160 RCW; "*Puget Sound Recreational Fisheries Enhancement Fund, 2020 Report*", pursuant to 43.01.036 RCW; "*Coastal Marine Resources Committees Program, 2020 Report to the Legislature*", pursuant to 36.125.060 RCW; "*Derelict Shellfish Gear Removal and Disposal, 2020 Annual Report*", pursuant to 77.32.430 RCW; "*Status of Rockfish Research and Conservation Programs: July 2018 through June 2020, 2018-2020 Report to the Legislature*", pursuant to 77.12.702 RCW;

**Health Care Authority** – "*Inpatient Hospital Certified Public Expenditure Program, 2020 Report*", in accordance with Engrossed Substitute Senate Bill No. 6168; "*PEBB Health Benefit Plan: Cost and Utilization Trends, Demographics, and Impacts of Alternative Consumer-Directed Health Plan, 2020 Report*", pursuant to 41.05.065 RCW; "*Employment Status of Apple Health Care Clients and Non-Client Individuals Who Are Apple Health Care Clients, Statewide Data for Calendar Year 2019*", in accordance with Engrossed Substitute House Bill No. 3079; "*Reimbursement: Hospitals Serving Medicaid Clients in Long Term Inpatient Beds: Revised Rate Methodology for 90- and 180-Day Civil Commitment Beds*", in accordance with Engrossed Substitute Senate Bill No. 6168; "*Access to Behavioral Health Services for Children, 2020 Report*", pursuant to 74.09.495 RCW; "*Methods to secure doula reimbursement approval from CMS*", in accordance with Engrossed Substitute Senate Bill No. 6168; "*Enhancement for community based behavioral health services*", in accordance with Engrossed Substitute House Bill No. 1109; "*Service Coordination and Managed Care Performance Measure Report, Accountability Implementation Status 2020*", pursuant to 70.320.050 RCW; "*Nursing home upper payment limit calculation and supplemental payment model*", in accordance with Engrossed Substitute Senate Bill No. 6168; "*Consolidation of PEBB and SEBB programs*", in accordance with Engrossed Substitute House Bill No. 1109; "*Bree Collaborative Annual Report for 2020*", in accordance with Engrossed Substitute House Bill No. 1311; "*Assisted Outpatient Treatment Pilot Program*", in accordance with Engrossed Substitute House Bill No. 1109; "*Tax Equity and*

*Fiscal Responsibility Act (TEFRA) and Katie Beckett waivers*", in accordance with Engrossed Substitute Senate Bill No. 6168; "*Family Initiated Treatment expansion*", in accordance with Engrossed Second Substitute House Bill No. 1874; "*Child Health Services: Provider Performance*", pursuant to 74.09.475 RCW; "*Enhancement for Community Based Behavioral Health Services*", in accordance with Engrossed Substitute House Bill No. 1109; "*Care Delivery and Cost Effective Treatment for Adults on 90- or 180-Day Civil Commitments*", in accordance with Second Substitute House Bill No. 1394; "*Continuum of Care for Youth and Adults with Developmental Disabilities*", in accordance with Second Substitute House Bill No. 1394; "*All-Payer Health Care Claims Grants, January - June 2020 (no activity)*", pursuant to 43.371.080 RCW; "*Medicaid Managed Care Preventive Services and Vaccinations, 2020 Report*", in accordance with Engrossed Substitute House Bill No. 1109; "*Public Employees Benefits Board Annual Reports, Customer Service Complaints and Appeals, January - December 2019*", pursuant to 41.05.630 RCW; "*Children's Health Insurance Program Coverage and Public Employees*", in accordance with Engrossed Substitute Senate Bill No. 6168; "*Funding for Services in Institutions for Mental Diseases*", in accordance with Engrossed Substitute House Bill No. 1109; "*Diagnosis-Related Group High Outlier Claims*", in accordance with Engrossed Substitute House Bill No. 1109; "*Universal Health Care Work Group, May 2020 Update*", in accordance with Engrossed Substitute House Bill No. 1109; "*Medicaid Transformation Project (MTP) Demonstration, Section 1115 Waiver Quarterly Report for January - March 2020*", in accordance with Substitute Senate Bill No. 5883; "*Medicaid Quality Improvement Program (MQIP), January - March 2020*", in accordance with Engrossed Substitute Senate Bill No. 6168; "*Apple Health Dental Program*", in accordance with Engrossed Substitute House Bill No. 1109; "*Medicaid Transformation Project (MTP) Demonstration, Section 1115 Waiver Quarterly Report for July - September 2019*", in accordance with Substitute Senate Bill No. 5883; "*Medicaid Transformation Project (MTP) Demonstration, Section 1115 Waiver Quarterly Report for October - December 2019*", in accordance with Substitute Senate Bill No. 5883; "*New Journeys: Coordinated Specialty Care for First Episode Psychosis -- Early Identification and Intervention for Psychosis Statewide Implementation Plan: Initial Status Report*", in accordance with Second Substitute Senate Bill No. 5903; "*Apple Health Preferred Drug List: Implementing a Single, Standard Preferred Drug List for All Contracted Medicaid Fee-for-Service and Managed Care Health Systems: Final Report*", in accordance with Substitute Senate Bill No. 5883; "*Pediatric Primary Care Provider Reimbursement*", in accordance with Engrossed Substitute House Bill No. 1109;

**Health Insurance Pool, Washington State (WSHIP)** – "*Annual Report for 2019*", pursuant to 48.41.240 RCW;

**Health, Department of** – "*Safe Medication Return Program*", pursuant to 69.48.190 RCW; "*Mental Health Providers Credential Renewals, 2020 Report*", pursuant to 18.225.800 RCW; "*Foundational Public Health Services: Progress Toward Full Funding and Implementation, Transformation and Better Health*", pursuant to 43.70.515 RCW; "*Pharmacist Suicide Prevention Awareness Survey*", in accordance with Engrossed Substitute Senate Bill No. 6168; "*Colon Hydrotherapy*", in accordance with Engrossed Substitute Senate Bill No. 6168; "*Report on the Status of Consultations 2020*", pursuant to 43.06.468 RCW;

**Housing Finance Commission** – “*Affordable Housing Cost Data Report 2020*”, in accordance with Substitute House Bill No. 1102;

**Improving Institutional Education Programs and Outcomes Task Force** – “*Report to the Legislature 2020*”, in accordance with Engrossed Substitute House Bill No. 2116;

**Insurance Commissioner, Office of the** – “*Direct Practices in Washington State, 2020 Report*”, pursuant to 48.150.100 RCW; “*Fire Alarm and Smoke Detection Rate Discounts for Residences; Insurance Company Survey*”, in accordance with Engrossed Second Substitute Senate Bill No. 5284; “*Health Plan Prior Authorization Data, 2020 Report*”, pursuant to 48.43.0161 RCW; “*Health Plan Prior Authorization Data, 2020 Report*”, in accordance with Engrossed Substitute Senate Bill No. 6404; “*Individual Market Health Plans, Plan Year 2021*”, in accordance with Engrossed Substitute Senate Bill No. 5526; “*Mandated Health Benefits Report, 2021 Plan Year*”, pursuant to 48.43.715 RCW; “*Washington Disaster Resiliency Work Group Final Report*”, in accordance with Senate Bill No. 5106; “*Fixed-Payment Benefit Plans Annual Report for 2020*”, pursuant to 48.43.650 RCW; “*Medical Malpractice Statistical Summary for 2019, Report for Claims Closed from January 1 through December 15, 2019*”, pursuant to 48.140.050 RCW; “*Balanced Billing Protection Act Arbitration Proceedings*”, in accordance with Second Substitute House Bill No. 1065;

**Labor and Industries, Department of** – “*Janitorial Workload Study Progress Report*”, in accordance with Engrossed Substitute Senate Bill No. 6032; “*Adult Entertainer Advisory Committee Report 2020*”, pursuant to 49.17.470 RCW; “*Office of the Ombuds for Injured Workers of Self-Insured Employers, July 2019 - June 2020*”, pursuant to 51.14.400 RCW;

**Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board** – “*Interruptive Military Service Credit Study*”, in accordance with Substitute House Bill No. 2544; “*King County EMT Study 2020*”, in accordance with Engrossed Substitute Senate Bill No. 6168;

**Military Department** – “*2020 Report to the Legislature*”, pursuant to 38.52.073 RCW; “*911 Cost Study; Interim Summary Report to the Legislature*”, in accordance with Engrossed Substitute House Bill No. 1109;

**Natural Resources, Department of** – “*Emergency Fire Suppression, Monthly Report for September 2020*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Emergency Fire Suppression, Monthly Report for June 2020*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Electric Utility Wildland Fire Prevention Task Force, request for extension to submit final report*”, in accordance with Substitute Senate Bill No. 5305; “*Forest Practices Adaptive Management Program*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Emergency Fire Suppression, Monthly Report for August 2020*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Emergency Fire Suppression, Monthly Report for July 2020*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Emergency Fire Suppression, Monthly Report for May 2020*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Commercial Real Estate: Diversified Sources of Revenue for State Trust Land Beneficiaries, File 1*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Commercial Real Estate: Diversified Sources of Revenue for State Trust Land Beneficiaries, File 2*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Emergency Fire Suppression, Monthly Report for April 2020*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Emergency Fire Suppression Report for October 2021*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Zero-Based Budget and Performance Review of*

*its Resource Protection Program and the Wildfire Program Operating Budget and Activities*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Forest Health Treatment Prioritization and Implementation on State Trust Lands in Eastern Washington*”, in accordance with Engrossed Second Substitute House Bill No. 1711; “*Forest Health Assessment and Treatment Framework*”, in accordance with Second Substitute House Bill No. 1784 and pursuant to 76.06.200 RCW; “*Summary of Natural and Working Lands Carbon Inventories and Incentive Programs in Washington*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Wildfire Season Summary 2020*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Trust Lands Performance Assessment: Update and Key Findings, 2020 Report*”, in accordance with Substitute House Bill No. 1102; “*Trust Lands Performance Assessment Letter*”, in accordance with Engrossed Substitute Senate Bill No. 6095;

**Noxious Weed Control Board, Washington State** – “*Pollinator Forage Report*”, in accordance with Engrossed House Bill No. 2478;

**Nursing Care Quality Assurance Commission** – “*Long-term Care Workforce Development Progress Report*”, in accordance with Engrossed Substitute House Bill No. 1109;

**Office of Equity Task Force** – “*Office of Equity Task Force Final Proposal*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Office of Equity Task Force Final Proposal Appendices*”, in accordance with Engrossed Substitute House Bill No. 1109;

**Pacific Northwest University of Health Sciences** – “*Student Loan Information Compliance Report for June 2020*”, in accordance with Substitute Senate Bill No. 5022; “*Student Loan Information Compliance Report for December 2020*”, in accordance with Substitute Senate Bill No. 5022;

**Pension Policy, Select Committee on** – “*Interruptive Military Service Credit Study*”, in accordance with Substitute House Bill No. 2544; “*Study of Administrative Practices under Chapter 41.54 RCW*”, in accordance with Engrossed Substitute Senate Bill No. 6168;

**Pollution Liability Insurance Agency** – “*Underground Storage Tank Revolving Loan and Grant Program, 2017-2019 Biennium Report*”, pursuant to 70A.345.090 RCW;

**Professional Educator Collaborative** – “*Preliminary Report to the Washington Legislature*”, in accordance with Engrossed Second Substitute House Bill No. 1139;

**Public Health, Seattle and King County** – “*Community Health and Airport Operations Related Noise and Air Pollution Report*”, in accordance with Engrossed Substitute House Bill No. 1109;

**Public Works Board** – “*Public Works Board, Fiscal Year 2020 Infrastructure Loans and Grants*”, pursuant to 43.155.070 RCW;

**Puget Sound Regional Council** – “*Transit Integration Report for 2020*”, pursuant to 47.66.110 RCW;

**Real Estate Research, Washington Center for** – “*Housing Market Data Toolkit*”, pursuant to 36.70A.610 RCW;

**Revenue, Department of** – “*Improvements to Single-Family Dwellings Exemption Review, 2020 Report*”, in accordance with Second Substitute Senate Bill No. 6231; “*Hospital Benefit Zone Financing Program Report, 2020 Report covering Calendar Year 2019*”, pursuant to 82.14.470 RCW; “*Local Revitalization Financing Program Report, 2020 Report covering Calendar Year 2019*”, pursuant to 82.32.765 RCW; “*Report of Payments in Lieu of Property Tax on Certain Public Utility District Broadband Network Property*”, in accordance with Engrossed Substitute Senate Bill No. 6034; “*Report on the Status of Consultations 2020*”, pursuant to 43.06.468 RCW; “*Local Business Licensing*

*Progress Report, 2020*", pursuant to 35.90.020 RCW; "*State Agency Business Licensing Information for 2020*", pursuant to 19.02.055 RCW; "*State Agency Business Licensing Information for 2020 Appendix*", pursuant to 19.02.055 RCW; "*Tribal Compacting Report, 2021 Report to the Legislature*", in accordance with Engrossed Substitute Senate Bill No. 6168; "*Descriptive Statistics for Tax Incentive Programs, Covering Calendar Year 2019 Activity*", pursuant to 82.32.534 RCW;

**Sexual Assault Coordinated Community Response Task Force** – "*2020 Preliminary Report*", in accordance with Substitute Senate Bill No. 6158;

**Sexual Assault Forensic Examination Best Practices Task Force** – "*2020 Annual Report to the Legislature and Governor*", in accordance with Second Substitute House Bill No. 1166;

**Sheriffs and Police Chiefs, Washington Association of** – "*Mental Health Field Response Teams Grant Program, 2020 Report*", in accordance with House Bill No. 2892; "*Washington State Sexual Assault Kit Initiative Project, 2020 Report*", pursuant to 36.28A.430 RCW; "*Arrest and Jail Alternatives -- Law Enforcement Grant Program, 2020 Report*", in accordance with Second Substitute House Bill No. 1767; "*Racial Profiling Progress Report 2020*", pursuant to 43.101 RCW; "*Washington State Denied Firearms Transaction Program, 2020 Annual Report*", in accordance with Substitute House Bill No. 1501 43.43.823 RCW; "*Washington State Registered Sex and Kidnapping Offender Address and Residency Verification Grant Program, 2020 Annual Report*", pursuant to 36.28A.230 RCW; "*Eyewitness Evidence, Final Report to the Legislative Work Group on Guidelines for the Collection of Eyewitness Evidence and Recommendations for Law Enforcement Training*", in accordance with Substitute Senate Bill No. 5714;

**Social & Health Services, Department of** – "*Refugee and Immigrant Employment Services, 2019 Report*", in accordance with Engrossed Substitute House Bill No. 1109; "*Federal Assistance Options for Washington College Grant Recipients*", in accordance with Second Substitute House Bill No. 1893; "*Five-Year Plan to Reduce Intergenerational Poverty and Promote Self-Sufficiency*", pursuant to 74.08A.505 RCW; "*WorkFirst Wage Progression Report through First Quarter 2019*", pursuant to 74.08A.411 RCW; "*State Hospital Staffing Levels Compared to Allotments October - December 2019*", in accordance with Engrossed Substitute House Bill No. 1109; "*WorkFirst Maintenance of Effort and Work Participation Rate, July - September 2019*", in accordance with Engrossed Substitute House Bill No. 1109; "*WorkFirst Wage Progression Report through Second Quarter 2019*", pursuant to 74.08A.411 RCW; "*State Hospital Staffing Levels Compared to Allotments January - March 2020*", in accordance with Engrossed Substitute House Bill No. 1109; "*State Hospital Joint Nurse Staffing Committee Staffing Model, 2019*", in accordance with Engrossed Substitute House Bill No. 1109; "*Eastern State Hospital Staffing Status Report for Fiscal Year 2020*", in accordance with Engrossed Substitute House Bill No. 1109; "*Department Efforts to Reduce Violence in the State Hospitals, September 2020*", pursuant to 72.23.451 RCW; "*Assisted Living Facility Quality Measures, 2020 Report*", pursuant to 18.20.510 RCW; "*WorkFirst Spending Plan Monitoring Report, 3rd Quarter State Fiscal Year 2020, as of March 31, 2020*", pursuant to 74.08A.341 RCW; "*WorkFirst Spending Plan Monitoring Report, as of March 31, 2020, Spreadsheet*", pursuant to 74.08A.341 RCW; "*WorkFirst Maintenance of Effort and Work Participation Rate, October - December 2019*", in accordance with Engrossed Substitute Senate Bill No. 6168; "*WorkFirst Wage Progression Report through Third Quarter 2019*", pursuant to 74.08A.411 RCW;

"*Adult Family Home Training Network, Report to the Legislature*", in accordance with Second Substitute Senate Bill No. 5672; "*Washington Connection Benefit Portal 2020 Report*", pursuant to 74.04.225 RCW; "*Basic Food Employment and Training Program (BFET) Expansion, 2020 Report*", pursuant to 74.04.535 RCW; "*WorkFirst Spending Plan Monitoring Report, 4th Quarter State Fiscal Year 2020, as of June 30, 2020*", pursuant to 74.08A.341 RCW; "*WorkFirst Maintenance of Effort and Work Participation Rate, January - March 2020*", in accordance with Engrossed Substitute Senate Bill No. 6168; "*Individual Provider Overtime Annual Expenditures, Fiscal Year 2020 Report*", pursuant to 74.39A.275 RCW; "*WorkFirst Wage Progression Report through Fourth Quarter 2019*", pursuant to 74.08A.411 RCW; "*State Hospital Staffing Levels Compared to Allotments April - June 2020*", in accordance with Engrossed Substitute House Bill No. 1109; "*Forensic Admissions and Evaluations - Performance Targets 2020 First Quarter (January 1, 2020 - March 31, 2020)*", pursuant to 10.77.068 RCW; "*Enhanced Respite Services for Children Ages 8-21*", in accordance with Engrossed Substitute House Bill No. 1109; "*Community Respite Services for Adults*", in accordance with Engrossed Substitute House Bill No. 1109; "*Personal Care in Homeless Shelter Pilot Report*", in accordance with Engrossed Substitute House Bill No. 1109; "*Language Access Providers*", in accordance with House Bill No. 2691; "*Long-Term Services and Supports Trust Commission Recommendations Report*", pursuant to 50B.04.030 RCW; "*Western State Hospital - City of Lakewood Community Policing Program*", in accordance with Engrossed Substitute Senate Bill No. 6168; "*Examining Temporary Assistance for Needy Families; Time Limit and Sanction Data, Disaggregated by Race and Ethnicity*", pursuant to 74.08A.265 RCW; "*Comprehensive Study of the WorkFirst Transportation Pilot*", in accordance with Engrossed Substitute House Bill No. 1109; "*WorkFirst Spending Plan Monitoring Report, 1st Quarter State Fiscal Year 2021, as of September 30, 2020*", pursuant to 74.08A.341 RCW; "*Nursing Facility Rates/Costs Comparison Report*", pursuant to 74.46.561 RCW;

**Transportation, Department of** – "*Public Transportation Mobility Report for 2020*", pursuant to 47.66 RCW; "*Transit Integration Report for 2020, Puget Sound Regional Council*", pursuant to 35.58.2796 RCW; "*Interstate Bridge Replacement Program, Conceptual Financial Plan*", in accordance with Engrossed Substitute House Bill No. 1160; "*Interstate Bridge Replacement Program, December 2020 Progress Report*", in accordance with Engrossed Substitute House Bill No. 1160; "*Allotment Modification Report*", in accordance with Engrossed Substitute House Bill No. 2322; "*Surety Bonding Accessibility Study: OMWBE and HUB Contractors*", in accordance with Engrossed Substitute Senate Bill No. 6168; "*Washington Electric Aircraft Feasibility Study*", in accordance with Engrossed Substitute House Bill No. 2322; "*Pre-Apprentice Support Services and On-the-Job Training Support Services Program, 2020 Report*", pursuant to 47.01.435 RCW; "*Public Transportation, 2019 Summary*", pursuant to 35.58.2796 RCW; "*Select Appropriations - Toll Division Allocation Analysis*", in accordance with Engrossed Substitute House Bill No. 2322; "*Stakeholder Recommendations for a Washington State Freight Advisory Committee*", in accordance with Engrossed Substitute House Bill No. 2322; "*I-405 Express Toll Lanes and SR 167 HOT Lanes: 57 Months of Operations, April - June 2020*", pursuant to 47.56.880 RCW; "*Capital Projects and Nickel/TPA/Connecting Washington Projects Quarterly Reports - 2019-2021 Biennium Quarter 5*", in accordance with Engrossed Substitute House Bill No. 2322; "*Fund Transfers Report (TPA and Connecting*

*Washington Accounts, July - September 2020*", in accordance with Engrossed Substitute House Bill No. 2322; "*Fund Transfers Report, July - September 2020*", in accordance with Engrossed Substitute House Bill No. 2322; "*Safety Rest Area Free Coffee Program Report*", in accordance with Engrossed Substitute House Bill No. 1160; "*Pedestrian and Bicyclist Program and Safe Routes to Schools Program, 2021-2023 Prioritized Project List and Program Update Document*", in accordance with Engrossed Substitute House Bill No. 1160; "*Cascadia Ultra High Speed Ground Transportation: Framework for the Future Final Report*", in accordance with Engrossed Substitute House Bill No. 2322; "*Toll Division Proviso Report, July - September 2020*", in accordance with Engrossed Substitute House Bill No. 1160; "*Studded-Tire Damage Public Information Campaign Report*", in accordance with Engrossed Substitute House Bill No. 1160; "*Pre-Apprentice Support Services Program, 2015 - 2020 Summary Report*", pursuant to 47.01.435 RCW; "*Pre-Apprentice Support Services Program, 2015 - 2020 Summary Report*", pursuant to 47.01.435 RCW; "*Ferries Division - Fiscal Year 2020 Performance Report*", pursuant to 47.64.360 RCW; "*Cooper Jones Active Transportation Safety Advisory Council 2020 Annual Report*", pursuant to 43.59.156 RCW; "*Commercial Aviation Coordinating Commission 2020 Report*", in accordance with Substitute Senate Bill No. 5370; "*Performance-based Project Evaluation Feasibility Report*", in accordance with Engrossed Substitute House Bill No. 2322; "*Practical Design Savings on Connecting Washington Funded Projects, December 2020*", pursuant to 47.01.480 RCW; "*Toll Division Proviso Report, April - June 2020*", in accordance with Engrossed Substitute House Bill No. 1160; "*Fund Transfers Report (TPA and Connecting Washington Accounts), April - June 2020*", in accordance with Engrossed Substitute House Bill No. 2322; "*Fund Transfers Report, April - June 2020*", in accordance with Engrossed Substitute House Bill No. 2322; "*Tort Judgments and Settlements Pertaining to Washington State Ferries and Non-WSF Operations, April - June 2020*", in accordance with Engrossed Substitute House Bill No. 1160; "*Surplus Property in South King County*", in accordance with Engrossed Substitute House Bill No. 1160; "*2020 Biennial Transportation Attainment Report*", pursuant to 47.04.285 RCW; "*Construction Program Business Plan Biennial Progress Report, September 2020*", pursuant to 47.01.495 RCW; "*Capital Projects and Nickel/TPA/Connecting Washington Projects Quarterly Reports - 2019-2021 Biennium Quarter 4*", in accordance with Engrossed Substitute House Bill No. 2322; "*Fish Passage Barrier Statewide Removal Strategy Progress Report*", pursuant to 77.95.160 RCW; "*Freight Rail Assistance Program/Freight Rail Investment Bank Project Lists for 2021-2023*", in accordance with Engrossed Substitute House Bill No. 2322; "*Tort Judgments and Settlements Pertaining to Washington State Ferries and Non-WSF Operations, July - September 2020*", in accordance with Engrossed Substitute House Bill No. 1160; "*Transit, Bicycle & Pedestrian Expenditure Report FY 2020*", in accordance with Engrossed Substitute House Bill No. 2322; "*Green Transportation Capital Grant Program Prioritized Project List 2021-2023*", in accordance with Engrossed Second Substitute House Bill No. 2042; "*Toll Division Proviso Report, January - March 2020*", in accordance with Engrossed Substitute House Bill No. 1160; "*I-405 Express Toll Lanes and SR 167 HOT Lanes: 54 Months of Operations, January - March 2020*", pursuant to 47.56.880 RCW; "*Rail Fixed Guideway Public Transportation System Safety Report for 2019*", pursuant to 81.104.115 RCW; "*Practical Design Savings on Connecting Washington Funded Projects, July 2020*", pursuant to 47.01.480 RCW; "*Project*

*Delivery Status Report, through March 2020*", in accordance with Engrossed Substitute House Bill No. 2322; "*Capital Projects and Nickel/TPA/Connecting Washington Projects Quarterly Reports - 2019-2021 Biennium Quarter 3*", in accordance with Engrossed Substitute House Bill No. 2322; "*SR 518 - SR 509 to I-5 -- Corridor Planning Study*", in accordance with Engrossed Substitute House Bill No. 1160; "*I-405 Express Toll Lanes and SR 167 HOT Lanes: 51 Months of Operations, October - December 2019*", pursuant to 47.56.880 RCW; "*Traffic Operations: 2017-2019 Low Cost Enhancement Program*", in accordance with Engrossed Substitute House Bill No. 1160; "*Tort Judgments and Settlements Pertaining to Washington State Ferries and Non-WSF Operations, January - March 2020*", in accordance with Engrossed Substitute House Bill No. 1160; "*Fund Transfers Report, January - March 2020*", in accordance with Engrossed Substitute House Bill No. 2322; "*Fund Transfers Report (TPA and Connecting Washington Accounts), January - March 2020*", in accordance with Engrossed Substitute House Bill No. 2322;

**University of Washington** – "*Today's Changes for Serving Tomorrow's Diverse Communities: Increasing the Latino Physician Workforce Now - Final Report*", in accordance with Engrossed Substitute House Bill No. 1109;

**Utilities and Transportation Commission** – "*Status Report on Revisions to Establishing Marine Pilotage Tariffs*", in accordance with Substitute Senate Bill No. 6519;

**Walla Walla Watershed Management Partnership** – "*Walla Walla Pilot Local Water Management Program*", in accordance with Second Substitute Senate Bill No. 5352;

**Washington State Patrol** – "*Sexual Assault Kit Tracking System: Data Reporting for February - July 2020*", in accordance with Second Substitute House Bill No. 2530; "*Quarterly Report on Recruitment and Retention Activities, July 1 - September 30, 2020*", in accordance with Engrossed Substitute House Bill No. 1160; "*DNA Testing of Washington's Sexual Assault Kits: Annual Report to the Legislature and Governor 2020*", pursuant to 5.70.040 RCW; "*State Fire Service Mobilization Report 2020*", pursuant to 43.43.965 RCW; "*Centralized Firearms Background Check Program Implementation Plan*", in accordance with Engrossed Second Substitute House Bill No. 2467.

Copies of these reports are available from the Office of the Secretary of the Senate.

Sincerely,

/s/

Brad Hendrickson

SECRETARY OF THE SENATE

MOTION

At 2:26 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 noon, Tuesday, January 12, 2021.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**SECOND DAY**

---

**NOON SESSION**

---

Senate Chamber, Olympia  
 Tuesday, January 12, 2021

The Senate was called to order at 12:00 o'clock noon by the President Pro Tempore, Senator Keiser presiding. No roll call was taken.

**MOTION**

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

**MESSAGE FROM THE HOUSE**

January 12, 2021

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,  
 HOUSE CONCURRENT RESOLUTION NO. 4401,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

**SIGNED BY THE PRESIDENT**

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE CONCURRENT RESOLUTION NO. 4400  
 and HOUSE CONCURRENT RESOLUTION NO. 4401.

**MOTION**

At 12:01 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purpose of Joint Session.

---

**JOINT SESSION**

---

Pursuant to House Concurrent Resolution No. 4401, the Speaker of the House of Representatives called the Joint Session to order. The Clerk called the roll of the House members. The Clerk called the roll of the Senate members. A virtual quorum of the Legislature was present.

Madam Speaker: "The purpose of this Joint Session is to comply with the constitutional requirement of canvassing the vote for and against referenda and initiatives and for the constitutional elective officers."

**MESSAGES FROM THE SECRETARY OF STATE**

**Canvass of the Returns of the General Election  
 Held on November 3, 2020**

I, Kim Wyman, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.250, I have canvassed the returns of the 4,116,894 votes cast in the November 3, 2020 General Election by the registered voters of the state for all statewide measures, statewide offices, those legislative and judicial offices whose jurisdiction encompasses more than one county, as received from the County

Auditors. The votes cast for these measures and these candidates are as follows:

**Referendum Measure No. 90**

The legislature passed Engrossed Substitute Senate Bill 5395 concerning comprehensive sexual health education. This bill would require school districts to adopt or develop, consistent with state standards, comprehensive age-appropriate sexual health education, as defined, for all students, and excuse students if their parents request.

Approved 2,283,630  
 Rejected 1,665,906

**Advisory Vote No. 32**

**Engrossed Substitute Senate Bill 5323**

The legislature imposed, without a vote of the people, a retail sales tax on pass-through charges retail establishments collect for specified carryout bags, costing \$32,000,000 in its first ten years, for government spending.

Repealed 2,350,996  
 Maintained 1,488,767

**Advisory Vote No. 33**

**Substitute Senate Bill 5628**

The legislature imposed, without a vote of the people, a tax on heavy equipment rentals to consumers by heavy equipment rental property dealers, costing \$103,000,000 in its first ten years, for government spending.

Repealed 2,262,993  
 Maintained 1,533,746

**Advisory Vote No. 34**

**Engrossed Substitute Senate Bill 6492**

The legislature increased, without a vote of the people, the business and occupation tax rate for certain businesses, while reducing certain surcharges, costing \$843,000,000 in its first ten years, for government spending.

Repealed 2,334,609  
 Maintained 1,430,112

**Advisory Vote No. 35**

**Engrossed Senate Bill 6690**

The legislature increased, without a vote of the people, the business and occupation tax on manufacturers of commercial airplanes, including components or tooling, costing \$1,024,000,000 in its first ten years, for government spending.

Repealed 2,064,701  
 Maintained 1,725,885

**Engrossed Senate Joint Resolution No. 8212**

The legislature has proposed a constitutional amendment on investment of public funds. This amendment would allow public money held in a fund for long-term care services and supports to be invested by governments as authorized by state law, including investments in private stocks.

Approved 1,738,080  
 Rejected 2,069,809

**US President/Vice President**

Candidate	Party	Votes
Joseph R. Biden / Kamala D. Harris	(Democratic Party Nominees)	2,369,612
Donald J. Trump / Michael R. Pence	(Republican Party Nominees)	1,584,651
Jo Jorgensen / Jeremy "Spike" Cohen	(Libertarian Party Nominees)	80,500
Howie Hawkins / Angela Walker	(Green Party Nominees)	18,289

Gloria La Riva / Sunil Freeman	(Socialism and Liberation Party Nominees)	4,840
Alyson Kennedy / Malcolm M. Jarrett	(Socialist Workers Party Nominees)	2,487
WRITE-IN		27,252

**Congressional District 1 - U.S. Representative**

Candidate	Party Preference	Votes
Suzan DelBene	(Prefers Democratic Party)	249,944
Jeffrey Beeler, Sr.	(Prefers Republican Party)	176,407
WRITE-IN		511

**Congressional District 2 - U.S. Representative**

Candidate	Party Preference	Votes
Rick Larsen	(Prefers Democratic Party)	255,252
Timothy S. Hazelo	(Prefers Republican Party)	148,384
WRITE-IN		962

**Congressional District 3 - U.S. Representative**

Candidate	Party Preference	Votes
Jaime Herrera Beutler	(Prefers Republican Party)	235,579
Carolyn Long	(Prefers Democratic Party)	181,347
WRITE-IN		977

**Congressional District 4 - U.S. Representative**

Candidate	Party Preference	Votes
Dan Newhouse	(Prefers Republican Party)	202,108
Douglas E. McKinley	(Prefers Democratic Party)	102,667
WRITE-IN		488

**Congressional District 5 - U.S. Representative**

Candidate	Party Preference	Votes
Cathy McMorris		
Rodgers	(Prefers Republican Party)	247,815
Dave Wilson	(Prefers Democratic Party)	155,737
WRITE-IN		808

**Congressional District 6 - U.S. Representative**

Candidate	Party Preference	Votes
Derek Kilmer	(Prefers Democratic Party)	247,429
Elizabeth Kreiselmaier	(Prefers Republican Party)	168,783
WRITE-IN		1,004

**Congressional District 7 - U.S. Representative**

Candidate	Party Preference	Votes
Pramila Jayapal	(Prefers Democratic Party)	387,109
Craig Keller	(Prefers Republican Party)	78,240
WRITE-IN		1,113

**Congressional District 8 - U.S. Representative**

Candidate	Party Preference	Votes
Kim Schrier	(Prefers Democratic Party)	213,123
Jesse Jensen	(Prefers Republican Party)	198,423
WRITE-IN		566

**Congressional District 9 - U.S. Representative**

Candidate	Party Preference	Votes
Adam Smith	(Prefers Democratic Party)	258,771
Doug Basler	(Prefers Republican Party)	89,697
WRITE-IN		582

**Congressional District 10 - U.S. Representative**

Candidate	Party Preference	Votes
Marilyn Strickland	(Prefers Democratic Party)	167,937
Beth Doglio	(Prefers Democratic Party)	121,040
WRITE-IN		51,430

**Governor**

Candidate	Party Preference	Votes
Jay Inslee	(Prefers Democratic Party)	2,294,243
Loren Culp	(Prefers Republican Party)	1,749,066
WRITE-IN		13,145

**Lieutenant Governor**

Candidate	Party Preference	Votes
Denny Heck	(Prefers Democratic Party)	1,658,405
Marko Liias	(Prefers Democratic Party)	1,218,548
WRITE-IN		759,076

**Secretary of State**

Candidate	Party Preference	Votes
Kim Wyman	(Prefers Republican Party)	2,116,141
Gael Tarleton	(Prefers Democratic Party)	1,826,710
WRITE-IN		4,666

**State Treasurer**

Candidate	Party Preference	Votes
Mike Pellicciotti	(Prefers Democratic Party)	2,089,159
Duane A. Davidson	(Prefers Republican Party)	1,818,895
WRITE-IN		3,339

**State Auditor**

Candidate	Party Preference	Votes
Pat (Patrice) McCarthy	(Prefers Democratic Party)	2,260,830
Chris Leyba	(Prefers Republican Party)	1,633,956
WRITE-IN		3,316

**Attorney General**

Candidate	Party Preference	Votes
Bob Ferguson	(Prefers Democratic Party)	2,226,418
Matt Larkin	(Prefers Republican Party)	1,714,927
WRITE-IN		3,968

**Commissioner of Public Lands**

Candidate	Party Preference	Votes
Hilary Franz	(Prefers Democratic Party)	2,212,158
Sue Kuehl Pederson	(Prefers Republican Party)	1,686,320
WRITE-IN		3,799

**Superintendent of Public Instruction**

Candidate	Votes
Chris Reykdal	1,955,365
Maia Espinoza	1,609,643
WRITE-IN	17,957

**Insurance Commissioner**

Candidate	Party Preference	Votes
Mike Kreidler	(Prefers Democratic Party)	2,506,693
Chirayu Avinash Patel	(Prefers Republican Party)	1,308,292
WRITE-IN		18,576

**Legislative District 1 – State Senator**

Candidate	Party Preference	Votes
Derek Stanford	(Prefers Democratic Party)	55,496
Art Coday	(Prefers Republican Party)	32,168
WRITE-IN		53

**Legislative District 1 – State Representative Position 1**

Candidate	Party Preference	Votes
Davina Duerr	(Prefers Democratic Party)	58,019
Adam Bartholomew	(Prefers Republican Party)	29,256
WRITE-IN		61

**Legislative District 1 – State Representative Position 2**

Candidate	Party Preference	Votes
Shelley Kloba	(Prefers Democratic Party)	55,622
Jeb Brewer	(Prefers Republican Party)	31,696
WRITE-IN		64

**Legislative District 2 – State Senator**

Candidate	Party Preference	Votes
Rick Payne	(Prefers Democrat Party)	29,477
Jim McCune	(Prefers Republican Party)	51,941
WRITE-IN		216

**Legislative District 2 – State Representative Position 1**

Candidate	Party Preference	Votes
Andrew Barkis	(Prefers Republican Party)	65,621
WRITE-IN		3,189

**Legislative District 2 – State Representative Position 2**

Candidate	Party Preference	Votes
JT Wilcox	(Prefers Republican Party)	53,552
Veronica Whitcher		
Rockett	(Prefers Democratic Party)	27,952
WRITE-IN		248

**Legislative District 7 – State Representative Position 1**

Candidate	Party Preference	Votes
Jacquelin Maycumber	(Prefers Republican Party)	61,485
Georgia D. Davenport	(Prefers Democratic Party)	23,973
WRITE-IN		100

**Legislative District 7 – State Representative Position 2**

Candidate	Party Preference	Votes
Joel Kretz	(Prefers Republican Party)	62,615
JJ Wandler	(Prefers Independent Party)	20,735
WRITE-IN		288

**Legislative District 9 – State Senator**

Candidate	Party Preference	Votes
Mark G. Schoesler	(Prefers GOP Party)	43,651
Jenn Goulet	(Prefers Democratic Party)	22,802
WRITE-IN		352

**Legislative District 9 – State Representative Position 1**

Candidate	Party Preference	Votes
Mary Dye	(Prefers Republican Party)	48,408
Brett Borden	(Prefers Libertarian Party)	16,091
WRITE-IN		716

**Legislative District 9 – State Representative Position 2**

Candidate	Party Preference	Votes
Joe Schmick	(Prefers GOP Party)	53,707
WRITE-IN		2,438

**Legislative District 10 – State Senator**

Candidate	Party Preference	Votes
Ron Muzzall	(Prefers Republican Party)	47,189
Helen Price Johnson	(Prefers Democratic Party)	45,415
WRITE-IN		101

**Legislative District 10 – State Representative Position 1**

Candidate	Party Preference	Votes
Greg Gilday	(Prefers GOP Party)	45,768
Angie Homola	(Prefers Democratic Party)	44,877
WRITE-IN		196

**Legislative District 10 – State Representative Position 2**

Candidate	Party Preference	Votes
Bill Bruch	(Prefers Republican Party)	45,461
Dave Paul	(Prefers Democratic Party)	46,199
WRITE-IN		102

**Legislative District 12 – State Senator**

Candidate	Party Preference	Votes
Brad Hawkins	(Prefers Republican Party)	58,051
WRITE-IN		2,575

**Legislative District 12 – State Representative Position 1**

Candidate	Party Preference	Votes
Keith Goehner	(Prefers Republican Party)	45,817
Adrianne Moore	(Prefers Democratic Party)	29,998
WRITE-IN		84

**Legislative District 12 – State Representative Position 2**

Candidate	Party Preference	Votes
Mike Steele	(Prefers Republican Party)	57,281
WRITE-IN		2,265

**Legislative District 13 – State Representative Position 1**

Candidate	Party Preference	Votes
Tom Dent	(Prefers Republican Party)	47,701
Eduardo Castañeda-Díaz	(Prefers Democratic Party)	19,104
WRITE-IN		68

**Legislative District 13 – State Representative Position 2**

Candidate	Party Preference	Votes
Alex Ybarra	(Prefers Republican Party)	55,215
WRITE-IN		1,210

**Legislative District 14 – State Senator**

Candidate	Party Preference	Votes
Curtis P. King	(Prefers Republican Party)	51,384
WRITE-IN		2,256

**Legislative District 14 – State Representative Position 1**

Candidate	Party Preference	Votes
Chris Corry	(Prefers Republican Party)	39,519
Tracy Rushing	(Prefers Democratic Party)	26,721
WRITE-IN		58

**Legislative District 14 – State Representative Position 2**

Candidate	Party Preference	Votes
Gina Mosbrucker	(Prefers Republican Party)	39,285
Devin Kuh	(Prefers Democratic Party)	26,435
WRITE-IN		97

**Legislative District 16 – State Senator**

Candidate	Party Preference	Votes
Danielle Garbe Reser	(Prefers Democratic Party)	24,889
Perry Dozier	(Prefers Republican Party)	35,859
WRITE-IN		59

**Legislative District 16 – State Representative Position 1**

Candidate	Party Preference	Votes
Mark Klicker	(Prefers Republican Party)	38,570
Frances Chvatal	(Prefers Democratic Party)	22,056
WRITE-IN		36

**Legislative District 16 – State Representative Position 2**

Candidate	Party Preference	Votes
Skylar Rude	(Prefers Republican Party)	41,142
Carly Coburn	(Prefers Democratic Party)	19,163
WRITE-IN		64

**Legislative District 19 – State Senator**

Candidate	Party Preference	Votes
Dean Takko	(Prefers Democratic Party)	32,773
Jeff Wilson	(Prefers Republican Party)	40,560
WRITE-IN		82

**Legislative District 19 – State Representative Position 1**

Candidate	Party Preference	Votes
Jim Walsh	(Prefers Republican Party)	43,315
Marianna Everson	(Prefers Democratic Party)	29,625
WRITE-IN		84

**Legislative District 19 – State Representative Position 2**

Candidate	Party Preference	Votes
Joel McEntire	(Prefers Republican Party)	38,369
Brian E. Blake	(Prefers Democratic Party)	34,599
WRITE-IN		60

**Legislative District 20 – State Senator**

Candidate	Party Preference	Votes
John Braun	(Prefers Republican Party)	67,304
WRITE-IN		2,299

**Legislative District 20 – State Representative Position 1**

Candidate	Party Preference	Votes
Peter Abbarno	(Prefers Republican Party)	58,484
Timothy Zahn	(Prefers Democratic Party)	24,079
WRITE-IN		120

**Legislative District 20 – State Representative Position 2**

Candidate	Party Preference	Votes
Ed Orcutt	(Prefers Republican Party)	60,030
Will Rollet	(Prefers Democratic Party)	22,352
WRITE-IN		125

**Legislative District 24 – State Senator**

Candidate	Party Preference	Votes
Kevin Van De Wege	(Prefers Democratic Party)	49,883
Connie Beauvais	(Prefers Republican Party)	42,289
WRITE-IN		74

**Legislative District 24 – State Representative Position 1**

Candidate	Party Preference	Votes
Mike Chapman	(Prefers Democratic Party)	49,965
Sue Forde	(Prefers Republican Party)	42,207
WRITE-IN		67

**Legislative District 24 – State Representative Position 2**

Candidate	Party Preference	Votes
Steve Tharinger	(Prefers Democratic Party)	49,262
Brian Pruiett	(Prefers Republican Party)	42,515
WRITE-IN		66

**Legislative District 26 – State Representative Position 1**

Candidate	Party Preference	Votes
Jesse L. Young	(Prefers Republican Party)	47,171
Carrie Hesch	(Prefers Democratic Party)	42,113
WRITE-IN		129

**Legislative District 26 – State Representative Position 2**

Candidate	Party Preference	Votes
-----------	------------------	-------

Joy Stanford	(Prefers Democratic Party)	40,189
Michelle Caldier	(Prefers Republican Party)	48,973
WRITE-IN		183

**Legislative District 30 – State Representative Position 1**

Candidate	Party Preference	Votes
Jamila Taylor	(Prefers Democratic Party)	36,338
Martin A. Moore	(Prefers Ind Republican Party)	26,406
WRITE-IN		63

**Legislative District 30 – State Representative Position 2**

Candidate	Party Preference	Votes
Jesse Johnson	(Prefers Democratic Party)	37,941
Jack Walsh	(Prefers Republican Party)	24,948
WRITE-IN		43

**Legislative District 31 – State Representative Position 1**

Candidate	Party Preference	Votes
Drew Stokesbary	(Prefers Republican Party)	54,517
Katie Young	(Prefers Democratic Party)	31,306
WRITE-IN		89

**Legislative District 31 – State Representative Position 2**

Candidate	Party Preference	Votes
Eric E. Robertson	(Prefers Republican Party)	53,858
Thomas R. Clark	(Prefers Democratic Party)	31,657
WRITE-IN		99

**Legislative District 32 – State Representative Position 1**

Candidate	Party Preference	Votes
Cindy Ryu	(Prefers Democratic Party)	52,703
Shirley Sutton	(Prefers Democratic Party)	19,658
WRITE-IN		1,292

**Legislative District 32 – State Representative Position 2**

Candidate	Party Preference	Votes
Lauren Davis	(Prefers Democratic Party)	59,115
Tamra Smilanich	(Prefers Non Partisan Party)	9,235
WRITE-IN		507

**Legislative District 35 – State Representative Position 1**

Candidate	Party Preference	Votes
Dan Griffey	(Prefers Republican Party)	49,314
Colton Myers	(Prefers Democratic Party)	35,131
WRITE-IN		100

**Legislative District 35 – State Representative Position 2**

Candidate	Party Preference	Votes
Drew C. MacEwen	(Prefers Republican Party)	47,618
Darcy Huffman	(Prefers Democratic Party)	36,668
WRITE-IN		115

**Legislative District 39 – State Senator**

Candidate	Party Preference	Votes
Keith L. Wagoner	(Prefers Republican Party)	52,386
Kathryn A. Lewandowsky	(Prefers WA Progressive Party)	27,578
WRITE-IN		125

**Legislative District 39 – State Representative Position 1**

Candidate	Party Preference	Votes
Robert J. Sutherland	(Prefers Republican Party)	48,716
Claus Joens	(Prefers Democratic Party)	32,349
WRITE-IN		100

SECOND DAY, JANUARY 12, 2021

2021 REGULAR SESSION

**Legislative District 39 – State Representative Position 2**

Candidate	Party Preference	Votes
Carolyn Eslick	(Prefers Republican Party)	51,067
Ryan Johnson	(Prefers Democratic Party)	29,833
WRITE-IN		96

**Legislative District 40 – State Senator**

Candidate	Party Preference	Votes
Elizabeth (Liz) Lovelett	(Prefers Democratic Party)	60,871
Charles Carrell	(Prefers Republican Party)	26,638
WRITE-IN		78

**Legislative District 40 – State Representative Position 1**

Candidate	Party Preference	Votes
Debra Lekanoff	(Prefers Democratic Party)	64,898
WRITE-IN		2,915

**Legislative District 40 – State Representative Position 2**

Candidate	Party Preference	Votes
Alex Ramel	(Prefers Democratic Party)	58,915
Russ Dzialo	(Prefers Republican Party)	27,408
WRITE-IN		155

**Supreme Court – Justice Position 3**

Candidate	Votes
Dave Larson	1,462,764
Raquel Montoya-Lewis	2,057,623
WRITE-IN	13,661

**Supreme Court – Justice Position 4**

Candidate	Votes
Charles W. Johnson	2,850,924
WRITE-IN	66,407

**Supreme Court – Justice Position 6**

Candidate	Votes
Richard S. Serns	1,140,338
G. Helen Whitener	2,263,513
WRITE-IN	19,416

**Supreme Court – Justice Position 7**

Candidate	Votes
Debra L. Stephens	2,852,879
WRITE-IN	60,808

**Court of Appeals, Division 2, District 2 – Judge Position 1**

Candidate	Votes
Lisa L. Sutton	327,019
WRITE-IN	6,305

**Court of Appeals, Division 3, District 1 – Judge Position 2**

Candidate	Votes
Marshall Casey	110,355
Tracy Arlene Staab	190,276
WRITE-IN	2,184

**Court of Appeals, Division 3, District 3 – Judge Position 1**

Candidate	Votes
Rebecca Pennell	136,674
WRITE-IN	1,723

**Asotin, Columbia, Garfield Superior Court – Judge Position 1**

Candidate	Votes
Brooke J. Burns	8,607
G. Scott Marinella	6,091

WRITE-IN	48
<b>Benton, Franklin Superior Court – Judge Position 1</b>	
Candidate	Votes
Dave Petersen	72,640
Sharon Brown	47,567
WRITE-IN	451

**Benton, Franklin Superior Court – Judge Position 2**

Candidate	Votes
Joe Burrowes	97,745
WRITE-IN	1,174

**Benton, Franklin Superior Court – Judge Position 3**

Candidate	Votes
Alexander Carl	
Ekstrom	95,893
WRITE-IN	1,098

**Benton, Franklin Superior Court – Judge Position 4**

Candidate	Votes
Cameron Mitchell	98,502
WRITE-IN	973

**Benton, Franklin Superior Court – Judge Position 5**

Candidate	Votes
Sam Swanberg	96,033
WRITE-IN	1,114

**Benton, Franklin Superior Court – Judge Position 6**

Candidate	Votes
Carrie Runge	93,825
WRITE-IN	1,541

**Benton, Franklin Superior Court – Judge Position 7**

Candidate	Votes
Jacqueline Shea Brown	95,675
WRITE-IN	1,204

**Ferry, Pend Oreille, Stevens Superior Court – Judge Position 1**

Candidate	Votes
Patrick A. Monasmith	28,233
WRITE-IN	531

**Ferry, Pend Oreille, Stevens Superior Court – Judge Position 2**

Candidate	Votes
Jessica Taylor Reeves	27,609
WRITE-IN	486

**Klickitat, Skamania Superior Court – Judge Position 1**

Candidate	Votes
Randall Krog	12,687
WRITE-IN	276

**Pacific, Wahkiakum Superior Court – Judge Position 1**

Candidate	Votes
Donald J. Richter	
WRITE-IN	

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the state of Washington on this 1<sup>st</sup> day of December 2020, at Olympia, the State Capital.

/s/

Kim Wyman  
Secretary of State

Madam Speaker: “In view of the election results previously read, certified to by the Secretary of State, the Joint Session now declares the following qualified citizens to be the duly elected constitutional officers of the State of Washington:

Jay Inslee	Governor
Denny Heck	Lieutenant Governor
Kim Wyman	Secretary of State
Mike Pellicciotti	State Treasurer
Pat McCarthy	State Auditor
Bob Ferguson	Attorney General
Chris Reykdal	Superintendent of Public Instruction
Mike Kreidler	Insurance Commissioner
Hilary Franz	Commissioner of Public Lands”

The Speaker and the President Pro Tempore of the Senate signed Certificates of Election for the duly elected constitutional officer.

Having discharged the constitutional requirement to canvass the vote the Speaker adjourned the Joint Session.

---

#### AFTERNOON SESSION

---

The Senate was called to order at 12:20 p.m. by President Pro Tempore.

#### MOTIONS

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

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

#### INTRODUCTION AND FIRST READING

SB 5140 by Senators Kuderer and Frockt

AN ACT Relating to protecting pregnancy and miscarriage-related patient care; adding a new section to chapter 43.70 RCW; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 5141 by Senators Saldaña and Lovelett

AN ACT Relating to implementing the recommendations of the environmental justice task force; adding new sections to chapter 43.70 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 90.71 RCW; and adding a new chapter to Title 70A RCW.

Referred to Committee on Environment, Energy & Technology.

SB 5142 by Senator Frockt

AN ACT Relating to the profession of dental therapist; amending RCW 18.32.030, 18.32.0351, 18.120.020, 18.120.020, 18.130.040, 18.260.010, 18.260.040, 18.260.070, 18.260.080, 69.41.010, 69.41.030, 69.41.030,

70.350.020, and 43.70.442; reenacting and amending RCW 18.130.040, 69.41.010, and 43.70.442; adding a new chapter to Title 18 RCW; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 5143 by Senator Ericksen

AN ACT Relating to creating the free and fair elections act of 2021; amending RCW 29A.40.160, 29A.40.180, 29A.40.010, 29A.40.070, 29A.40.091, 1.16.050, 29A.04.321, and 29A.04.330; adding a new section to chapter 29A.04 RCW; adding new sections to chapter 29A.08 RCW; adding new sections to chapter 29A.40 RCW; adding a new chapter to Title 29A RCW; creating a new section; repealing RCW 29A.08.140; and prescribing penalties.

Referred to Committee on State Government & Elections.

SB 5144 by Senators Ericksen and Fortunato

AN ACT Relating to protecting the right of every Washington resident to decline an immunization or vaccination for COVID-19; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health & Long Term Care.

SB 5145 by Senator Van De Wege

AN ACT Relating to the prevention of seabed mining of hard minerals; and amending RCW 79.14.300, 79.140.190, and 90.58.160.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5146 by Senator Van De Wege

AN ACT Relating to authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds; and amending RCW 77.12.320.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5147 by Senators Hawkins and Wellman

AN ACT Relating to exploring alternative school calendars; adding new sections to chapter 28A.630 RCW; creating a new section; and providing an expiration date.

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

SB 5148 by Senators Frockt and Hunt

AN ACT Relating to the harassment of election officials; amending RCW 9A.46.020; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5149 by Senator Robinson

AN ACT Relating to funding foundational public health services; amending RCW 48.14.060, 70.290.060, and 82.25.015; adding new sections to chapter 48.02 RCW; and creating a new section.

SECOND DAY, JANUARY 12, 2021

2021 REGULAR SESSION

Referred to Committee on Health &amp; Long Term Care.

SB 5150 by Senators Liias and Wagoner

AN ACT Relating to calculating the provider rate for certain community residential services; adding a new section to chapter 71A.12 RCW; and creating a new section.

Referred to Committee on Ways &amp; Means.

SB 5151 by Senators Wilson, C.

AN ACT Relating to foster care and child care licensing by the department of children, youth, and families; amending RCW 13.34.030, 43.216.015, 43.216.085, 43.216.087, 43.216.089, 43.216.250, 43.216.255, 43.216.260, 43.216.271, 43.216.280, 43.216.305, 43.216.325, 43.216.340, 43.216.360, 43.216.395, 43.216.515, 43.216.530, 43.216.650, 43.216.660, 43.216.685, 43.216.687, 43.216.689, 43.216.690, 43.216.700, and 74.15.125; reenacting and amending RCW 43.216.010, 43.216.015, and 43.216.020; adding a new section to chapter 43.216 RCW; providing an effective date; and providing an expiration date.

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

SB 5152 by Senators Nguyen and Rivers

AN ACT Relating to enhancing data stewardship and privacy protections for vehicle and driver data by clarifying the allowable uses of personal or identity information, prescribing penalties for data misuse, and codifying existing data contract practices; amending RCW 46.12.630, 46.12.635, 46.12.640, and 46.52.130; adding new sections to chapter 46.04 RCW; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5153 by Senators Wilson, C.

AN ACT Relating to school attendance; amending RCW 28A.225.015, 28A.225.018, 28A.225.020, 28A.225.025, 28A.225.026, 28A.225.030, 28A.225.035, 28A.225.151, 28A.225.027, 28A.225.0261, 28A.225.005, 28A.225.010, 28A.225.023, 28A.225.031, 28A.225.060, 28A.225.080, 28A.225.090, 28A.225.170, 28A.225.200, 28A.225.215, 28A.225.220, 28A.225.225, 28A.225.260, 28A.225.270, 28A.225.310, 28A.225.330, and 28A.225.350; reenacting and amending RCW 28A.225.290; adding a new section to chapter 28A.225 RCW; and creating a new section.

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

SB 5154 by Senator Ericksen

AN ACT Relating to prohibiting certain regulations of trucks operating on port district property; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Transportation.

SB 5155 by Senators Kuderer and Wellman

AN ACT Relating to prejudgment interest; and amending RCW 4.56.110.

Referred to Committee on Law &amp; Justice.

SB 5156 by Senator Rolfes

AN ACT Relating to making expenditures from the budget stabilization account to address issues of homelessness, home security, and economic impacts of the COVID-19 pandemic on small businesses; amending RCW 43.185C.060; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Ways &amp; Means.

SB 5157 by Senator Wagoner

AN ACT Relating to providing incentives to reduce involvement by persons with behavioral disorders in the criminal justice system; amending RCW 70.320.020 and 70.320.030; and creating a new section.

Referred to Committee on Health &amp; Long Term Care.

SB 5158 by Senators Hawkins and Rolfes

AN ACT Relating to utility wildland fire prevention advisory committee; and amending RCW 76.04.780.

Referred to Committee on Agriculture, Water, Natural Resources &amp; Parks.

SB 5159 by Senators Warnick and Van De Wege

AN ACT Relating to payments in lieu of real property taxes by the department of fish and wildlife; amending RCW 77.12.203; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture, Water, Natural Resources &amp; Parks.

SB 5160 by Senators Kuderer and Liias

AN ACT Relating to addressing landlord-tenant relations by providing certain tenant protections during and after public health emergencies, providing for legal representation in eviction cases, and authorizing landlord access to state rental assistance programs; amending RCW 59.18.057, 59.18.365, 36.18.020, 59.12.040, 59.18.410, and 59.20.040; reenacting and amending RCW 59.18.230; adding new sections to chapter 59.18 RCW; adding a new section to chapter 2.53 RCW; adding a new section to chapter 43.185C RCW; creating new sections; repealing RCW 59.18.367, 59.18.375, and 59.20.310; prescribing penalties; and declaring an emergency.

Referred to Committee on Housing &amp; Local Government.

SB 5161 by Senators Wellman and Stanford

AN ACT Relating to the teaching of Washington's tribal history, culture, and government; and amending RCW 28A.320.170 and 28B.10.710.

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

SB 5162 by Senator Rolfes

AN ACT Relating to unanticipated revenue; amending RCW 43.79.270 and 43.79.280; adding a new section to chapter 44.04 RCW; and declaring an emergency.

Referred to Committee on Ways &amp; Means.

SB 5163 by Senators Rolfes and Dhingra

AN ACT Relating to the placement and treatment of conditionally released sexually violent predators; amending RCW 71.09.080, 71.09.090, 71.09.092, 71.09.096, 71.09.130, 71.09.140, and 71.09.250; reenacting and amending RCW 71.09.020; adding new sections to chapter 71.09 RCW; adding a new section to chapter 9.94A RCW; creating a new section; and providing expiration dates.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5164 by Senator Darneille

AN ACT Relating to resentencing of individuals sentenced as a persistent offender due to a robbery in the second degree conviction; creating a new section; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5165 by Senators Hobbs and King

AN ACT Relating to transportation funding and appropriations; amending RCW 43.19.642, 46.20.745, 46.68.060, 46.68.280, 46.68.325, 47.56.876, 46.68.370, 46.68.300, 47.60.322, 47.66.120, 46.68.290, 82.44.135, 46.68.395, 47.56.864, 47.56.165, 82.21.030, and 47.56.876; creating new sections; making appropriations and authorizing expenditures for capital improvements; providing contingent effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5166 by Senators Hobbs and King

AN ACT Relating to transportation funding and appropriations; amending RCW 47.60.505; amending 2019 c 416 ss 101 and 106 (uncodified); amending 2020 c 219 ss 101, 102, 104, 201-205, 207-223, 301, 302, 304-310, 401-406, 601, and 602 (uncodified); adding a new section to 2019 c 416 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

SB 5167 by Senators Hobbs and King

AN ACT Relating to implementing cost recovery of state agency credit card and transaction fees and related costs for driver and vehicle fee transactions; adding new sections to chapter 46.01 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5168 by Senator Short

AN ACT Relating to renewable and nonemitting resources analysis and advisory opinions; and adding a new section to chapter 19.405 RCW.

Referred to Committee on Environment, Energy & Technology.

SB 5169 by Senators Frockt and Holy

AN ACT Relating to provider reimbursement for personal protective equipment during the state of emergency related

to COVID-19; adding a new section to chapter 48.43 RCW; creating new sections; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 5170 by Senators Carlyle and Hunt

AN ACT Relating to employment after public service in state government; amending RCW 42.52.080 and 42.52.900; adding a new section to chapter 42.52 RCW; creating new sections; and providing an effective date.

Referred to Committee on State Government & Elections.

SB 5171 by Senators Wilson, L.

AN ACT Relating to providing unemployment insurance relief; adding a new section to chapter 50.16 RCW; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5172 by Senator King

AN ACT Relating to the retroactivity of overtime claims in exceptional cases; adding a new section to chapter 49.46 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5173 by Senator Robinson

AN ACT Relating to supporting measures to create comprehensive public health districts; amending RCW 43.70.515, 70.05.010, 70.05.040, 70.05.045, 70.05.050, 70.05.051, 70.05.053, 70.05.054, 70.05.055, 70.05.060, 70.05.070, 70.05.072, 70.05.074, 70.05.077, 70.05.090, 70.05.100, 70.05.110, 70.05.120, 70.05.130, 70.05.150, 70.05.160, 70.05.170, 70.05.180, 70.05.190, 43.20.030, 43.20.148, 43.20.050, 70.24.022, 70.24.024, 70.24.034, 70.24.150, 70.24.340, 70.24.360, and 70.24.450; reenacting and amending RCW 43.20.025 and 70.24.017; adding new sections to chapter 43.70 RCW; adding new sections to chapter 70.05 RCW; creating a new section; repealing RCW 70.05.030, 70.05.035, 70.05.080, 70.08.005, 70.08.010, 70.08.020, 70.08.030, 70.08.040, 70.08.050, 70.08.060, 70.08.070, 70.08.080, 70.08.090, 70.08.100, 70.08.110, 70.46.020, 70.46.031, 70.46.060, 70.46.080, 70.46.082, 70.46.085, 70.46.090, 70.46.100, 70.46.120, 43.70.060, 43.70.064, 43.70.066, 43.70.068, and 43.70.070; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 5174 by Senators Wilson, J.

AN ACT Relating to providing for the recycling of wind turbine blades; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

SB 5175 by Senators Nguyen and Wellman

AN ACT Relating to the authority of the community economic revitalization board with respect to loans and grants to local governments and federally recognized Indian

SECOND DAY, JANUARY 12, 2021

2021 REGULAR SESSION

tribes for broadband; adding a new section to chapter 43.160 RCW; and creating a new section.

Referred to Committee on Business, Financial Services & Trade.

SB 5176 by Senator Van De Wege

AN ACT Relating to modifying boater education safety requirements; and amending RCW 79A.60.010, 79A.60.630, and 79A.60.640.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SCR 8402 by Senator Liias

Extending certain gubernatorial orders issued in response to the COVID-19 state of emergency.

#### MOTIONS

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

At 12:22 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon, Wednesday, January 13, 2021.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**THIRD DAY**

---

**NOON SESSION**

---

Senate Chamber, Olympia  
Wednesday, January 13, 2021

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Heck presiding.

The Senate was declared to be at ease subject to the call of the President for the purpose of convening a Joint Session with the House of Representatives pursuant to House Concurrent Resolution No. 4401.

---

**JOINT SESSION**

---

Pursuant to House Concurrent Resolution No. 4401, the Speaker called the Joint Session to order.

The Speaker called upon President of the Senate, Lt. Governor Denny Heck, to preside over the Joint Session.

The Clerk called the roll of House members. The Clerk called the roll of the Senate members. The President declared a virtual quorum of the Legislature was present.

President Heck: "This Joint Session has been convened to receive the inaugural address from His Excellency, Governor Jay Inslee."

The President introduced His Excellency Jay Inslee, Governor of the State of Washington.

**STATE OF THE STATE ADDRESS**

Governor Inslee: "Good afternoon, and thank you for joining us today. I am so appreciative of this chance to serve again. We are embarking on a truly historic third term and legislative session.

So, let's talk straight: The last year has been challenging in ways none of us have ever experienced. It's the kind of moment where we are called upon to dig deep, to work together and to be resourceful like never before. Washingtonians are answering that call.

At the end of this legislative session alone, we will be able to say our state is more equitable; a state with more opportunities for careers and affordable housing; and a state that is more committed to fighting climate change than ever before.

We have big challenges that demand we take big steps. We are not going back to normal. We are going forward toward a new normal. We are on a path in this legislative session to a more just normal, a healthier normal. And we're not just talking about the pandemic.

These halls may look empty, but when you scratch the surface, there's a robust and incredible story about Washingtonians that's still unfolding. I've been honored to be your governor for the past eight years, which have been part of the story that brought us here.

We're already looking to the future. The aftermath of 2020 alone demands it. More than 3,500 Washingtonians have lost their lives to the pandemic. Many thousands more continue to struggle on their path to recovery from this virus. Families, business owners, workers and students have been through too much. There is still a palpable anxiety in the air.

However, beneath it all are the ingredients of relief, recovery and resilience.

And yet, no matter what has come our way, I am confident, because Washingtonians have risen to the challenge. We have seen remarkable heroism, diligence, and a stalwart commitment in our frontline workers; and we have seen it in all Washingtonians who know they are safer when every one of us is healthy. Washington is a resilient state. Washington knows how to recover. This is not going to stop Washington state's eternal march of progress to a more just and equitable community.

A new year is often when this building's marble corridors come to life with civic discourse. But the last eight years were pre-pandemic. When I first took the oath of office, with Trudi nearby, there was pretty much no elbow room in this rotunda. It was the same in the House chamber four years later.

We miss those shared experiences now. And in this era of the internet, we no longer share common sources of the truth as we once did. But this pandemic is as big as any shared experience, it gives each of us our own struggles, but a common challenge. Everyone has a COVID story, even if they or their loved ones were never infected. Everyone has their place in this struggle. We cannot be alone in our challenges.

We all share a thirst for more justice. The police-citizen violence we saw in 2020 alone has traumatized the nation. And we need not only conversations but action — action on truths that have been overlooked for far too long. Our collective consciousness is at a crescendo. Let's ride that wave, head first. Let's recognize our opportunities for growth, even in these dark times.

We will incorporate equity into how our laws are applied and how our institutions are run, including independent investigations and prosecutions. We owe it to countless Washingtonians who live with the realities of racial injustice every day, and who are less free because of it. We'll also be working to incorporate an equity lens into health care, jobs, education, pollution and more.

Progress is what we're known for. When I first took the oath in 2013, our state was trying to rebound from the Great Recession. In 2017, my second term began in the midst of one of the strongest economic booms for any state in the nation. Three years later, the COVID-19 pandemic jarred our progress. The pandemic affected our health and our freedoms.

In Washington state, we know how to succeed. We've proven it. Why not do it again? It's time to take back the torch. Our careers, our dreams, our lives: We are getting back on track.

Washington state has continued to lead during the coronavirus pandemic. Together, we have listened to the public health experts, wore masks, kept our distance from one another and we know that has allowed us to bend down the curve of this deadly virus. Let's be clear: We have saved countless lives in Washington through what we've been able to do together. That's not just the lives of COVID patients, but for anyone who has ongoing medical needs, because everyone's health is at risk in a pandemic. These life-saving efforts will continue. We will not yield from that commitment.

And we know our state's economy is poised to recover and what we do now, in the next four years, will shape the future for generations of Washingtonians. Our leaders in the business community proved their mettle in these tough times, like employee-owned Superfect in Ferndale.

THIRD DAY, JANUARY 13, 2021

2021 REGULAR SESSION

They make insoles and footwear, but when COVID hit, they announced they would use their expertise in 3D printing to make 30,000 pieces of personal protective equipment. Then, they blew that estimate right out of the water: They made close to 50,000 respirator hoods for their local hospital network and others nationwide, then they supplied 450,000 medical gowns to health facilities. This kind of entrepreneurial leadership happened in communities across our state.

We want community-minded entrepreneurs to continue to pursue their dreams in this new world, and we're going to keep helping them. It's why I want to reduce increases in the unemployment tax on businesses that never foresaw the mass layoffs that came with this pandemic, while fighting the federal government for more funds and working with the Legislature early to get more money into people's pockets.

We all have to come together if we're going to do right by the people suffering most in these times.

That's why we're going to keep supporting small businesses with every resource at our disposal. And when workers lose pay because they're sick or laid off, we're going to help see their struggles don't spiral. We're going to get these businesses open eventually, we're going to get people back to work, and in the meantime we are preparing for that day when we can fully reopen the economy.

At the end of the day, Washington, we aren't alone; we have each other.

It's in Washingtonians like Cindy Franck, a registered nurse at St. Michael Medical Center in Bremerton, on the front lines of our society's struggle against COVID-19. She and her colleagues didn't know what to expect when COVID first hit, but they've been fighting ever since. Even being shorthanded when dozens of her colleagues were out due to COVID quarantine, she kept working, night and day, caring for a floor of 28 patients with limited staffing.

We have to take care of our medical professionals so they can take care of others. Our wellbeing is at the heart of what makes us free.

And our medical professionals are not alone. We are in solidarity. That's why my administration is committed to serving them and reimagining public health for the future. We're going to remove politics from our public health system and make sure local health professionals can focus on people's well-being.

All of our frontline and essential workers have been heroes in this effort — grocery clerks, bus drivers, teachers who are already back in the classroom and educators who have shown such innovation in remote learning. We're going to make sure people like Cindy will get the resources they need to provide those essential services to all.

And we knew before the pandemic this important fact: Our state's behavioral health system is outdated. Behavioral health is health care and supporting the wellness and health of Washingtonians is crucial. The impacts of the pandemic demand we improve this system.

We're going to make sure people have access to jobs by strengthening the new approaches to career training we know work. The old way of doing things limited people's pathways to good jobs. My administration has created more pathways to better livelihoods through our Career Connect program.

More Washingtonians will have stories like Leela Cohen, who participated in Career Connect and will soon get her certified medical assistant credential. She's already working in a Kaiser Permanente clinic in Bothell right now, where she's needed and much appreciated.

Career Connect helps people like her find opportunity when pathways seemed closed. It's for anybody regardless of age or

where they're at in their studies or job search. Leela's not done yet. She wants to continue to advance her career in the medical profession and one day open her own clinic.

We want all our children to have a career, not just those who go to college. That's why we need Career Connect.

And that includes our young people. We're going to get students back into the classroom, and make sure it's in safe and healthy settings. And we're going to keep at some of the glaring disparities in our education system. We're going to continue expanding early childhood education. We will not go backwards.

We will continue our student financial aid commitments. We have the most generous college financial aid program in the country. As long as I'm governor, we're going to keep our commitments so that more people can earn degrees, certificates or apprenticeships to get into great jobs and careers.

I also look forward to working with you to remediate the impacts our students have suffered because of this pandemic. This is hard for young people, and no one knows that better than our parents and our educators. No one has a single answer, but we must provide the supports that students need, whether it's academics, mental health, or nutrition.

There are more issues important to our health as well. We live in a time of great housing insecurity. Tenants and small landlords are facing unprecedented economic challenges. At the same time, home prices continue rising, keeping quality and affordable housing elusive for far too many Washingtonians.

That means too many people in Washington state are living in fear. We should stand in solidarity with people who live in unsafe or inadequate housing, because we know our fellow Washingtonians are more likely to succeed when they have stable housing.

Whether it's a commitment to our youth who experiencing homelessness, or providing mental health or chemical addiction treatment to young folks, we're committed to addressing these obvious challenges.

We cannot let the short-term crisis of COVID-19 blind us to the long-term health cataclysm that is climate change. Pollution and climate change also hurt our health, from respiratory disease to new infectious vectors, to threats from natural disasters directly linked to a changing planet. There was no shortage of evidence for that in 2020. It was one of our worst wildfire seasons on record, fueled by blazes of an intensity previously unseen by our firefighters, in places like Bonney Lake and in Malden, where 80 percent of the town's buildings were destroyed and where recovery continues.

Both the virus and climate change have fatal results. Both can be solved through science and ingenuity. We can — and we will — pursue solutions to both at the same time.

Washington's roaring economy of the last eight years was built on innovation in technology, aviation, agriculture and clean energy. But climate change threatens to unmake the state we know and love, from the growing number and intensity of our wildfires to the acidification of our waters and the evaporation of our snowpack, which can hit our communities with the double whammy of flooding early in the year followed by drought. Climate change is creating extremes that cannot be denied or ignored if we are going to continue to prosper.

And we are going to recommit ourselves to the cause of environmental justice, to address the suffering of disenfranchised communities that take the brunt of the immediate impacts of pollution. We're going to see to it that the future of our economy is bright, led by a clean and renewable energy sector. Our air will be healthier to breathe and our waters will not be acidified. We will create jobs. Machinists, engineers, electricians — all have a role to play. We will have more people making family wage jobs

and we will have a safer, healthier and sustainable environment for our posterity.

This will be led by Washington business owners. The Seattle Kraken are building an all-green arena and practice facilities. They'll have the first carbon-neutral hockey arena in the world — covering 94,000 square feet — and Washingtonians made this economic and environmental victory a reality. When you see this stunning building, you're going to see that we can save our environment and prosper at the same time.

Moments of great stress reveal things in people, and the people of Washington have shown their strength. We have what it takes to get through these times. We have a tried and true competency for leading change. As we eventually move beyond the coronavirus pandemic, life itself will still be different, but we will have more control over our future. We should embrace what we've learned together. Because we have a choice: We can do things the old ways that we know don't work, or we can embrace and unleash the knowledge we already have that can accelerate Washington's dynamic future.

The pandemic has also revealed this: The pandemic has had disproportionate impacts on people of color, from health care to business, labor and education. If we can't help more people, fewer of us will enjoy the blessings of freedom.

Our Latino communities were disproportionately exposed to COVID-19. Our Black communities have demanded equal justice for generations, yet our systems still haven't addressed it.

We have work ahead of us in the next four years to undo the racial inequities that remain in our economy, in our democracy and in our system of law and justice.

In conclusion, our place in the world as Washingtonians will be remembered by what we start to build here and now. Lincoln said, "the fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation." I have total confidence this generation of Washingtonians will take their place in history's halls of honor. I know this because we are vested with a commitment to change, and constant improvement.

Let this new era be a time that lifts our hearts; that renews our dreams and ambitions; and that lets us as Washingtonians finally embrace the future we've been building up to now. We all share this struggle, and we will also reap its benefits. Out of the darkness and anxiety of 2020, will come the relief of a new era. Our recovery will be robust and equitable.

Last year reminded us what matters: Love for our families, our communities, and each other. And we will go forward, Washington, because we are resilient, and we are in solidarity.

Thank you."

The President thanked the Governor for his remarks.

The President, hearing no objection, dissolved the Joint Session and returned the gavel to the Speaker.

---

#### AFTERNOON SESSION

Senate Chamber, Olympia

The Senate was called to order at 1:40 p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard, consisting of Lieutenant Matt Fehler, Sergeant Kelli Howes, Sergeant Michael McGee, Trooper Dean Gallanger and Trooper Brandon Tobol presented the Colors.

Miss Emma Decker led the Senate in the Pledge of Allegiance. Miss Decker is the niece of Deputy Secretary Sarah Bannister.

Reverend John P. Rosenberg, retired Pastor of Evangelical Lutheran Church in America offered the prayer.

#### REMARKS BY THE PRESIDENT

President Heck: "Before proceeding I would like to take just one moment for a point of personal privilege and extend to you my deepest appreciation for all of you who have been unbelievable welcoming to me to this august body. I'm deeply grateful. You have been warm and generous and gracious. And I thank you for that. I have so much to learn from each and every one of you and I look forward to it. I am also grateful, as I know all of you are, to the staff. For all the work that they have accomplished getting us to this point as we now proceed to operate under absolutely unprecedented in 131 years of our state's great history a new context, a new set of procedures. The watchword for our days ahead must be patience. Patience with one another. Patience with ourselves. Patience with the time and effort that will be required to get past the hiccups and the bumps in the road which are inevitable. I know that you will extend that patience to one another and to staff. And I will to you at every turn, I promise you. And with that, I thank you."

#### MOTION

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

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 5177 by Senators Cleveland, Dhingra, Das, Hunt, Nguyen, Pedersen, and Wilson, C.

AN ACT Relating to eliminating proof of nonmarriage as an element of a sex offense; amending RCW 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, 9A.44.093, 9A.44.096, and 9A.44.100; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5178 by Senators Cleveland, Muzzall, and Wilson, C.

AN ACT Relating to establishing automatic waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency; and adding a new section to chapter 38.52 RCW.

Referred to Committee on Health & Long Term Care.

SB 5179 by Senators Liias, Rivers, Das, Randall, and Wilson, C.

AN ACT Relating to blood donation; and amending RCW 70.01.020.

Referred to Committee on Health & Long Term Care.

SB 5180 by Senators Dhingra, Das, Hunt, Liias, Lovelett, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Stanford, and Wilson, C.

AN ACT Relating to vacating certain convictions; amending RCW 9.94A.640 and 9.96.060; reenacting and amending RCW 9.94A.030; adding a new section to chapter 9.94A

THIRD DAY, JANUARY 13, 2021

2021 REGULAR SESSION

RCW; adding a new section to chapter 9.96 RCW; and repealing RCW 9.96.070.

Referred to Committee on Law & Justice.

SB 5181 by Senators Honeyford and King

AN ACT Relating to providing school districts serving low-income communities with flexibility in financing their facilities; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 39.36 RCW; and creating new sections.

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

SB 5182 by Senators Kuderer, Hunt, Conway, Darneille, Das, Dhingra, Hasegawa, Lovelett, Nguyen, Pedersen, Van De Wege, and Wilson, C.

AN ACT Relating to advisory votes; amending RCW 29A.32.070, 29A.64.090, 29A.72.040, 29A.72.250, 29A.72.290, and 29A.32.031; creating a new section; and repealing RCW 29A.72.283, 29A.72.285, and 43.135.041.

Referred to Committee on State Government & Elections.

SB 5183 by Senators Nobles, Dhingra, Das, Hasegawa, Hunt, Keiser, Kuderer, Liias, Mullet, Nguyen, Rivers, Salomon, Stanford, Wagoner, and Wilson, C.

AN ACT Relating to victims of nonfatal strangulation; amending RCW 7.68.170; and creating new sections.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5184 by Senators Nobles, Wellman, Billig, Carlyle, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Nguyen, Randall, Saldaña, Salomon, and Wilson, C.

AN ACT Relating to establishing a building point of contact in all K-12 public schools for students in foster care; amending RCW 28A.320.148; and creating a new section.

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

SB 5185 by Senators Pedersen, Holy, and Wilson, C.

AN ACT Relating to capacity to provide informed consent for health care decisions; amending RCW 7.70.065, 7.70.050, 7.70.060, 69.50.317, and 70.02.220; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5186 by Senator Fortunato

AN ACT Relating to ensuring that no gubernatorial emergency order may infringe on constitutional rights; and amending RCW 43.06.220.

Referred to Committee on State Government & Elections.

SB 5187 by Senators Fortunato, Wagoner, and Wilson, L.

AN ACT Relating to exempting clay targets from sales and use tax; adding a new section to chapter 82.08 RCW; adding

a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5188 by Senators Kuderer, Nguyen, Conway, Darneille, Das, Dhingra, Hasegawa, Hunt, Liias, Lovelett, Stanford, Van De Wege, Wellman, and Wilson, C.

AN ACT Relating to the creation of the Washington state public bank; amending RCW 39.58.050, 39.59.040, 42.56.270, 42.56.400, 43.10.067, and 43.84.080; reenacting and amending RCW 43.56.400; adding a new section to chapter 43.190 RCW; adding a new section to chapter 39.58 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Business, Financial Services & Trade.

SB 5189 by Senator Fortunato

AN ACT Relating to promoting housing affordability by incentivizing the construction of American dream homes; adding a new section to chapter 36.70A RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; and providing an expiration date.

Referred to Committee on Housing & Local Government.

SB 5190 by Senators Holy, Frockt, Conway, Hasegawa, Honeyford, Keiser, King, Lovelett, Randall, Salomon, Van De Wege, Warnick, Wilson, C., and Wilson, J.

AN ACT Relating to providing health care workers with presumptive benefits during a public health emergency; amending RCW 50.20.010 and 50.29.021; reenacting and amending RCW 50.20.050; adding a new section to chapter 50.04 RCW; adding a new section to chapter 51.32 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5191 by Senators Darneille, King, Billig, Carlyle, Conway, Das, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Nguyen, Nobles, Randall, Salomon, Stanford, and Wilson, C.

AN ACT Relating to regulating unfair business practices and prohibiting predatory price increases during states of emergency; adding a new chapter to Title 19 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5192 by Senators Das, Lovelett, Carlyle, Kuderer, Nguyen, and Wilson, C.

AN ACT Relating to supporting access to electric vehicle supply equipment; amending RCW 19.94.010, 19.94.175, 19.94.190, 19.94.517, and 46.08.185; and adding new sections to chapter 19.94 RCW.

Referred to Committee on Transportation.

SB 5193 by Senators Conway, Keiser, Hasegawa, and Wilson, C.

AN ACT Relating to unemployment insurance claim adjudicators; adding a new section to chapter 51.12 RCW; and creating a new section.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5194 by Senators Lias, Hasegawa, Das, Hunt, Keiser, Nguyen, and Wilson, C.

AN ACT Relating to providing for equity and access in the community and technical colleges; amending RCW 28B.92.030, 28B.96.010, 28B.15.012, and 82.04.299; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28B.92 RCW; adding a new chapter to Title 28B RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education & Workforce Development.

SB 5195 by Senators Lias, Muzzall, Das, Dhingra, Nguyen, and Wilson, C.

AN ACT Relating to prescribing opioid overdose reversal medication; adding a new section to chapter 69.41 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 5196 by Senators Billig, Braun, Fortunato, Holy, Hunt, Van De Wege, Wagoner, and Wilson, C.

AN ACT Relating to how the legislature may convene a special session; adding a new section to chapter 44.04 RCW; and creating a new section.

Referred to Committee on State Government & Elections.

SB 5197 by Senators Schoesler, Honeyford, King, Padden, Short and Warnick

AN ACT Relating to wages for unemployment insurance contributions; amending RCW 50.24.010; creating a new section; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5198 by Senators Schoesler, Dozier, Honeyford, King, Nobles, Short and Warnick

AN ACT Relating to personnel restrictions on ambulances in rural areas; and amending RCW 18.73.150.

Referred to Committee on Housing & Local Government.

SB 5199 by Senators Van De Wege, Das, Hasegawa, Nguyen, Randall, Stanford, and Wilson, C.

AN ACT Relating to recognizing judicially affirmed and treaty-reserved fishing rights and promoting state-tribal cooperative agreements in the management of salmon, trout, and steelhead resources; creating a new section; and repealing RCW 77.110.010, 77.110.020, 77.110.030, 77.110.040, and 77.110.900.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5200 by Senators Schoesler, Dozier, Gildon, Holy and Honeyford

AN ACT Relating to establishing a tax credit for contributions to student scholarship organizations; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 83.100 RCW; adding a new chapter to Title 28A RCW; and creating a new section.

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

SB 5201 by Senators Van De Wege and Das

AN ACT Related to department of natural resources' timber and land sales; amending RCW 79.15.070, 79.15.080, and 79.15.150; and reenacting and amending RCW 79.11.130.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5202 by Senators Schoesler, Dozier, Honeyford, Keiser, King and Warnick

AN ACT Relating to establishing school district depreciation subfunds for the purposes of preventative maintenance; and reenacting and amending RCW 28A.320.330.

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

SB 5203 by Senators Van De Wege, Carlyle, Frockt, Hasegawa, Keiser, Lias, Nguyen, Randall, Robinson, Salomon, Stanford, and Wilson, C.

AN ACT Relating to the production, distribution, and purchase of generic prescription drugs; amending RCW 70.14.060; and adding a new section to chapter 70.14 RCW.

Referred to Committee on Health & Long Term Care.

SJR 8202 by Senator Fortunato

Amending the Constitution to create a term limit for the office of governor.

Referred to Committee on State Government & Elections.

## MOTIONS

On motion of Senator Lias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5185 which was designated to the Committee on Health & Long-Term Care and referred to the Committee on Law & Justice.

At 1:50 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

Senator Short announced a meeting of the Republican caucus.

Senator Hasegawa announced a meeting of the Democratic caucus.

----

The Senate was called to order at 2:46 p.m. by President Heck.

## MOTION

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

SECOND READING

THIRD DAY, JANUARY 13, 2021

2021 REGULAR SESSION

SENATE CONCURRENT RESOLUTION NO. 8402, by Senators Liias, Dhingra, Nobles and Saldaña

Extending certain gubernatorial orders issued in response to the COVID-19 state of emergency.

The measure was read the second time.

## MOTION

Senator Dozier moved that the following floor amendment no. 004 by Senator Dozier be adopted:

On page 2, line 11, after "That" insert "if the governor or secretary of health authorizes each region of the state to begin Phase 2 of the Healthy Washington-Roadmap to Recovery plan by January 18, 2021, then"

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

Senators Liias, Dhingra, Frockt and Billig spoke against adoption of the amendment.

## MOTION

On motion of Senator Randall, Senator Saldaña was excused.

Senator Short demanded a roll call.

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

## MOTION

On motion of Senator Wagoner, Senators Ericksen and Sheldon were excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Dozier on page 2, line 11 to Senate Concurrent Resolution No. 8402.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Dozier and the amendment was not adopted by the following vote: Yeas, 19; Nays, 27; Absent, 0; Excused, 3.

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

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

Excused: Senators Ericksen, Saldaña and Sheldon.

## MOTION

Senator Short moved that the following floor amendment no. 002 by Senator Short be adopted:

On page 4, beginning on line 31, after "order." strike all material through "motions." on line 32 and insert "For all other

motions, members are encouraged, but not required, to work through the majority and minority floor leaders."

On page 4, beginning on line 35, after "moved" strike "by the majority or minority floor leader"

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

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 002 by Senator Short on page 2, line 13 to Senate Concurrent Resolution No. 8402.

The motion by Senator Short did not carry and floor amendment no. 002 was not adopted by voice vote.

## MOTION

On motion of Senator Liias, the rules were suspended, Senate Concurrent Resolution No. 8402 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Senators Liias and Billig spoke in favor of passage of the resolution.

Senators Braun, Brown, Warnick, Wilson, L., Fortunato, Short and Wilson, J. spoke against passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8402.

## ROLL CALL

The Secretary called the roll on the adoption of Senate Concurrent Resolution No. 8402 and the concurrent resolution was adopted by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

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

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

Excused: Senators Ericksen and Sheldon

SENATE CONCURRENT RESOLUTION NO. 8402, having received the constitutional majority, was declared passed. There being no objection, the title of the concurrent resolution was ordered to stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Braun: "Thank you Mr. President. I just want to address an issue that came up for the good of the body. You know, there was some talk and I think an article about us taking Senate Bill No. 5114 to the, or trying to go to the ninth order today, for immediate consideration of Senate Bill No. 5114. We decided that was not the best option. We did that because we were given some assurance that the good Chair of State Government would give that bill a hearing in the near term. And we think it is much better off if we can work in a bipartisan way, in good faith to get our restaurants and other gyms back open. I recognize that we had some debate today about this issue and we didn't agree. But I am hopeful that we can find a way to come together to get these

organizations, these enterprises safely opened in the near term.  
Thank you, Mr. President.”

MOTION

At 4:08 p.m., on motion of Senator Lias, the Senate adjourned  
until 12:30 p.m. Thursday, January 14, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**FOURTH DAY**

---

**AFTERNOON SESSION**

---

Senate Chamber, Olympia  
Thursday, January 14, 2021

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

January 14, 2021

SB 5048 Prime Sponsor, Senator Mullet: Concerning reinsurance agreements. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

Referred to Committee on Rules for second reading.

**SUPPLEMENTAL REPORTS OF STANDING COMMITTEES**

Pursuant to Senate Rule 45(13), notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

SENATE BILL NO. 5071,  
SENATE BILL NO. 5073,  
SENATE BILL NO. 5074,  
and SENATE BILL NO. 5157.

**MOTIONS**

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the Committees were granted special leave to meet during the day's floor session.

On motion of Senator Liias, all measures listed on the Standing Committee report and Supplemental Committee Report were referred to the committees as designated.

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

**INTRODUCTION AND FIRST READING**

SB 5204 by Senator Hasegawa

AN ACT Relating to health care financing and development of the whole Washington health trust to ensure all Washington residents can enroll in nonprofit health insurance coverage providing an essential set of health benefits, including medical, dental, vision, and prescription

drug benefits; adding new sections to chapter 82.02 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 50B RCW; adding a new chapter to Title 82 RCW; prescribing penalties; providing effective dates; providing a contingent effective date; and providing contingent expiration dates.

Referred to Committee on Health & Long Term Care.

SB 5205 by Senator Schoesler

AN ACT Relating to establishing a K-12 education voucher program; amending RCW 28A.150.200; and adding a new chapter to Title 28A RCW.

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

SB 5206 by Senator Warnick

AN ACT Relating to eliminating expedited processing of an alternative energy resource facility fueled by solar energy on certain designated lands before the energy facility site evaluation council; amending RCW 80.50.075; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5207 by Senators Wilson, J.

AN ACT Relating to environmental permit streamlining; and amending RCW 77.55.181, 90.58.147, and 47.85.020.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5208 by Senators Wilson, J.

AN ACT Relating to requiring legislative approval before agencies may increase fees for public records production; and amending RCW 42.56.070.

Referred to Committee on State Government & Elections.

SB 5209 by Senators Dhingra, Darneille, Das, Keiser, Kuderer, Lovelett and Randall

AN ACT Relating to statewide enhancement and expansion of behavioral health and suicide prevention crisis response services; amending RCW 71.24.045; reenacting and amending RCW 71.24.385, 71.24.025, and 71.24.025; adding new sections to chapter 71.24 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 38.52 RCW; adding a new section to chapter 43.06 RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 5210 by Senators Dhingra, Darneille and Kuderer

AN ACT Relating to updates to competency restoration order requirements; and amending RCW 10.77.086 and 10.77.088.

Referred to Committee on Health & Long Term Care.

SB 5211 by Senators Frockt and Mullet

AN ACT Relating to tax increment financing; amending RCW 84.55.010; and adding a new chapter to Title 39 RCW.

Referred to Committee on Business, Financial Services & Trade.

SB 5212 by Senators King and Liias

AN ACT Relating to authorizing sports wagering at cardrooms and racetracks; amending RCW 9.46.0335, 9.46.153, 9.46.155, 9.46.210, 9.46.240, 67.04.010, 67.04.020, 67.04.030, 67.04.040, 67.04.050, 67.04.060, 67.04.070, and 67.04.080; adding a new section to chapter 82.04 RCW; adding a new section to chapter 67.04 RCW; adding a new chapter to Title 9 RCW; recodifying RCW 67.24.010; decodifying RCW 67.24.020; and prescribing penalties.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5213 by Senators Nguyen, Randall, Darneille, Honeyford, Keiser, Warnick and Wellman

AN ACT Relating to clarifying the authority and role of the office of developmental disabilities ombuds; and amending RCW 43.382.005, 43.382.010, 43.382.040, 43.382.070, and 43.382.090.

Referred to Committee on Health & Long Term Care.

SB 5214 by Senators Nguyen and Dhingra

AN ACT Relating to economic assistance programs; amending RCW 74.08A.010, 74.08A.260, and 74.08A.230; adding a new section to chapter 74.08A RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5215 by Senators Conway and Holy

AN ACT Relating to increasing the maximum Washington college grant award at independent institutions of higher education; and amending RCW 28B.92.030.

Referred to Committee on Higher Education & Workforce Development.

SB 5216 by Senator Carlyle

AN ACT Relating to additional transparency and accountability for tax preferences; amending RCW 82.32.330, 43.136.045, 43.88A.040, 82.32.808, 82.32.534, and 43.06.400; adding new sections to chapter 82.32 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5217 by Senators Kuderer and Darneille

AN ACT Relating to assault weapons; adding new sections to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5218 by Senators Keiser and Stanford

AN ACT Relating to protecting temporary workers; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5219 by Senators Stanford and Liias

AN ACT Relating to the management of plastic packaging materials; amending RCW 70A.200.140; reenacting and amending RCW 43.21B.110; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

SB 5220 by Senator Van De Wege

AN ACT Relating to the taxation of salmon recovery grants by updating the state business and occupation tax deduction for these grants, creating a sales and use tax exemption for grant proceeds received by recipients of these grants, and clarifying the sales and use tax obligations for goods and services purchased by recipients of these grants; amending RCW 82.04.4339 and 82.04.050; amending 2020 c 80 s 62 (unmodified); adding a new section to chapter 82.08 RCW; creating a new section; repealing 2020 c 80 s 58; and declaring an emergency.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5221 by Senators Gildon and Liias

AN ACT Relating to regulation of accessory dwelling units located outside of urban growth areas; amending RCW 36.70A.697; and creating a new section.

Referred to Committee on Housing & Local Government.

SB 5222 by Senators Randall, Cleveland and Keiser

AN ACT Relating to requiring health carriers to reimburse advanced registered nurse practitioners at the same rate as physicians for the same services; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 5223 by Senators Fortunato, Padden and Schoesler

AN ACT Relating to dedicating the sales tax on motor vehicles to highway uses; amending RCW 82.08.020, 82.12.020, and 46.68.090; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5224 by Senator Hunt

AN ACT Relating to protecting land survey reference markers; and amending RCW 58.09.100, 58.24.020, 58.24.030, 58.24.040, 58.24.050, 58.24.060, and 58.24.070.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5225 by Senators Hunt and Padden

FOURTH DAY, JANUARY 14, 2021

2021 REGULAR SESSION

AN ACT Relating to direct appeals to the court of appeals of cases brought under the administrative procedure act and the land use petition act; amending RCW 34.05.518, 34.05.522, 36.18.018, 34.05.518, and 34.05.522; adding a new section to chapter 36.70C RCW; providing an effective date; providing expiration dates; and declaring an emergency.

Committee on Transportation and referred to the Committee on Law & Justice.

At 12:32 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Friday, January 15, 2021.

Referred to Committee on Law & Justice.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SB 5226 by Senators Salomon and Saldaña

AN ACT Relating to the suspension of licenses for traffic infractions; amending RCW 46.63.060, 46.63.070, 46.20.285, 46.20.285, 46.20.289, 46.20.291, 46.20.342, 46.20.391, and 46.64.025; reenacting and amending RCW 46.63.110 and 2.68.040; adding a new section to chapter 46.63 RCW; adding new sections to chapter 46.20 RCW; adding a new section to chapter 46.68 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5227 by Senators Randall, Nobles, Das, Lovelett, and Wilson, C.

AN ACT Relating to diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education; adding new sections to chapter 28B.10 RCW; and creating new sections.

Referred to Committee on Higher Education & Workforce Development.

SB 5228 by Senators Randall, Liias, Das, Lovelett, Nobles, and Wilson, C.

AN ACT Relating to addressing disproportionate health outcomes by building a foundation of equity in medical training; adding new sections to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SB 5229 by Senators Randall, Das, Keiser, Lovelett, Nobles, and Wilson, C.

AN ACT Relating to health equity continuing education for health care professionals; amending RCW 43.70.615; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health & Long Term Care.

SJM 8002 by Senators Kuderer and Hunt

Requesting an amendment to the United States Constitution on campaign finance reform.

Referred to Committee on State Government & Elections.

#### MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Senate Bill No. 5211 which was designated to the Committee on Ways & Means and referred to the Committee on Business, Financial Services & Trade and Senate Bill No. 5226 which was designated to the

## FIFTH DAY

## AFTERNOON SESSION

Senate Chamber, Olympia  
Friday, January 15, 2021

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

## MOTIONS

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

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

## REPORTS OF STANDING COMMITTEES

January 14, 2021

SB 5005 Prime Sponsor, Senator Pedersen: Concerning business corporations. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 14, 2021

SB 5011 Prime Sponsor, Senator Pedersen: Addressing electronic meetings and notice provisions for common interest communities, condominiums, and homeowners' associations. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5011 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 14, 2021

SB 5024 Prime Sponsor, Senator Padden: Reducing barriers to condominium construction. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5024 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Holy; Salomon and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Darneille and Kuderer.

Referred to Committee on Rules for second reading.

January 14, 2021

SB 5077 Prime Sponsor, Senator Dozier: Providing authority to licensed companies to allow licensed mortgage loan originators to work from their residences without the company licensing the residence as a branch office of the company. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frock; Hobbs and Wilson, L.

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

## INTRODUCTION AND FIRST READING

SB 5230 by Senators Dozier, Honeyford, King, Schoesler and Warnick

AN ACT Relating to agreements for allocation of groundwater resulting from bureau of reclamation project operations; and amending RCW 89.12.170.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5231 by Senators Stanford and Saldaña

AN ACT Relating to reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel; amending RCW 46.25.100, 46.20.202, 46.25.052, 46.25.060, 70A.15.3150, 70A.15.3160, 19.112.110, and 19.112.120; adding a new chapter to Title 70A RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

SB 5232 by Senator King

AN ACT Relating to limiting bonding toll revenues on certain state highway facilities; amending RCW 47.56.830, 47.10.905, 47.10.906, 47.10.907, 47.56.880, 47.56.884, 47.56.895, and 47.56.897; repealing RCW 47.10.896, 47.10.897, 47.10.898, 47.10.899, 47.10.900, and 47.10.901; and declaring an emergency.

Referred to Committee on Transportation.

SB 5233 by Senator Padden

AN ACT Relating to expanding who may conduct home studies for children in foster care and preadoption reports; adding a new section chapter to 74.13 RCW; and adding a new section to chapter 26.33 RCW.

FIFTH DAY, JANUARY 15, 2021

2021 REGULAR SESSION

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5234 by Senator Padden

AN ACT Relating to repealing the long-term services and supports trust program authorized in chapter 50B.04 RCW, including the repeal of taxes to be paid by employees through payroll deductions; creating a new section; repealing RCW 50B.04.010, 50B.04.020, 50B.04.030, 50B.04.040, 50B.04.050, 50B.04.060, 50B.04.070, 50B.04.080, 50B.04.085, 50B.04.090, 50B.04.100, 50B.04.110, 50B.04.120, 50B.04.130, 50B.04.140, 50B.04.150, 50B.04.160, and 50B.04.900; and providing for submission of this act to a vote of the people.

Referred to Committee on Health & Long Term Care.

SB 5235 by Senators Liias and Das

AN ACT Relating to increasing housing unit inventory by removing arbitrary limits on housing options; amending RCW 36.70A.696, 36.70A.697, and 36.70A.698; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and creating a new section.

Referred to Committee on Housing & Local Government.

SB 5236 by Senators Warnick and Dhingra

AN ACT Relating to extending the exemption from certificate of need requirements for the expansion of psychiatric bed capacity; and amending RCW 70.38.111 and 70.38.260.

Referred to Committee on Health & Long Term Care.

SB 5237 by Senators Wilson, C., Dhingra and Das

AN ACT Relating to expanding accessible, affordable child care and early childhood development programs; amending RCW 43.216.075, 43.216.136, 43.216.505, 43.216.512, 43.216.749, 43.216.090, 43.216.578, 43.216.710, 43.216.514, and 43.216.136; reenacting and amending RCW 43.216.010, 28B.50.248, 43.84.092, 43.84.092, and 43.84.092; adding new sections to chapter 43.216 RCW; adding a new section to chapter 43.330 RCW; creating new sections; repealing RCW 43.216.1365; providing effective dates; providing expiration dates; and declaring an emergency.

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

SB 5238 by Senator Hasegawa

AN ACT Relating to creating a Washington state creative economy work group; adding new sections to chapter 43.330 RCW; making appropriations; and providing an expiration date.

Referred to Committee on Business, Financial Services & Trade.

SB 5239 by Senators Wilson, J.

AN ACT Relating to changing the expiration date for the sales and use tax exemption of hog fuel to coincide with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and

retirement benefits in economically distressed communities; amending RCW 82.08.956, 82.12.956, and 82.32.605; creating new sections; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 5240 by Senators Wilson, J.

AN ACT Relating to protecting continuity in the community behavioral health system; adding a new section to chapter 71.24 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 5241 by Senators Dhingra and Nguyen

AN ACT Relating to promoting economic inclusion for people experiencing poverty; adding new sections to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5242 by Senators Liias and Short

AN ACT Relating to supporting media literacy and digital citizenship; adding new sections to chapter 28A.300 RCW; and providing expiration dates.

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

SB 5243 by Senator Gildon

AN ACT Relating to creating efficiency in housing by streamlining approval of engineered plans; amending RCW 36.70B.030; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Housing & Local Government.

SB 5244 by Senator Brown

AN ACT Relating to encouraging the production of advanced nuclear reactors, small modular reactors, and components through the invest in Washington act; amending RCW 82.85.010, 82.85.020, 82.85.030, 82.85.040, 82.85.050, 82.85.060, 82.85.070, 82.85.080, and 82.85.900; and providing expiration dates.

Referred to Committee on Environment, Energy & Technology.

SB 5245 by Senators Brown and Wilson, L.

AN ACT Relating to the safety of crime victims; and amending RCW 72.09.712 and 7.68.070.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5246 by Senators Randall and Frockt

AN ACT Relating to reimbursement for primary care services for medicaid beneficiaries; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long Term Care.

MOTIONS

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

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

MOTION

Senator Kuderer moved adoption of the following resolution:

SENATE RESOLUTION  
8602

By Senators Kuderer, Das, Dhingra, Hasegawa, Hunt, Liias, and Wellman

WHEREAS, Women in Cloud is a community-led, economic development organization founded in Seattle, Washington working to generate one billion dollars in new economic access for women-led technology entrepreneurs across the globe by 2030; and

WHEREAS, Women in Cloud continues to successfully create more opportunities for women entrepreneurs through innovative partnerships with tech companies, community leaders, and law making institutions; and

WHEREAS, The technology sector has proven invaluable during the COVID-19 pandemic, giving many employers the ability to continue operations with employees working from their homes while the public health crisis continues; and

WHEREAS, A recent survey of women tech entrepreneurs reported an expected average loss of up to five million dollars per company in economic opportunity over the next three years due to the COVID-19 pandemic; and

WHEREAS, Small business owners will need economic relief to ensure their survival; and

WHEREAS, As economic relief efforts for small businesses continue during and after the pandemic, it is important for such relief efforts to be carried out in an equitable manner; and

WHEREAS, The Women in Cloud organization will play a vital role in the economic recovery period working to ensure women-owned enterprises continue to survive and thrive postpandemic; and

WHEREAS, The Women in Cloud Accelerator Program provides resources, consultation, networking connections, and global platforms for women-led companies; and

WHEREAS, The Women in Cloud Annual Conference has seen tremendous growth in popularity in just three years with its inaugural conference hosting 450 participants, to an expected global attendance of more than 2,000 for this year's conference; and

WHEREAS, Through the creation of new partnerships in regions beyond the Pacific Northwest, Women in Cloud has expanded their accelerator program to eight other countries around the world; and

WHEREAS, The Washington State Legislature encourages other legislatures across the nation and governing bodies in other countries to partner with Women in Cloud to ensure women-led technology firms have equitable access to economic opportunity for generations to come;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the value of this initiative to inspire, empower, and accelerate the growth of women-led technology companies and promote the efforts of women entrepreneurs and leaders; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Women in Cloud Digital Summit 2021, to be held virtually on January 28 through 30, 2021.

Senators Kuderer and Short spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8602.

The motion by Senator Kuderer carried and the resolution was adopted by voice vote.

MOTION

At 12.35 p.m., on motion of Senator Liias, the Senate adjourned until 11:30 a.m. Monday, January 18, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**EIGHTH DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia  
Monday, January 18, 2021

The Senate was called to order at 11:32 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Lauren Hapgood led the Senate in the Pledge of Allegiance. Miss Hapgood is an intern for Senator Gildon and a student at the University of Washington, Seattle.

The prayer was offered by Reverend Dr. Gregory Christopher, Sr. Pastor of Shiloh Baptist Church, Tacoma.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

January 15, 2021

SB 5002 Prime Sponsor, Senator Hunt: Addressing the state auditor's duties and procedures. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

January 15, 2021

SB 5013 Prime Sponsor, Senator Hunt: Concerning local redistricting deadlines. Reported by Committee on State Government & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5013 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

January 15, 2021

SB 5018 Prime Sponsor, Senator Rivers: Concerning acupuncture and Eastern medicine. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

Referred to Committee on Rules for second reading.

January 15, 2021

SB 5124 Prime Sponsor, Senator Cleveland: Concerning the practice of colon hydrotherapy. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

Referred to Committee on Rules for second reading.

**MOTIONS**

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

**INTRODUCTION AND FIRST READING**

SB 5247 by Senators Padden and Rivers

AN ACT Relating to the multistate nurse licensure compact; amending RCW 18.79.030 and 18.130.040; reenacting and amending RCW 18.130.040; adding new sections to chapter 18.79 RCW; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 5248 by Senator Darneille

AN ACT Relating to establishing the joint legislative task force on jail standards; adding a new section to chapter 70.48 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5249 by Senators Wellman and Nobles

AN ACT Relating to supporting mastery-based learning; amending RCW 28A.655.260; amending 2019 c 252 s 301 (uncodified); creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

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

SB 5250 by Senator Hunt

AN ACT Relating to establishing a citizens' initiative review pilot program; amending RCW 29A.32.070; adding new sections to chapter 29A.72 RCW; creating new sections; and providing an expiration date.

Referred to Committee on State Government & Elections.

SB 5251 by Senator Schoesler

AN ACT Relating to modifying tax and revenue laws in a manner that is not estimated to affect state or local tax collections, by easing compliance burdens for taxpayers, clarifying ambiguities, making technical corrections, and providing administrative efficiencies; amending RCW 54.28.040, 54.28.055, 82.04.051, 82.04.220, 82.04.2404, 82.04.260, 82.04.261, 82.04.2907, 82.08.0531, 82.08.956, 82.08.9651, 82.08.9999, 82.12.010, 82.12.956, 82.12.9651, 82.14.532, 82.29A.090, 82.32.330, 82.32.534, 82.32.805, 84.40.130, 84.52.0531, 84.52.080, and 84.36.385; reenacting and amending RCW 79.64.110; adding a new section to chapter 82.32 RCW; and repealing RCW 82.25.045.

Referred to Committee on Ways & Means.

SB 5252 by Senators Wellman and Hasegawa

AN ACT Relating to school district consultation with local tribes; amending RCW 28A.345.070; and adding a new section to chapter 28A.300 RCW.

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

SB 5253 by Senators Liias and Warnick

AN ACT Relating to implementing the recommendations of the pollinator health task force; amending RCW 43.23.300, 17.24.081, 77.12.058, 89.08.620, and 84.34.020; adding a new section to chapter 43.23 RCW; adding a new section to chapter 17.21 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 39.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5254 by Senator Salomon

AN ACT Relating to the use of protective devices and equipment during a public health emergency; adding a new section to chapter 49.17 RCW; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5255 by Senators Wellman and Brown

AN ACT Relating to language understanding of documents used in dissolution proceedings; and adding a new section to chapter 26.09 RCW.

Referred to Committee on Law & Justice.

SB 5256 by Senators Liias and Nguyen

AN ACT Relating to the electrification of transportation; adding new sections to chapter 47.01 RCW; adding a new section to chapter 46.01 RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5257 by Senator Fortunato

AN ACT Relating to exempting homeowners from the state property tax and local school enrichment levy if their children attend private or home school; and adding a new section to chapter 84.36 RCW.

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

SB 5258 by Senators Cleveland and Robinson

AN ACT Relating to consumer directed employers; amending RCW 74.39A.500 and 74.39A.530; and amending 2018 c 278 s 30 (uncodified).

Referred to Committee on Health & Long Term Care.

SB 5259 by Senator Nobles

AN ACT Relating to requiring reporting, collecting, and publishing information regarding law enforcement interactions with the communities they serve; adding new sections to chapter 10.114 RCW; creating a new section; providing effective dates; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5260 by Senators Kuderer and Fortunato

AN ACT Relating to requiring annual reporting from the eviction resolution pilot program; and creating a new section.

Referred to Committee on Housing & Local Government.

SB 5261 by Senator Padden

AN ACT Relating to collecting information regarding police use of deadly force, personnel complaints, pursuit incidences, and patrol car crashes; and adding new sections to chapter 36.28A RCW.

Referred to Committee on Law & Justice.

SB 5262 by Senators Liias and Warnick

AN ACT Relating to broadening the eligibility requirements and extending the expiration date for the data center tax incentive; amending RCW 82.08.986 and 82.12.986; creating new sections; and providing expiration dates.

Referred to Committee on Business, Financial Services & Trade.

SB 5263 by Senators Frockt and Pedersen

AN ACT Relating to defenses in personal injury and wrongful death actions where the person injured or killed was committing a felony; amending RCW 4.24.420; and creating a new section.

Referred to Committee on Law & Justice.

SB 5264 by Senator Wagoner

AN ACT Relating to declaring January as Chinese American history month and encouraging public schools to commemorate the month; and adding a new section to chapter 43.117 RCW.

Referred to Committee on State Government & Elections.

SB 5265 by Senator Hunt

AN ACT Relating to the creation of a bridge year pilot program; amending RCW 28A.600.290 and 28A.600.330; reenacting and amending RCW 28A.600.310; adding new sections to chapter 28A.630 RCW; providing an expiration date; and declaring an emergency.

EIGHTH DAY, JANUARY 18, 2021

2021 REGULAR SESSION

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

SB 5266 by Senators Kuderer and Wilson, C.

AN ACT Relating to protecting public health and safety by enhancing the regulation of products sold to adults age 21 and over; amending RCW 70.345.020, 70.345.030, 70.345.060, 70.345.090, 70.345.160, 70.345.170, 70.345.180, 70.345.190, 82.25.005, 82.25.010, 82.25.020, 82.25.075, 82.25.060, 82.25.080, 82.25.005, 82.25.065, 82.25.075, and 82.25.090; reenacting and amending RCW 70.155.120 and 70.345.010; adding new sections to chapter 70.345 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.25 RCW; adding a new chapter to Title 70 RCW; repealing RCW 70.345.210, 82.25.045, and 82.25.085; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5267 by Senators Saldaña and Stanford

AN ACT Relating to requiring electrical licensing for electrical work associated with flipping property; and amending RCW 19.28.261 and 19.28.420.

Referred to Committee on Labor, Commerce & Tribal Affairs.

MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Senate Bill No. 5258 which was designated to the Committee on Human Services, Reentry & Rehabilitation and referred to the Committee on Health & Long Term Care and Senate Bill No. 5266 which was designated to the Committee on Ways & Means and referred to the Committee on Labor, Commerce & Tribal Affairs.

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

MOTION

Senator Saldaña moved adoption of the following resolution:

SENATE RESOLUTION  
8603

By Senators Saldaña, Braun, Hasegawa, Hobbs, Hunt, and Keiser

WHEREAS, Today, the third Monday in January, we remember and honor the life and legacy of Dr. Martin Luther King, Jr., who became a beacon of hope for actualizing racial equality in our nation; and

WHEREAS, 2021 marks the 53rd anniversary of Dr. King's murder; and

WHEREAS, Dr. King used his gift of oration to awaken America to the struggles of disenfranchised communities, particularly African-Americans, through nonviolent means; and

WHEREAS, This session the Senate welcomes its first Black senator in 10 years, Senator Twina Nobles; and

WHEREAS, Dr. Martin Luther King, Jr., encouraged others through his dedication to achieving equality. He once said, "Life's

most persistent and urgent question is: What are you doing for others?"; and

WHEREAS, Dr. King's unwavering support for the principles of racial justice and social equality helped transform America; and

WHEREAS, Black communities have been disproportionately affected by the effects of the coronavirus pandemic; and

WHEREAS, An immense public outcry following the recent police killing of George Floyd – a Black man – called for immediate real actions toward eliminating systemic racism and police misuse of deadly force; and

WHEREAS, Dr. King's steadfast pursuit of fairness encouraged others, as exemplified in his famous "Letter from Birmingham Jail," in which he said, "Injustice anywhere is a threat to justice everywhere.";

NOW, THEREFORE, BE IT RESOLVED, That the Senate, in recognition of the courageous leadership and legacy of hope demonstrated by Dr. Martin Luther King, Jr., honor his memory by urging all citizens of our state to continue the legacy of Dr. King by condemning racism in all its forms and advancing a more perfect union where all people experience fair treatment under our laws.

Senators Saldaña, Gildon, Wagoner, Kuderer, Warnick, Liias, Short, Dhingra, Braun, Das, Wilson, J., Nobles, Darneille and Hasegawa spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8603.

The motion by Senator Kuderer carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Heck: "Just as a reminder to all members, the decorum of the Senate requires you to dress in the same fashion that you would were you actually appearing on the floor of the state Senate and irrespective of whether you are appearing virtually or not, for purposes of this discussion, for men that means you must be wearing either a sport coat or a suit jacket. This decorum guideline will be enforced in the future."

MOTION

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

MESSAGE FROM THE HOUSE

January 15, 2021

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8401,

SENATE CONCURRENT RESOLUTION NO. 8402,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE CONCURRENT RESOLUTION NO. 8401  
and SENATE CONCURRENT RESOLUTION NO. 8402.

MOTION

At 12:31 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Tuesday, January 19, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**NINTH DAY**

---

**AFTERNOON SESSION**

---

Senate Chamber, Olympia  
Tuesday, January 19, 2021

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

January 18, 2021

SB 5061 Prime Sponsor, Senator Keiser: Concerning unemployment insurance. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5061 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Honeyford.

Referred to Committee on Rules for second reading.

**MOTIONS**

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

**MESSAGE FROM THE HOUSE**

January 18, 2021

MR. PRESIDENT:  
The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8401,  
SENATE CONCURRENT RESOLUTION NO. 8402,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SB 5268 by Senators Keiser and Braun

AN ACT Relating to transforming services for individuals with intellectual and developmental disabilities by increasing the capabilities of community residential settings and redesigning the long-term nature of intermediate care facilities; amending RCW 43.88C.010; adding a new section to chapter 71A.18 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Health & Long Term Care.

SB 5269 by Senators Das and Liias

AN ACT Relating to including the value of increased residential building capacity in the property tax levy limit calculation; amending RCW 84.55.010; and adding a new section chapter 36.70A RCW.

Referred to Committee on Housing & Local Government.

SB 5270 by Senators Liias and King

AN ACT Relating to improving access to department of licensing issued documents by extending the issuance period of driver licenses and identicards to eight years, allowing online issuance and renewal of instruction permits, and expanding online renewal of driver licenses and identicards; amending RCW 46.20.049, 46.20.055, 46.20.091, 46.20.117, 46.20.120, 46.20.161, 46.20.161, 46.20.181, 46.20.202, and 46.20.505; reenacting and amending RCW 46.20.117; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5271 by Senators Wagoner and Pedersen

AN ACT Relating to amending the necessary elements of proof of injury during the state of emergency declared due to the COVID-19 pandemic; amending RCW 7.70.040; and creating a new section.

Referred to Committee on Law & Justice.

SB 5272 by Senators Rolfes and Frockt

AN ACT Relating to temporarily waiving certain liquor and cannabis board annual licensing fees; amending RCW 66.24.140, 66.24.146, 66.24.170, 66.24.240, 66.24.244, 66.24.320, 66.24.330, 66.24.350, 66.24.420, 66.24.495, 66.24.540, 66.24.570, 66.24.580, 66.24.590, 66.24.600, 66.24.650, 66.24.655, 66.24.680, and 66.24.690; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5273 by Senators Salomon, Rolfes and Pedersen

AN ACT Relating to the replacement of shoreline armoring; amending RCW 77.55.231; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5274 by Senator Hasegawa

AN ACT Relating to establishing an equity impact statement for legislative proposals; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on State Government & Elections.

SB 5275 by Senators Short and Lovelett

AN ACT Relating to enhancing opportunity in limited areas of more intense rural development; reenacting and amending RCW 36.70A.070; and creating a new section.

Referred to Committee on Housing & Local Government.

SB 5276 by Senator Short

AN ACT Relating to requiring additional agencies to comply with the procedures for significant legislative rules; and amending RCW 34.05.328.

Referred to Committee on State Government & Elections.

SB 5277 by Senator Short

AN ACT Relating to temporarily suspending the early achievers program; amending RCW 43.216.085 and 43.216.515; reenacting and amending RCW 43.216.135; creating a new section; and providing an expiration date.

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

SB 5278 by Senators Stanford and Kuderer

AN ACT Relating to the protection of construction worker wages and benefits; adding new sections to chapter 49.48 RCW; and creating a new section.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5279 by Senator Robinson

AN ACT Relating to an additional revenue source for eviction prevention and housing stability services; amending RCW 43.185C.045, 43.185C.060, and 43.185C.190; adding a new section to chapter 36.22 RCW; and adding a new section to chapter 43.185C RCW.

Referred to Committee on Housing & Local Government.

SB 5280 by Senators Wilson, J.

AN ACT Relating to administrative procedures; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government & Elections.

SB 5281 by Senators Rolfes and Saldaña

AN ACT Relating to modifying the business and occupation tax exemption for certain fruit and vegetable businesses; and amending RCW 82.04.4266 and 82.32.534.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5282 by Senator Dhingra

AN ACT Relating to reduction in value of property as a result of government restrictions imposed in response to a public health emergency; amending RCW 84.56.020 and 84.70.010; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5283 by Senators Wilson, L. and Wilson, J.

AN ACT Relating to prohibiting the use of title-only bills; adding a new section to chapter 44.04 RCW; and creating a new section.

Referred to Committee on State Government & Elections.

SB 5284 by Senator Randall

AN ACT Relating to eliminating subminimum wage certificates for persons with disabilities; amending RCW 49.12.110, 49.46.060, and 49.46.170; adding a new section to chapter 71A.10 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5285 by Senators Nguyen and Darneille

AN ACT Relating to allowed earned time for certain offenses; amending RCW 9.94A.729 and 9.94A.729; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5286 by Senators Das and Saldaña

AN ACT Relating to establishing a statewide organic waste management goal; amending RCW 70A.205.015, 70A.205.050, and 70A.205.055; adding a new section to chapter 70A.205 RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5287 by Senators Das and Kuderer

AN ACT Relating to affordable housing incentives; amending RCW 84.14.005, 84.14.010, 84.14.020, 84.14.040, 84.14.060, and 84.14.100; adding a new section to chapter 84.14 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Housing & Local Government.

SB 5288 by Senators Liias and Short

AN ACT Relating to increasing access to the Washington opportunity scholarship program; and amending RCW 28B.145.010, 28B.145.030, 28B.145.040, and 28B.145.100.

Referred to Committee on Higher Education & Workforce Development.

SB 5289 by Senator Fortunato

AN ACT Relating to providing property tax relief to senior citizens; adding a new section to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Ways & Means.

NINTH DAY, JANUARY 19, 2021  
MOTIONS

2021 REGULAR SESSION

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

At 12:33 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Wednesday, January 20, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**TENTH DAY**

---

**AFTERNOON SESSION**

---

Senate Chamber, Olympia  
Wednesday, January 20, 2021

The Senate was called to order at 12:31 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

January 20, 2021

**SB 5014** Prime Sponsor, Senator Hunt: Clarifying the state offices for which elections to fill a vacancy may appear on the ballot in odd-numbered years. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson, J., Ranking Member.

Referred to Committee on Rules for second reading.

January 20, 2021

**SB 5015** Prime Sponsor, Senator Hunt: Concerning fraudulent portrayal of ballot drop boxes. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

**SUPPLEMENTAL REPORTS OF STANDING COMMITTEES**

Pursuant to Senate Rule 45(13), notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

SENATE BILL NO. 5195,  
SENATE BILL NO. 5209,  
SENATE BILL NO. 5210,  
and SENATE BILL NO. 5236.

**MOTIONS**

On motion of Senator Liias, all measures listed on the Standing Committee report and Supplemental Committee Report were referred to the committees as designated.

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

**INTRODUCTION AND FIRST READING**

**SB 5290** by Senator Fortunato

AN ACT Relating to modifying the income eligibility requirement for the senior citizen and persons with disabilities property tax exemption program; amending RCW 84.36.381, 84.38.020, and 84.38.030; reenacting and amending RCW 84.36.383; and creating new sections.

Referred to Committee on Ways & Means.

**SB 5291** by Senator Conway

AN ACT Relating to the report deadline for the defense community compatibility account; and amending RCW 43.330.520.

Referred to Committee on State Government & Elections.

**SB 5292** by Senator Nobles

AN ACT Relating to the use of parks and recreation spaces, trails, and facilities in the design of parks Rx pilot program collaboratively designed with the health care and insurance industry sectors; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

**SB 5293** by Senator Nobles

AN ACT Relating to mental health sentencing alternatives; amending RCW 9.94A.501; adding a new section to chapter 9.94A RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Law & Justice.

**SB 5294** by Senators Cleveland and Muzzall

AN ACT Relating to the creation of statewide epidemic preparedness and response guidelines for long-term care facilities; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

**SB 5295** by Senators Carlyle and Short

AN ACT Relating to transforming the regulation of gas and electrical companies toward multiyear rate plans and performance-based rate making; amending RCW 80.28.005 and 80.28.068; adding new sections to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

**SB 5296** by Senator Schoesler

TENTH DAY, JANUARY 20, 2021

2021 REGULAR SESSION

AN ACT Relating to the definition of index for the Washington state patrol retirement system; and reenacting and amending RCW 43.43.260.

Referred to Committee on Law & Justice.

Referred to Committee on Ways & Means.

SB 5297 by Senator Dhingra

AN ACT Relating to modernizing, harmonizing, and improving the efficacy and accessibility of laws concerning civil protection orders; amending RCW 7.---, 7.---, 7.---, 9.41.040, 9.41.075, 9.41.801, 10.99.045, 26.55.010, 26.55.020, 26.55.030, 26.55.040, 26.55.050, 2.28.210, 4.08.050, 4.24.130, 7.77.060, 7.77.080, 9.41.010, 9.41.042, 9.41.070, 9.41.173, 9.94A.411, 9.94A.515, 9.94A.525, 9.94A.637, 9.94A.660, 9.94A.662, 9.94A.703, 9.96.060, 9A.36.041, 9A.40.104, 9A.46.040, 9A.46.060, 9A.46.085, 9A.46.110, 9A.88.170, 9A.88.180, 10.01.240, 10.05.020, 10.05.030, 10.22.010, 10.31.100, 10.66.010, 10.95.020, 10.99.040, 10.99.050, 10.99.090, 11.92.195, 11.130.257, 11.130.335, 12.04.140, 12.04.150, 13.40.0357, 13.40.160, 13.40.193, 13.40.265, 19.220.010, 26.09.003, 26.09.015, 26.09.050, 26.09.060, 26.09.191, 26.09.300, 26.12.260, 26.12.802, 26.26A.470, 26.26B.020, 26.26B.050, 26.28.015, 26.44.020, 26.51.020, 26.52.010, 26.52.070, 36.18.020, 43.43.754, 48.18.550, 49.76.020, 59.18.575, 70.02.230, 70.02.240, 71.09.305, 71.32.090, 71.32.200, 72.09.712, 72.09.714, 74.34.020, 74.34.020, 74.34.110, 7.90.150, and 7.92.160; reenacting and amending RCW 9.41.800, 9.41.300, 9.94A.030, 10.99.020, 36.28A.410, 41.04.655, 43.43.842, 59.18.570, and 71.32.260; adding a new section to chapter 9.41 RCW; adding new sections to chapter 26.55 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 70.123 RCW; adding a new section to chapter 9A.44 RCW; adding a new section to chapter 9A.46 RCW; adding a new chapter to Title 7 RCW; creating a new section; recodifying RCW 26.50.150, 26.50.250, 7.90.150, and 7.92.160; repealing RCW 7.90.005, 7.90.010, 7.90.020, 7.90.030, 7.90.040, 7.90.050, 7.90.052, 7.90.053, 7.90.054, 7.90.055, 7.90.060, 7.90.070, 7.90.080, 7.90.090, 7.90.100, 7.90.110, 7.90.120, 7.90.121, 7.90.130, 7.90.140, 7.90.155, 7.90.160, 7.90.170, 7.90.180, 7.90.190, 7.90.900, 7.92.010, 7.92.020, 7.92.030, 7.92.040, 7.92.050, 7.92.060, 7.92.070, 7.92.080, 7.92.090, 7.92.100, 7.92.110, 7.92.120, 7.92.125, 7.92.130, 7.92.140, 7.92.150, 7.92.170, 7.92.180, 7.92.190, 7.92.900, 7.92.901, 7.94.010, 7.94.020, 7.94.030, 7.94.040, 7.94.050, 7.94.060, 7.94.070, 7.94.080, 7.94.090, 7.94.100, 7.94.110, 7.94.120, 7.94.130, 7.94.140, 7.94.150, 7.94.900, 10.14.010, 10.14.020, 10.14.030, 10.14.040, 10.14.045, 10.14.050, 10.14.055, 10.14.060, 10.14.065, 10.14.070, 10.14.080, 10.14.085, 10.14.090, 10.14.100, 10.14.105, 10.14.110, 10.14.115, 10.14.120, 10.14.125, 10.14.130, 10.14.140, 10.14.150, 10.14.155, 10.14.160, 10.14.170, 10.14.180, 10.14.190, 10.14.200, 10.14.210, 10.14.800, 26.50.010, 26.50.020, 26.50.021, 26.50.025, 26.50.030, 26.50.035, 26.50.040, 26.50.050, 26.50.055, 26.50.060, 26.50.070, 26.50.080, 26.50.085, 26.50.090, 26.50.095, 26.50.100, 26.50.110, 26.50.115, 26.50.120, 26.50.123, 26.50.125, 26.50.130, 26.50.135, 26.50.140, 26.50.160, 26.50.165, 26.50.200, 26.50.210, 26.50.220, 26.50.230, 26.50.240, 26.50.900, 26.50.901, 74.34.115, 74.34.120, 74.34.130, 74.34.135, 74.34.140, 74.34.145, 74.34.150, 74.34.160, 74.34.163, 74.34.210, and 26.10.115; prescribing penalties; providing effective dates; and providing expiration dates.

SB 5298 by Senator Stanford

AN ACT Relating to requiring the attorney general to obtain free, prior, and informed consent before initiating programs or projects under his or her independent authority that affect tribes, tribal rights, and tribal lands; adding new sections to chapter 43.10 RCW; creating a new section; and providing an effective date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5299 by Senators Wellman and Kuderer

AN ACT Relating to the use of computer science credits for the purpose of graduation requirements; and amending RCW 28A.230.300.

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

SB 5300 by Senator Van De Wege

AN ACT Relating to prohibiting the feeding of garbage to swine; amending RCW 16.36.020 and 16.36.105; reenacting and amending RCW 16.36.005; and repealing RCW 16.68.150.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5301 by Senator Dozier

AN ACT Relating to creating the corrections and public safety account; creating new sections; and providing expiration dates.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5302 by Senator Cleveland

AN ACT Relating to establishing a personal protective equipment vendor database; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Health & Long Term Care.

SB 5303 by Senator Hunt

AN ACT Relating to exempting United States food and drug administration nonpublic information from disclosure under the state public disclosure act; and amending RCW 42.56.380.

Referred to Committee on State Government & Elections.

SB 5304 by Senators Wilson, C. and Dhingra

AN ACT Relating to providing reentry services to persons releasing from state and local institutions; amending RCW 74.09.670, 74.09.555, 9.94.049, 72.09.370, 71.24.470, 71.24.480, 71.24.035, and 72.09.270; adding a new section to chapter 71.24 RCW; and creating new sections.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5305 by Senators Fortunato and Liias

AN ACT Relating to allowing medicare supplemental insurance premiums to be deducted from the calculation of disposable income for the purpose of qualifying for senior property tax programs; reenacting and amending RCW 84.36.383; and creating a new section.

Referred to Committee on Ways & Means.

SB 5306 by Senator Salomon

AN ACT Relating to local salmon habitat recovery planning in critical areas; amending RCW 36.70A.050 and 36.70A.172; reenacting and amending RCW 36.70A.130; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5307 by Senators Pedersen and Dhingra

AN ACT Relating to the uniform pretrial release and detention act; amending RCW 10.19.170 and 10.21.060; adding a new section to chapter 10.31 RCW; adding a new chapter to Title 10 RCW; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5308 by Senator Short

AN ACT Relating to reducing certain transportation electrification fees on hybrid vehicles; and amending RCW 46.17.324.

Referred to Committee on Transportation.

SB 5309 by Senator Rivers

AN ACT Relating to providing a sales and use tax exemption for adult and baby diapers; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5310 by Senator Holy

AN ACT Relating to combatting violence, disorder, and looting while ensuring protection for law enforcement; amending RCW 9A.36.031, 9A.46.020, 9.94A.515, 9A.84.010, 9A.48.090, 82.14.310, and 82.14.320; reenacting and amending RCW 46.61.250; adding a new section to chapter 9A.82 RCW; adding a new section to chapter 46.61 RCW; adding a new section to chapter 9A.84 RCW; adding new sections to chapter 35.21 RCW; adding new sections to chapter 36.01 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5311 by Senator Rivers

AN ACT Relating to adjusting the skilled nursing medicaid rate methodology to provide an annual inflationary adjustment; and amending RCW 74.46.561.

Referred to Committee on Health & Long Term Care.

SB 5312 by Senator Mullet

AN ACT Relating to facilitating transit-oriented development and increasing housing inventory; and amending RCW 36.70A.500.

Referred to Committee on Housing & Local Government.

SB 5313 by Senators Liias and Randall

AN ACT Relating to health insurance discrimination; amending RCW 49.60.178 and 41.05.017; and reenacting and amending RCW 49.60.040 and 48.30.300.

Referred to Committee on Health & Long Term Care.

MOTION

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

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. I think all of us are overjoyed that we've seen a peaceful transition of power and our National Guard folks in D.C. have been safe through today's events and applaud our citizen soldiers who are serving us even now."

MOTION

At 12:34 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Thursday, January 21, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**ELEVENTH DAY**

---

**AFTERNOON SESSION**

---

Senate Chamber, Olympia  
Thursday, January 21, 2021

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

January 20, 2021

**SB 5003** Prime Sponsor, Senator Keiser: Enacting the living donor act. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5003 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson and Van De Wege.

Referred to Committee on Rules for second reading.

January 20, 2021

**SB 5030** Prime Sponsor, Senator Mullet: Developing comprehensive school counseling programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5030 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

January 20, 2021

**SB 5032** Prime Sponsor, Senator Hasegawa: Concerning the reauthorization and improvements to alternative public works contracting procedures. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson, J., Ranking Member.

Referred to Committee on Rules for second reading.

January 20, 2021

**SB 5044** Prime Sponsor, Senator Das: Concerning professional learning, equity, cultural competency, and dismantling institutional racism in the public school system. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5044 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member and McCune.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Dozier.

Referred to Committee on Rules for second reading.

January 20, 2021

**SB 5082** Prime Sponsor, Senator Fortunato: Reestablishing the productivity board. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Ways & Means.

January 20, 2021

**SB 5128** Prime Sponsor, Senator Wellman: Concerning student transportation funding during a local, state, or national emergency. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5128 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Ways & Means.

January 20, 2021

**SB 5133** Prime Sponsor, Senator Conway: Concerning the definition of confidential employee for the purposes of state collective bargaining. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member and Braun.

Referred to Committee on Ways & Means.

January 20, 2021

SB 5272 Prime Sponsor, Senator Rolfes: Concerning temporarily waiving certain liquor and cannabis board annual licensing fees. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Honeyford; Robinson; Saldaña and Schoesler.

Referred to Committee on Ways & Means.

#### MOTIONS

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the Standing Committees were granted special leave to meet during the day's floor session.

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

#### INTRODUCTION AND FIRST READING

SB 5314 by Senator Short

AN ACT Relating to standing and science under the growth management act; amending RCW 36.70A.280 and 36.70A.172; and creating a new section.

Referred to Committee on Housing & Local Government.

SB 5315 by Senators Mullet and Dozier

AN ACT Relating to captive insurance; amending RCW 48.14.020, 48.14.095, 48.15.160, 82.04.320, and 48.14.090; adding a new chapter to Title 48 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Business, Financial Services & Trade.

SB 5316 by Senators Wilson, L. and Rolfes

AN ACT Relating to oversight of state financial management; amending RCW 43.79.270 and 43.79.280; adding a new section to chapter 44.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5317 by Senator Warnick

AN ACT Relating to pesticide registration and pesticide licensing fees; and amending RCW 15.58.070, 15.58.180, 15.58.200, 15.58.205, 15.58.210, 15.58.220, 15.58.411, 17.21.070, 17.21.110, 17.21.122, 17.21.126, 17.21.129, 17.21.220, and 17.21.280.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5318 by Senator Warnick

AN ACT Relating to fertilizer fees; and amending RCW 15.54.275, 15.54.325, 15.54.350, and 15.54.362.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5319 by Senator McCune

AN ACT Relating to the sale or lease of manufactured/mobile home communities and the property on which they sit; amending RCW 59.20.305; reenacting and amending RCW 59.20.030; adding a new section to chapter 59.20 RCW; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Housing & Local Government.

SB 5320 by Senators Wilson, L. and Muzzall

AN ACT Relating to the responsibilities of the three branches of government for administrative rules and procedure; amending RCW 34.05.570; adding new sections to chapter 44.04 RCW; adding new sections to chapter 34.05 RCW; and creating new sections.

Referred to Committee on State Government & Elections.

SB 5321 by Senator Nobles

AN ACT Relating to the college bound scholarship; amending RCW 28B.118.040; and reenacting and amending RCW 28B.118.010 and 28B.118.090.

Referred to Committee on Higher Education & Workforce Development.

SB 5322 by Senator Robinson

AN ACT Relating to prohibiting dual enrollment between school employees' benefits board and public employees' benefits board programs; and amending RCW 41.05.742.

Referred to Committee on Ways & Means.

SB 5323 by Senator Rolfes

AN ACT Relating to freezing wage and salaries and providing for furlough days during the 2021-2023 fiscal biennium; amending RCW 28B.50.465, 28B.50.468, 41.06.070, 41.06.500, 43.03.030, and 43.03.040; reenacting and amending RCW 41.06.133; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5324 by Senators Wilson, L.

AN ACT Relating to financial relief for disabled and elderly populations by providing a sales and use tax exemption for mobility enhancing equipment; amending RCW 82.08.0283 and 82.12.0277; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5325 by Senator Muzzall

AN ACT Relating to audio-only telemedicine; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 71.24 RCW; and adding new sections to chapter 74.09 RCW.

Referred to Committee on Health & Long Term Care.

MOTIONS

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

At 12:32 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Friday, January 22, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**TWELFTH DAY**

---

**AFTERNOON SESSION**

---

Senate Chamber, Olympia  
Friday, January 22, 2021

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

January 21, 2021

**SB 5000** Prime Sponsor, Senator Hawkins: Creating a hydrogen fuel cell electric vehicle pilot sales and use tax exemption program. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Brown; Das; Fortunato; Hobbs; Liias; Nguyen; Sheldon; Short and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member and Stanford.

Referred to Committee on Transportation.

January 21, 2021

**SB 5008** Prime Sponsor, Senator Robinson: Extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Brown; Das; Fortunato; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Ways & Means.

January 21, 2021

**SB 5019** Prime Sponsor, Senator Kuderer: Concerning the recording standards commission. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member;

Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

Referred to Committee on Ways & Means.

January 21, 2021

**SB 5027** Prime Sponsor, Senator Padden: Concerning closed captioning on televisions in places of public accommodation. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 21, 2021

**SB 5033** Prime Sponsor, Senator Kuderer: Limiting the property tax exemption for improvements to single-family dwellings to the construction of accessory dwelling units. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5033 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon, Assistant Ranking Member and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member Short, Assistant Ranking Member.

Referred to Committee on Ways & Means.

January 21, 2021

**SB 5034** Prime Sponsor, Senator Pedersen: Concerning nonprofit corporations. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5034 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 21, 2021

**SB 5045** Prime Sponsor, Senator Warnick: Establishing a state meat and poultry inspection program. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5045 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon,

TWELFTH DAY, JANUARY 22, 2021

2021 REGULAR SESSION

Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

January 21, 2021

SB 5051 Prime Sponsor, Senator Pedersen: Concerning state oversight and accountability of peace officers and corrections officers. Reported by Committee on Law & Justice

SB 5132 Prime Sponsor, Senator Pedersen: Concerning trusts and estates. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

MAJORITY recommendation: That Substitute Senate Bill No. 5051 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

SB 5135 Prime Sponsor, Senator Das: Concerning unlawfully summoning a police officer. Reported by Committee on Law & Justice

Referred to Committee on Ways & Means.

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

January 21, 2021

SB 5062 Prime Sponsor, Senator Carlyle: Concerning the management, oversight, and use of data. Reported by Committee on Environment, Energy & Technology

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

MAJORITY recommendation: That Substitute Senate Bill No. 5062 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Brown; Das; Fortunato; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

MOTIONS

Referred to Committee on Ways & Means.

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 5051 and Senate Bill No. 5066 which were designated to the Committee on Rules and referred to the Committee on Ways & Means.

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

January 21, 2021

SB 5063 Prime Sponsor, Senator Honeyford: Concerning the expiration date of the invasive species council. Reported by Committee on Agriculture, Water, Natural Resources & Parks

INTRODUCTION AND FIRST READING

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

SB 5326 by Senators Robinson, Cleveland, Conway, Das, Hasegawa, Hunt, Liias, Nguyen, Nobles, Saldaña, Wellman, and Wilson, C.

AN ACT Relating to health and pension benefits for school bus drivers employed by private nongovernmental entities; amending RCW 28A.160.140; and creating a new section.

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

January 21, 2021

SB 5066 Prime Sponsor, Senator Dhingra: Concerning a peace officer's duty to intervene. Reported by Committee on Law & Justice

SB 5327 by Senators Brown, Frockt, Lovelett, Rivers, Short, Warnick and Wellman

AN ACT Relating to a confidential youth safety and well-being tip line; adding a new chapter to Title 43 RCW; and prescribing penalties.

MAJORITY recommendation: That Substitute Senate Bill No. 5066 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

Referred to Committee on Behavioral Health Subcommittee to Health & Long Term Care.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

SB 5328 by Senators Lovelett, Dhingra, Darneille, Das, Frockt, Nguyen, Nobles, and Wilson, C.

AN ACT Relating to clubhouses for persons with mental illness; reenacting and amending RCW 71.24.385; and creating new sections.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member and Holy.

Referred to Committee on Behavioral Health Subcommittee to Health & Long Term Care.

SB 5329 by Senators Honeyford and Holy

AN ACT Relating to the distribution of aircraft fuel tax revenue; amending RCW 82.42.090; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5330 by Senators Van De Wege, Salomon, Warnick, and Wilson, C.

AN ACT Relating to commercial whale watching licenses; and amending RCW 77.65.615.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5331 by Senators Gildon, Darneille, Dhingra, Hasegawa, Nguyen, Nobles, Warnick, Wellman, and Wilson, C.

AN ACT Relating to establishing an early childhood court program for young children and their families involved or at risk of becoming involved in Washington's child welfare system; adding new sections to chapter 2.30 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5332 by Senator Padden

AN ACT Relating to clarifying equipment requirements for wheeled all-terrain vehicles; and amending RCW 46.09.442 and 46.09.457.

Referred to Committee on Transportation.

SB 5333 by Senators Holy and Wilson, L.

AN ACT Relating to void and unenforceable clauses in construction contracts related to delays caused by the COVID-19 pandemic emergency proclamations; amending RCW 4.24.360; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5334 by Senators Dozier, Braun, Hawkins, Rivers, Schoesler, Short and Warnick

AN ACT Relating to transparency in levy authorization information provided by school districts; amending RCW 28A.320.090 and 84.52.053; and creating a new section.

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

SB 5335 by Senators Randall, Rolfes, Hasegawa, Nguyen, Nobles, Saldaña, Stanford, and Wilson, C.

AN ACT Relating to acquisitions of health care facilities; adding a new chapter to Title 70 RCW; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SB 5336 by Senators Conway, Van De Wege, Das, Hasegawa, Holy, Keiser and Nobles

AN ACT Relating to law enforcement officers' and firefighters' retirement system disability boards; amending RCW 41.26.115; and creating a new section.

Referred to Committee on Ways & Means.

#### MOTION

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

#### PERSONAL PRIVILEGE

Senator Liias: "Thank you Mr. President. I just want to note with a little bit of sadness that one of my predecessors as a senator from the 21<sup>st</sup> District has passed away. Senator Jeanette Wood has served our community for over a decade in the House and Senate and was a champion for higher education and a compassionate representative of our district. Serving the 21<sup>st</sup> District is a special privilege and an honor that I cherish and I just hold in my heart the family of Senator Wood and reflect on the fact that she came before me and contributed to this body and to this state in meaningful ways and I hope that we can all think about the folks who came before us and the important work they did and how we can work together during our time here to carry the baton of progress forward for our people, and I appreciate that opportunity."

#### MOTION

At 12:33 p.m., on motion of Senator Liias, the Senate adjourned until 11:45 a.m. Monday, January 25, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**FIFTEENTH DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia  
Monday, January 25, 2021

The Senate was called to order at 11:46 a.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

January 22, 2021

SB 5073 Prime Sponsor, Senator Dhingra: Concerning involuntary commitment. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5073 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Frockt; Nobles and Warnick.

Referred to Committee on Rules for second reading.

January 22, 2021

SB 5074 Prime Sponsor, Senator Wagoner: Establishing safe station pilot programs. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5074 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Frockt; Nobles and Warnick.

Referred to Committee on Ways & Means.

January 22, 2021

SB 5117 Prime Sponsor, Senator Nguyen: Concerning rental vouchers to eligible offenders. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5117 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Dozier; Saldaña and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon, Ranking Member and McCune.

Referred to Committee on Ways & Means.

January 22, 2021

SB 5118 Prime Sponsor, Senator Darneille: Supporting successful reentry. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5118 be substituted therefor, and the substitute bill do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Saldaña and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators Dozier and McCune.

Referred to Committee on Ways & Means.

January 22, 2021

SB 5120 Prime Sponsor, Senator Darneille: Concerning the criminal sentencing of youth and young adults. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5120 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Saldaña and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators Gildon, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

January 22, 2021

SB 5121 Prime Sponsor, Senator Darneille: Expanding eligibility for the graduated reentry program. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5121 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Saldaña and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators Gildon, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

**MOTIONS**

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

**MESSAGE FROM THE HOUSE**

January 22, 2021

MR. PRESIDENT:  
The House has passed:

SUBSTITUTE HOUSE BILL NO. 1007,  
HOUSE BILL NO. 1042,

SUBSTITUTE HOUSE BILL NO. 1095,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5337 by Senators Wilson, L., Gildon, Rivers, Wagoner, and Wilson, J.

AN ACT Relating to property tax relief for senior citizens and service-connected disabled veterans; reenacting and amending RCW 84.36.383; and creating new sections.

Referred to Committee on Ways & Means.

SB 5338 by Senators Wilson, L., Randall and Rivers

AN ACT Relating to fire protection districts and education; and amending RCW 52.02.020.

Referred to Committee on Housing & Local Government.

SB 5339 by Senators Das, Nguyen, Darneille, Liias, Lovelett, Nobles and Salomon

AN ACT Relating to juvenile records; amending RCW 13.50.260 and 13.50.150; and reenacting and amending RCW 13.50.010.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5340 by Senators Salomon, Das, Dhingra, Hunt, Lovelett, Nguyen and Saldaña

AN ACT Relating to qualifications for school board directors; and amending RCW 28A.343.340, 29A.24.031, and 29A.24.075.

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

SB 5341 by Senators Wilson, J. and Wilson, L.

AN ACT Relating to increasing permissible uses of existing local sales tax authority; and amending RCW 82.14.450.

Referred to Committee on Housing & Local Government.

SB 5342 by Senators Schoesler, Dozier, Hunt and Mullet

AN ACT Relating to irrigation district elections; amending RCW 87.03.031, 87.03.032, 87.03.033, 87.03.045, 87.03.051, 87.03.071, 87.03.075, 87.03.085, and 87.03.105; adding new sections to chapter 87.03 RCW; and prescribing penalties.

Referred to Committee on Housing & Local Government.

SB 5343 by Senators Rolfes, Robinson, Dhingra and Nguyen

AN ACT Relating to revising 2019-2021 fiscal biennium appropriations of state and federal funding for previously implemented medicaid rates and other medicaid

expenditures in the developmental disabilities and long-term care programs in response to the COVID-19 pandemic; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5344 by Senators Rolfes, Robinson, Billig, Dhingra, Nguyen, Nobles, Randall and Saldaña

AN ACT Relating to responding to the COVID-19 pandemic through state actions supported by federal funding; adding a new section to chapter 43.70 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5345 by Senators Brown, Rolfes, Das, Hasegawa, Lovelett, Mullet, Nguyen, Randall and Rivers

AN ACT Relating to establishing a statewide industrial waste coordination program; amending RCW 42.56.270; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on Environment, Energy & Technology.

SB 5346 by Senators Fortunato and Wagoner

AN ACT Relating to federal immigration enforcement; adding a new chapter to Title 43 RCW; and repealing RCW 43.17.420, 43.330.510, 43.10.310, 43.17.425, 10.93.160, and 43.10.315.

Referred to Committee on Law & Justice.

SB 5347 by Senators Padden and Pedersen

AN ACT Relating to member voting methods; and amending RCW 23.86.115.

Referred to Committee on Law & Justice.

SB 5348 by Senators Stanford, Dhingra, Hasegawa, Hunt and Salomon

AN ACT Relating to assisted reproduction; amending RCW 9A.36.031, 18.130.180, and 9.94A.515; reenacting and amending RCW 9A.04.080; adding a new section to chapter 4.24 RCW; adding a new chapter to Title 9A RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

MOTIONS

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

At 11:48 a.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Tuesday, January 26, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**SIXTEENTH DAY****AFTERNOON SESSION**Senate Chamber, Olympia  
Tuesday, January 26, 2021

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

January 25, 2021

**SB 5026** Prime Sponsor, Senator Salomon: Concerning moneys available to a port district allocated for the purchase of zero and near zero emissions cargo handling equipment. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon and Wilson, C.

Referred to Committee on Housing & Local Government.

January 25, 2021

**SB 5080** Prime Sponsor, Senator Carlyle: Providing flexibility in the distribution and use of local funds dedicated to facilities used for youth educational programming. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5080 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

January 25, 2021

**SB 5266** Prime Sponsor, Senator Kuderer: Concerning the regulation of products sold to adults age 21 and over. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce

& Tribal Affairs; King, Ranking Member; Braun; Honeyford; Robinson; Saldaña and Schoesler.

Referred to Committee on Health & Long Term Care.

**MOTIONS**

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

**INTRODUCTION AND FIRST READING**

**SB 5349** by Senators Cleveland, Padden, Braun, Conway, King, McCune, Mullet, Nguyen, Rivers, Schoesler, Short and Van De Wege

AN ACT Relating to creating a program for the consolidation of traffic-based financial obligations to facilitate reinstatement of driving privileges that are suspended because of failure to pay; amending RCW 46.20.245, 46.20.289, 46.20.291, and 46.20.342; reenacting and amending RCW 46.63.110; adding a new section to chapter 46.20 RCW; and providing an effective date.

Referred to Committee on Law & Justice.

**SB 5350** by Senator Honeyford

AN ACT Relating to extending certain aerospace tax preferences to include unmanned aircraft systems; amending RCW 82.32.550; creating a new section; and providing an effective date.

Referred to Committee on Business, Financial Services & Trade.

**SB 5351** by Senators Frockt, Nobles, Cleveland, Das, Hasegawa, Keiser, Kuderer, Lovelett, Nguyen, Randall, Salomon, and Wilson, C.

AN ACT Relating to business interruption insurance claims; amending RCW 48.18.200 and 48.18.520; creating new sections; and declaring an emergency.

Referred to Committee on Business, Financial Services & Trade.

**SB 5352** by Senators Braun, Dozier, King, and Wilson, J.

AN ACT Relating to allowing new government employees the option of opting out of retirement system membership if the employee is age sixty or older when first hired, or when the employee's employer opts into retirement plan participation; amending RCW 41.40.023, 41.35.030, and 41.32.032; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.35 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.50 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5353 by Senators Conway, Darneille, Nguyen, and Wilson, C.

AN ACT Relating to creating a partnership model that facilitates community engagement with law enforcement; adding a new section to chapter 43.330 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5354 by Senators Saldaña, King and Nguyen

AN ACT Relating to traffic control in large cities; and amending RCW 46.61.050.

Referred to Committee on Transportation.

SB 5355 by Senator Conway

AN ACT Relating to establishing wage liens; amending RCW 36.18.016 and 49.48.086; adding new sections to chapter 43.24 RCW; adding a new chapter to Title 60 RCW; and providing an effective date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SJR 8203 by Senators Wilson, J.

Proposing an amendment to the Constitution regarding term limits.

Referred to Committee on State Government & Elections.

SHB 1007 by House Committee on Health Care & Wellness (originally sponsored by Klippert, Slatter, Graham and Macri)

AN ACT Relating to the completion of supervised experience through distance supervision; and amending RCW 18.225.090.

Referred to Committee on Health & Long Term Care.

HB 1042 by Representatives Thai, Walen, Ortiz-Self, Lekanoff, Gregerson, Callan, Frame, Santos and Macri

AN ACT Relating to revising the international application of the uniform child custody jurisdiction and enforcement act to protect families from facing the death penalty in certain foreign jurisdictions on the basis of religious beliefs, political beliefs, or sexual orientation; amending RCW 26.27.051; creating a new section; and declaring an emergency.

Referred to Committee on Law & Justice.

SHB 1095 by House Committee on Finance (originally sponsored by Walen, Boehnke, Ryu, Leavitt, Corry, Wicks, Tharinger, Ortiz-Self, Callan, Graham, Fey, Frame, Stokesbary, Orwall, Rule, Bergquist and Pollet)

AN ACT Relating to the taxation of governmental financial assistance programs addressing the impacts of conditions giving rise to a gubernatorial or presidential emergency proclamation by creating state business and occupation tax and state public utility tax exemptions, a sales and use tax exemption for the receipt of such financial assistance, and clarifying the sales and use tax obligations for goods and services purchased by recipients of such financial assistance; amending RCW 82.04.050; amending 2020 c 80 s 62

(uncodified); adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.08 RCW; creating new sections; repealing 2020 c 80 s 58; and declaring an emergency.

Referred to Committee on Ways & Means.

#### MOTIONS

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

At 12:32 p.m., on motion of Senator Liias, the Senate adjourned until 1:30 p.m. Wednesday, January 27, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SEVENTEENTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia  
Wednesday, January 27, 2021

The Senate was called to order at 1:43 p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Dana Hall led the Senate in the Pledge of Allegiance. Miss Hall is University of Washington, Seattle student and an Intern for Senator Cleveland.

Ms. Susan Johnson, Pacific Region Coordinator for the National Governors Prayer Team offered the prayer.

MOTIONS

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

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

REPORTS OF STANDING COMMITTEES

January 27, 2021

SB 5068 Prime Sponsor, Senator Randall: Improving maternal health outcomes by extending coverage during the postpartum period. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Randall; Rivers; Robinson and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Ways & Means.

January 27, 2021

SB 5151 Prime Sponsor, Senator Wilson, C.: Concerning foster care and child care licensing by the department of children, youth, and families. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Ways & Means.

January 27, 2021

SB 5184 Prime Sponsor, Senator Nobles: Establishing a building point of contact in all K-12 public schools for students

in foster care. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

Pursuant to Senate Rule 45(13), notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

SENATE BILL NO. 5327  
and SENATE BILL NO. 5328.

MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report and Supplemental Committee Report were referred to the committees as designated.

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

MESSAGE FROM THE HOUSE

January 27, 2021

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5356 by Senators Short, Kuderer and Conway

AN ACT Relating to prime contractor bidding submission requirements on public works contracts; and amending RCW 39.30.060.

Referred to Committee on Housing & Local Government.

SB 5357 by Senators Honeyford, King, Wagoner, Wellman, and Wilson, L.

AN ACT Relating to establishing and making appropriations for the capital broadband investment acceleration program; adding a new section to chapter 43.330 RCW; and making an appropriation.

Referred to Committee on Ways & Means.

SB 5358 by Senators Gildon, Braun, Darneille, Nguyen, Warnick and Wellman

AN ACT Relating to providing incentives to employers to hire certain hard-to-place job seekers; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5359 by Senators Braun, King, Schoesler, Wagoner, Warnick, Wilson, J., and Wilson, L.

AN ACT Relating to dedicating the state sales tax on motor vehicles to transportation improvements; amending RCW 82.08.020 and 82.12.020; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 46.68 RCW; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5360 by Senators Cleveland, Short and Salomon

AN ACT Relating to inspection and testing of fire and smoke control systems; and amending RCW 19.27.720.

Referred to Committee on Housing & Local Government.

SB 5361 by Senators McCune, Warnick, and Wilson, J.

AN ACT Relating to the resentencing of persons convicted of drug offenses; amending RCW 9.94A.519; providing an expiration date; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5362 by Senators McCune and Warnick

AN ACT Relating to ensuring the funding of agricultural fairs; amending RCW 15.76.115; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5363 by Senators Schoesler, Fortunato, Muzzall and Padden

AN ACT Relating to on-bill disclosures to retail electric customers; adding a new section to chapter 19.29A RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SB 5364 by Senator Fortunato

AN ACT Relating to equine industry support; adding a new section to chapter 82.08 RCW; adding a new section to chapter 67.16 RCW; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5365 by Senators Stanford, Conway, Das, Keiser and Nguyen

AN ACT Relating to establishing a Washington state cannabis commission; amending RCW 41.06.070 and 82.04.270; adding a new section to chapter 82.04 RCW; and adding a new chapter to Title 69 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

#### MOTIONS

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

At 1:50 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

----

The Senate was called to order at 3:11 p.m. by President Heck.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5013, by Senators Hunt, Kuderer, and Wilson, C.

Concerning local redistricting deadlines.

#### MOTIONS

On motion of Senator Hunt, Substitute Senate Bill No. 5013 was substituted for Senate Bill No. 5013 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hunt, the rules were suspended, Substitute Senate Bill No. 5013 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5013.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5013 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SEVENTEENTH DAY, JANUARY 27, 2021

2021 REGULAR SESSION

SENATE BILL NO. 5061, by Senators Keiser, Conway, Billig, Dhingra, King, Nguyen, Saldaña, Stanford, and Wilson, C.

Concerning unemployment insurance.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5061 was substituted for Senate Bill No. 5061 and the substitute bill was placed on the second reading and read the second time.

Senator Keiser moved that the following striking floor amendment no. 006 by Senator Keiser be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Amid an unprecedented and ongoing need for benefits and stresses on our unemployment insurance trust fund during the COVID-19 public health emergency, the legislature intends to continue assessing the funding levels of the unemployment insurance trust fund and the unemployment insurance premium rates authorized under this act. The legislature will continue to consider recommendations from the employment security department's unemployment insurance advisory committee and other impacted Washingtonians to ensure a healthy unemployment insurance trust fund that can maintain critical economic support to Washington workers and businesses while bolstering the state's economy.

**Sec. 2.** RCW 28B.50.030 and 2015 c 55 s 226 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult education" means all education or instruction, including academic, vocational education or training, basic skills and literacy training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate. However, "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate, nor shall "adult education" include education or instruction provided by any four-year public institution of higher education.

(2) "Applied baccalaureate degree" means a baccalaureate degree awarded by a college under RCW 28B.50.810 for successful completion of a program of study that is:

(a) Specifically designed for individuals who hold an associate of applied science degree, or its equivalent, in order to maximize application of their technical course credits toward the baccalaureate degree; and

(b) Based on a curriculum that incorporates both theoretical and applied knowledge and skills in a specific technical field.

(3) "Board" means the workforce training and education coordinating board.

(4) "Board of trustees" means the local community and technical college board of trustees established for each college district within the state.

(5) "Center of excellence" means a community or technical college designated by the college board as a statewide leader in industry-specific, community and technical college workforce education and training.

(6) "College board" means the state board for community and technical colleges created by this chapter.

(7) "Common school board" means a public school district board of directors.

(8) "Community college" includes those higher education institutions that conduct education programs under RCW 28B.50.020.

(9) "Director" means the administrative director for the state system of community and technical colleges.

(10) "Dislocated forest product worker" means a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business' services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(11) "Dislocated salmon fishing worker" means a finfish products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(12) "District" means any one of the community and technical college districts created by this chapter.

(13) "Forest products worker" means a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. ~~((For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(3).))~~

(14) "High employer demand program of study" means an apprenticeship, or an undergraduate or graduate certificate or degree program in which the number of students prepared for employment per year from in-state institutions is substantially less than the number of projected job openings per year in that field, statewide or in a substate region.

(15) "K-12 system" means the public school program including kindergarten through the twelfth grade.

(16) "Occupational education" means education or training that will prepare a student for employment that does not require a baccalaureate degree, and education and training that will prepare a student for transfer to bachelor's degrees in professional fields, subject to rules adopted by the college board.

(17) "Qualified institutions of higher education" means:

(a) Washington public community and technical colleges;

(b) Private career schools that are members of an accrediting association recognized by rule of the student achievement council for the purposes of chapter 28B.92 RCW; and

(c) Washington state apprenticeship and training council-approved apprenticeship programs.

(18) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (19) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (19) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (19) of this section.

(19) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual lumber and wood products job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

(20) "Salmon fishing worker" means a worker in the finfish industry affected by 1994 or future salmon disasters. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries involved in the commercial and recreational harvesting of finfish including buying and processing finfish. The commissioner may adopt rules further interpreting these definitions.

(21) "System" means the state system of community and technical colleges, which shall be a system of higher education.

(22) "Technical college" includes those higher education institutions with the mission of conducting occupational education, basic skills, literacy programs, and offering on short notice, when appropriate, programs that meet specific industry needs. For purposes of this chapter, technical colleges shall include the following college districts as created in RCW 28B.50.040: The twenty-fifth college district, the twenty-sixth college district, the twenty-seventh college district, the twenty-eighth college district, and the twenty-ninth college district.

**NEW SECTION. Sec. 3.** A new section is added to chapter 50.04 RCW to read as follows:

"Public health emergency" means a declaration or order that covers the jurisdiction where the unemployed individual was working on the date the individual became unemployed concerning any dangerous, contagious, or infectious diseases, including a pandemic, and is issued as follows:

(1) The president of the United States has declared a national or regional emergency;

(2) The governor of Washington declared a state of emergency under RCW 43.06.010(12); or

(3) The governor or state executive of another state where the unemployed individual was working at the time of the declaration declared a state of emergency.

**NEW SECTION. Sec. 4.** A new section is added to chapter 50.04 RCW to read as follows:

"Department" means the employment security department, unless the context clearly indicates otherwise.

**Sec. 5.** RCW 50.04.323 and 1993 c 483 s 2 are each amended to read as follows:

(1) The amount of benefits payable to an individual for any week (~~which begins after October 3, 1980, and~~) which begins in a period with respect to which such individual is receiving a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on the previous work of such individual shall be reduced (but not below zero) by an amount equal to the amount of such pension, retirement or retired pay, annuity, or other payment, which is reasonably attributable to such week. However:

(a) The requirements of this subsection shall apply to any pension, retirement or retired pay, annuity, or other similar periodic payment only if—

(i) Such pension, retirement or retired pay, annuity, or similar payment is under a plan maintained (or contributed to) by a base period employer; and

(ii) In the case of such a payment not made under the Social Security Act or the Railroad Retirement Act of 1974 (or corresponding provisions of prior law), services performed for such employer by the individual after the beginning of the base period (or remuneration for such services) affect eligibility for, or increase the amount of, such pension, retirement or retired pay, annuity, or similar payment;

(b) The amount of any such a reduction shall take into account contributions made by the individual for the pension, retirement or retired pay, annuity, or other similar periodic payment, in accordance with regulations prescribed by the commissioner; and

(c) No deduction shall be made from the amount of benefits payable for a week for individuals receiving federal social security pensions to take into account the individuals' contributions to the pension program.

(2) In the event that a retroactive pension or retirement payment covers a period in which an individual received benefits under the provisions of this title, the amount in excess of the amount to which such individual would have been entitled had such retirement or pension payment been considered as provided in this section shall be recoverable under RCW 50.20.190.

(3) A lump sum payment accumulated in a plan described in this section paid to an individual eligible for such payment shall ~~((be prorated over the life expectancy of the individual computed in accordance with the commissioner's regulation))~~ not be deducted from the amount of benefits payable to an individual for any given week.

(4) The resulting weekly benefit amount payable after reduction under this section, if not a multiple of one dollar, shall be reduced to the next lower multiple of one dollar.

(5) Any ambiguity in subsection (1) of this section should be construed in a manner consistent with 26 U.S.C. Sec. 3304 (a)(15) ~~((as last amended by P.L. 96-364)).~~

**NEW SECTION. Sec. 6.** A new section is added to chapter 50.12 RCW to read as follows:

(1) By December 1, 2021, and annually thereafter until December 1, 2025, and in compliance with RCW 43.01.036, the department must report to the governor and the appropriate committees of the legislature on the following:

(a) Status of the unemployment trust fund, including any federal advances required for trust fund solvency;

(b) An analysis of the impact of the minimum weekly benefit amount increase, including comparing wages earned and benefits claimed for those individuals receiving the minimum weekly benefit amount and the average claim duration for those individuals.

SEVENTEENTH DAY, JANUARY 27, 2021

2021 REGULAR SESSION

(2) By December 1, 2021, and in compliance with RCW 43.01.036, the department must report to the governor and the appropriate committees of the legislature a review of the amount of wages subject to tax. This review shall include an analysis of the equitable treatment of employers based on the amount of wages subject to tax, including a comparison of the percentage of wages subject to tax for small, medium, and large businesses and examples of how changes to the amount of wages subject to tax would impact trust fund balances and employer contributions.

(3) The department must use an existing unemployment insurance advisory committee comprising of members of business and members of labor to consult in the development of this report, including any evidentiary assumptions underlying the report. The report must be specifically discussed in a minimum of two meetings of the committee each year prior to submitting the report. The report must also include a section for committee members to respond directly to the contents of the report.

(4) This section expires January 31, 2026.

Sec. 7. RCW 50.16.030 and 2011 c 4 s 4 are each amended to read as follows:

(1)~~((a) Except as provided in (b) and (c) of this subsection, moneys))~~ Moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and repayment of loans from the federal government to guarantee solvency of the unemployment compensation fund in accordance with regulations prescribed by the commissioner, except that money credited to this state's account pursuant to section 903 of the social security act, as amended, shall be used exclusively as provided in subsection (5) of this section. The commissioner shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as ~~((he or she))~~ the commissioner deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his or her warrants for the payment of benefits solely from such benefits account.

~~((b) During fiscal year 2006, moneys for the payment of regular benefits as defined in RCW 50.22.010 shall be requisitioned in the following order:~~

~~((i) First, from the moneys credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended in section 209 of the temporary extended unemployment compensation act of 2002 (42 U.S.C. Sec. 1103(d)), the amount equal to the amount of benefits charged that exceeded the contributions paid in the four consecutive calendar quarters ending on June 30, 2006, because the social cost factor contributions that employers are subject to under RCW 50.29.025(2)(b)(ii)(B) are less than the social cost factor contributions that these employers would have been subject to if RCW 50.29.025(2)(b)(ii)(A) had applied to these employers; and~~

~~((ii) Second, after the requisitioning required under (b)(i) of this subsection, from all other moneys credited to this state's account in the unemployment trust fund.~~

~~((c) During fiscal years 2012 and 2013, if moneys are credited to this state's account in the unemployment trust fund pursuant to section 903(f)(3) of the social security act, as amended in section 2003 of the American recovery and reinvestment act of 2009 (42 U.S.C. Sec. 1103(f)(3)), moneys for the payment of regular benefits as defined in RCW 50.22.010 shall be requisitioned in the following order:~~

~~((i) First, from the moneys credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended in section 2003 of the American recovery and reinvestment act of 2009 (42 U.S.C. Sec. 1103(f)), a total amount during the two year period consisting of fiscal~~

~~years 2012 and 2013 that is equal to the total amount of temporary benefit increases under RCW 50.20.1202. This subsection shall not be construed as requiring that the total amount be requisitioned in each of these fiscal years; and~~

~~((ii) Second, after the requisitioning required under (c)(i) of this subsection, from all other moneys credited to this state's account in the unemployment trust fund.))~~

(2) Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, and RCW 43.01.050, as amended, shall not apply. All warrants issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the countersignature of the commissioner, or his or her duly authorized agent for that purpose.

(3) Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or in the discretion of the commissioner, shall be redeposited with the secretary of the treasury of the United States of America to the credit of this state's account in the unemployment trust fund.

(4) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the social security act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this title pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(a) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor;

(b) Limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law; and

(c) Limits the amount which may be obligated during a twelve-month period beginning on July 1st and ending on the next June 30th to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act, as amended, during the same twelve-month period and the thirty-four preceding twelve-month periods, exceeds (ii) the aggregate of the amounts obligated pursuant to subsections (4) through (6) of this section and charged against the amounts credited to the account of this state during any of such thirty-five twelve-month periods. For the purposes of subsections (4) through (6) of this section, amounts obligated during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the thirty-fourth twelve-month period preceding such period: PROVIDED, That any amount credited to this state's account under section 903 of the social security act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund shall be excluded from the unemployment compensation fund balance for the purpose of experience rating credit determination.

(5) Money credited to the account of this state pursuant to section 903 of the social security act, as amended, may not be withdrawn or used except for the payment of benefits and for the

payment of expenses of administration and of public employment offices pursuant to subsections (4) through (6) of this section. ~~((However, moneys credited because of excess amounts in federal accounts in federal fiscal years 1999, 2000, and 2001 shall be used solely for the administration of the unemployment compensation program and are not subject to appropriation by the legislature for any other purpose.))~~

(6) Money requisitioned as provided in subsections (4) through (6) of this section for the payment of expenses of administration shall be deposited in the unemployment compensation fund, but until expended, shall remain a part of the unemployment compensation fund. The commissioner shall maintain a separate record of the deposit, obligation, expenditure and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended, shall be returned promptly to the account of this state in the unemployment trust fund.

**Sec. 8.** RCW 50.20.010 and 2020 c 7 s 8 are each amended to read as follows:

(1) An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his or her eligibility period only if the commissioner finds that:

(a) ~~((He or she))~~ The individual has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which the commissioner finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(b) ~~((He or she))~~ The individual has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(c) ~~((He or she))~~ The individual is able to work, and is available for work in any trade, occupation, profession, or business for which ~~((he or she))~~ the individual is reasonably fitted.

(i) To be available for work, an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner's agents. If a labor agreement or dispatch rules apply, customary trade practices must be in accordance with the applicable agreement or rules.

(ii) Until June 30, 2021, an individual under quarantine or isolation, as defined by the department of health, as directed by a public health official during the novel coronavirus outbreak pursuant to the gubernatorial declaration of emergency of February 29, 2020, will meet the requirements of this subsection (1)(c) if the individual is able to perform, available to perform, and actively seeking work which can be performed while under quarantine or isolation.

(iii) For the purposes of this subsection, "customary trade practices" includes compliance with an electrical apprenticeship training program that includes a recognized referral system under apprenticeship program standards approved by the Washington state apprenticeship and training council;

(d) ~~((He or she))~~ The individual has been unemployed for a waiting period of one week;

(e) ~~((He or she))~~ The individual participates in reemployment services if the individual has been referred to reemployment services pursuant to the profiling system established by the

commissioner under RCW 50.20.011, unless the commissioner determines that:

(i) The individual has completed such services; or

(ii) There is justifiable cause for the claimant's failure to participate in such services; and

(f) As to weeks ~~((beginning after March 31, 1981,))~~ which fall within an extended benefit period as defined in RCW 50.22.010, the individual meets the terms and conditions of RCW 50.22.020 with respect to benefits claimed in excess of twenty-six times the individual's weekly benefit amount.

(2) An individual's eligibility period for regular benefits shall be coincident to his or her established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

(3)(a) For any weeks of unemployment insurance benefits when the one week waiting period is fully paid or fully reimbursed by the federal government, subsection (1)(d) of this section is waived.

(b) For any weeks of unemployment insurance benefits when the one week waiting period is partially paid or partially reimbursed by the federal government, the department may, by rule, elect to waive subsection (1)(d) of this section.

(4) During the weeks of a public health emergency, an unemployed individual may also meet the requirements of subsection (1)(c) of this section if:

(a) The unemployed individual is able to perform, available to perform, and actively seeking suitable work which can be performed for an employer from the individual's home; and

(b) The unemployed individual or another individual residing with the unemployed individual is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual:

(i) Was in an age category that is defined as high risk for the disease that is the subject of the public health emergency by:

(A) The federal centers for disease control and prevention;

(B) The department of health; or

(C) The equivalent agency in the state where the individual resides; or

(ii) Has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the subject of the public health emergency by:

(A) The federal centers for disease control and prevention;

(B) The department of health; or

(C) The equivalent agency in the state where the individual resides.

**Sec. 9.** RCW 50.20.020 and 2010 c 8 s 13021 are each amended to read as follows:

(1) No week shall be counted as a waiting period week(~~(;~~

~~(1) if benefits have been paid with respect thereto, and~~

~~(2) unless the individual was otherwise eligible for benefits with respect thereto, and~~

~~(3) unless it occurs within the benefit year which includes the week with respect to which he or she claims payment of benefits)) if benefits have been paid for that week, the individual was otherwise eligible for benefits, and it occurs within the benefit year which includes the week with respect to which the individual claims payment of benefits.~~

(2) If RCW 50.20.010(1)(d) is waived, subsection (1) of this section is waived.

**Sec. 10.** RCW 50.20.050 and 2009 c 493 s 3 and 2009 c 247 s 1 are each reenacted and amended to read as follows:

(1) With respect to ~~((claims that have an effective date on or after January 4, 2004, and for separations that occur before September 6, 2009))~~ separations that occur on or after September 6, 2009, and for separations that occur before April 4, 2021:

SEVENTEENTH DAY, JANUARY 27, 2021

2021 REGULAR SESSION

(a) ~~((An individual))~~ A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which ~~((he or she has))~~ the claimant left work voluntarily without good cause and thereafter for seven calendar weeks and until ~~((he or she has obtained))~~ the claimant obtains bona fide work in employment covered by this title and earned wages in that employment equal to seven times ~~((his or her))~~ the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

- (i) The duration of the work;
- (ii) The extent of direction and control by the employer over the work; and
- (iii) The level of skill required for the work in light of the ~~((individual's))~~ the claimant's training and experience.

(b) ~~((An individual))~~ A claimant has good cause and is not disqualified from benefits under (a) of this subsection ~~((when))~~ only under the following circumstances:

- (i) ~~((He or she))~~ The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;
- (ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve ~~((his or her))~~ the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated ~~((his or her))~~ the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

~~((A))~~ ~~With respect to claims that have an effective date before July 2, 2006, he or she: (H))~~ The claimant: (A) Left work to relocate for the ~~((spouse's))~~ employment ~~((that, due to a mandatory military transfer: (1) Is outside the existing labor market area; and (2) is in Washington or another state that, pursuant to statute, does not consider such an individual to have left work voluntarily without good cause; and (H) remained employed as long as was reasonable prior to the move;~~

~~((B))~~ ~~With respect to claims that have an effective date on or after July 2, 2006, he or she: (I) Left work to relocate for the spouse's employment that, due to a mandatory military transfer, is outside the existing labor market area; and (H) remained employed as long as was reasonable prior to the move))~~ of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The ~~((individual's))~~ claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The ~~((individual's))~~ claimant's usual hours were reduced by twenty-five percent or more;

(vii) The ~~((individual's))~~ claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is

customary for workers in the ~~((individual's))~~ claimant's job classification and labor market;

(viii) The ~~((individual's))~~ claimant's worksite safety deteriorated, the ~~((individual))~~ claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The ~~((individual))~~ claimant left work because of illegal activities in the ~~((individual's))~~ claimant's worksite, the ~~((individual))~~ claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The ~~((individual's))~~ claimant's usual work was changed to work that violates the ~~((individual's))~~ claimant's religious convictions or sincere moral beliefs; or

(xi) The ~~((individual))~~ claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the ~~((individual))~~ claimant begins active participation in the apprenticeship program.

(2) With respect to separations that occur on or after ~~((September 6, 2009))~~ April 4, 2021:

(a) ~~((An individual))~~ A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which ~~((he or she))~~ the claimant has left work voluntarily without good cause and thereafter for seven calendar weeks and until ~~((he or she))~~ the claimant has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times ~~((his or her))~~ the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

- (i) The duration of the work;
- (ii) The extent of direction and control by the employer over the work; and
- (iii) The level of skill required for the work in light of the ~~((individual's))~~ claimant's training and experience.

(b) ~~((An individual))~~ A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

- (i) ~~((He or she))~~ The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;
- (ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant ~~((pursued all reasonable alternatives))~~ made reasonable efforts to preserve ~~((his or her))~~ the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated ~~((his or her))~~ the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The ~~((individual's))~~ claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The ~~((individual's))~~ claimant's usual hours were reduced by twenty-five percent or more;

(vii) The ~~((individual's))~~ claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The ~~((individual's))~~ claimant's worksite safety deteriorated, the ~~((individual))~~ claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The ~~((individual))~~ claimant left work because of illegal activities in the ~~((individual's))~~ claimant's worksite, the ~~((individual))~~ claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The ~~((individual's))~~ claimant's usual work was changed to work that violates the ~~((individual's))~~ claimant's religious convictions or sincere moral beliefs; ~~((or))~~

(xi) The ~~((individual))~~ claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the ~~((individual))~~ claimant begins active participation in the apprenticeship program; or

(xii) During a public health emergency:

(A) The claimant was unable to perform the claimant's work for the employer from the claimant's home;

(B) The claimant is able to perform, available to perform, and can actively seek suitable work which can be performed for an employer from the claimant's home; and

(C) The claimant or another individual residing with the claimant is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual:

(I) Was in an age category that is defined as high risk for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides; or

(II) Has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides.

(3) Notwithstanding subsection ~~((2))~~ (1) of this section, ~~((for separations occurring on or after July 26, 2009, an individual))~~ a claimant who was simultaneously employed in full-time employment and part-time employment and is otherwise eligible for benefits from the loss of the full-time employment shall not be disqualified from benefits because the ~~((individual))~~ claimant:

(a) Voluntarily quit the part-time employment before the loss of the full-time employment; and

(b) Did not have prior knowledge that ~~((he or she))~~ the claimant would be separated from full-time employment.

**Sec. 11.** RCW 50.20.100 and 2006 c 13 s 14 are each amended to read as follows:

(1) Suitable work for an individual is employment in an occupation in keeping with the individual's prior work

experience, education, or training and if the individual has no prior work experience, special education, or training for employment available in the general area, then employment which the individual would have the physical and mental ability to perform. In determining whether work is suitable for an individual, the commissioner shall also consider the degree of risk involved to the individual's health, safety, and morals, the degree of risk to the health of those residing with the individual during a public health emergency, the individual's physical fitness, the individual's length of unemployment and prospects for securing local work in the individual's customary occupation, the distance of the available work from the individual's residence, and such other factors as the commissioner may deem pertinent, including state and national emergencies.

(2) For individuals with base year work experience in agricultural labor, any agricultural labor available from any employer shall be deemed suitable unless it meets conditions in RCW 50.20.110 or the commissioner finds elements of specific work opportunity unsuitable for a particular individual.

(3) For part-time workers as defined in RCW 50.20.119, suitable work includes suitable work under subsection (1) of this section that is for seventeen or fewer hours per week.

(4) For individuals who have qualified for unemployment compensation benefits under RCW 50.20.050 (1)(b)(iv) or (2)(b)(iv), as applicable, an evaluation of the suitability of the work must consider the individual's need to address the physical, psychological, legal, and other effects of domestic violence or stalking.

**Sec. 12.** RCW 50.20.118 and 1982 1st ex.s. c 18 s 7 are each amended to read as follows:

~~((Notwithstanding any other provision of this chapter, an otherwise eligible individual shall not be denied benefits for any week because he or she is in training approved under section 236(a)(1) of the Trade Act of 1974, P.L. 93-618, nor may that individual be denied benefits for any such week by reason of leaving work which is not suitable employment to enter such training, or for failure to meet any requirement of federal or state law for any such week which relates to the individual's availability for work, active search for work, or refusal to accept work.~~

~~((For the purposes of this section, "suitable employment" means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as described for the purposes of the Trade Act of 1974, P.L. 93-618), if the wages for such work are not less than eighty percent of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974, P.L. 93-618.)) For purposes of this section, "adversely affected worker," "approved training," "on-the-job training," and "suitable employment" have the same definition as in 20 C.F.R. Part 618.~~

(2) An adversely affected worker may not be denied benefits because:

(a) Such worker is enrolled in or participating in approved training;

(b) Such worker refuses work to which the department referred such worker because such work either would require discontinuation of approved training or interfere with successful participation in approved training;

(c) Such worker quits work that was not suitable employment and it was reasonable and necessary to quit in order to begin or continue approved training. This includes temporary employment the worker may have engaged in during a break in training;

(d) Such worker continues full-time or part-time employment while participating in approved training; or

(e) Such worker leaves on-the-job training within the first 30 days because the on-the-job training is not meeting the

SEVENTEENTH DAY, JANUARY 27, 2021

2021 REGULAR SESSION

requirements of section 236(c)(1)(B) of the trade act of 1974, P.L. 96-618, as amended.

**Sec. 13.** RCW 50.20.120 and 2011 c 4 s 2 are each amended to read as follows:

~~((Except as provided in RCW 50.20.1201 and 50.20.1202, benefits shall be payable as provided in this section.))~~

~~(1) ((For claims with an effective date on or after April 4, 2004, benefits))~~ Benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of twenty-six times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title.

~~(2) ((For claims with an effective date on or after April 24, 2005, an))~~ An individual's weekly benefit amount shall be an amount equal to three and eighty-five one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(3) The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th.

(a) The maximum amount payable weekly shall be either four hundred ninety-six dollars or sixty-three percent of the "average weekly wage" for the calendar year preceding such June 30th, whichever is greater.

~~(b) ((The))~~ (i) For claims with an effective date of June 30, 2021, or before, the minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th.

(ii) For claims with an effective date of July 1, 2021, or after, the minimum amount payable weekly shall be 20 percent of the "average weekly wage" for the calendar year preceding such June 30th.

(c) Notwithstanding the provisions of (a) and (b) of this subsection, an individual may not receive a weekly benefit amount that exceeds the individual's weekly wage. For purposes of this subsection, the "individual's weekly wage" means the individual's annualized total wages divided by 52. For purposes of this subsection, the "individual's annualized total wages" means the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest, multiplied by four. This subsection applies to claims with an effective date on or after January 2, 2022, or such subsequent date as may be provided by the department by rule to continue eligibility of claimants in this state for federal unemployment benefits or receipt of federal funds under the coronavirus aid, relief, and economic security act (P.L. 116-136), the continued assistance for unemployed workers act of 2020 (P.L. 116-260), or other act extending such benefits or funds.

(4) If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar.

**Sec. 14.** RCW 50.20.140 and 1998 c 161 s 2 are each amended to read as follows:

(1) An application for initial determination, a claim for waiting period, or a claim for benefits shall be filed in accordance with such rules as the commissioner may prescribe. An application for an initial determination may be made by any individual whether unemployed or not. Each employer shall post and maintain printed statements of such rules in places readily accessible to individuals in his or her employment and shall make available to each such individual at the time he or she becomes unemployed, a printed statement of such rules and such notices, instructions,

and other material as the commissioner may by rule prescribe. Such printed material shall be supplied by the commissioner to each employer without cost to the employer.

(2) The term "application for initial determination" shall mean a request in writing, or by other means as determined by the commissioner, for an initial determination.

(3) The term "claim for waiting period" shall mean a certification, after the close of a given week, that the requirements stated herein for eligibility for waiting period have been met. If RCW 50.20.010(1)(d) is waived, the term "claim for waiting period" is not applicable.

(4) The term "claim for benefits" shall mean a certification, after the close of a given week, that the requirements stated herein for eligibility for receipt of benefits have been met.

(5) A representative designated by the commissioner shall take the application for initial determination and for the claim for waiting period credits or for benefits. When an application for initial determination has been made, the employment security department shall promptly make an initial determination which shall be a statement of the applicant's base year wages, ~~((his or her))~~ weekly benefit amount, ~~((his or her))~~ maximum amount of benefits potentially payable, and ~~((his or her))~~ benefit year. Such determination shall fix the general conditions under which waiting period credit shall be granted and under which benefits shall be paid during any period of unemployment occurring within the benefit year fixed by such determination.

**Sec. 15.** RCW 50.24.014 and 2016 sp.s. c 36 s 941 are each amended to read as follows:

(1)(a) A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at a basic rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

(b) A separate and identifiable account is established in the administrative contingency fund for financing the employment security department's administrative costs under RCW 50.22.150 and 50.22.155 and the costs under RCW 50.22.150(11) and 50.22.155 (1)(m) and (2)(m). All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, those employers described under RCW 50.29.025~~((2))~~ (1)(d), and those qualified employers assigned rate class 20 or rate class 40, as applicable, under RCW 50.29.025, at a basic rate of one one-hundredth of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010. Any amount of contributions payable under this subsection (1)(b) that exceeds the amount that would have been collected at a rate of four one-thousandths of one percent must be deposited in the account created in (a) of this subsection.

(2)(a) Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the

remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(b) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

~~((4) During the 2015-2017 fiscal biennium, the legislature may transfer into the unrestricted administrative contingency fund and into the state general fund from the account in subsection (1)(b) of this section such amounts as reflect the excess fund balance of the account.))~~

**Sec. 16.** RCW 50.29.021 and 2020 c 86 s 3 are each amended to read as follows:

(1)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under:

(i) RCW 50.20.050 (1)(b)(i) or (2)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work; or

(ii) RCW 50.20.050 (1)(b) (v) through (x) or (2)(b) (v) through (x).

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer, except as provided in subsection (4) of this section.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Benefits paid to an individual who qualifies for benefits under RCW 50.20.050 (1)(b) (iv) or (xi) or (2)(b) (iv) ~~((or)),~~ (xi), or (xii), as applicable, shall not be charged to the experience rating account of any contribution paying employer.

~~(f) ((With respect to claims with an effective date on or after the first Sunday following April 22, 2005, benefits))~~ Benefits paid that exceed the benefits that would have been paid if the weekly benefit amount for the claim had been determined as one percent of the total wages paid in the individual's base year shall not be charged to the experience rating account of any contribution paying employer. This subsection (2)(f) does not apply to the calculation of contribution rates under RCW 50.29.025 for rate year 2010 and thereafter.

~~(g) ((The forty five dollar increase paid as part of an individual's weekly benefit amount as provided in RCW 50.20.1201 and the twenty five dollar increase paid as part of an individual's weekly benefit amount as provided in RCW 50.20.1202 shall not be charged to the experience rating account of any contribution paying employer.~~

~~(h) With respect to claims where the minimum amount payable weekly is increased to one hundred fifty five dollars pursuant to RCW 50.20.1201(3), benefits paid that exceed the benefits that would have been paid if the minimum amount payable weekly had been calculated pursuant to RCW 50.20.120 shall not be charged to the experience rating account of any contribution paying employer.~~

~~(i))~~ Upon approval of an individual's training benefits plan submitted in accordance with RCW 50.22.155(2), an individual is considered enrolled in training, and regular benefits beginning with the week of approval shall not be charged to the experience rating account of any contribution paying employer.

~~((i))~~ (h) Training benefits paid to an individual under RCW 50.22.155 shall not be charged to the experience rating account of any contribution paying employer.

(i)(i) Benefits paid during the one week waiting period when the one week waiting period is fully paid or fully reimbursed by the federal government shall not be charged to the experience rating account of any contribution paying employer.

(ii) In the event the one week waiting period is partially paid or partially reimbursed by the federal government, the department may, by rule, elect to not charge, in full or in part, benefits paid during the one week waiting period to the experience rating account of any contribution paying employer.

(j) Benefits paid for all weeks starting with the week ending March 28, 2020, and ending with the week ending May 30, 2020, shall not be charged to the experience rating account of any contribution paying employer.

(3)(a) A contribution paying base year employer, except employers as provided in subsection (5) of this section, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural

SEVENTEENTH DAY, JANUARY 27, 2021

2021 REGULAR SESSION

disaster, or to the presence of any dangerous, contagious, or infectious disease that is the subject of a public health emergency at the employer's plant, building, worksite, or other facility;

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW;

(v) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who qualified for two consecutive unemployment claims where wages were attributable to at least one employer who employed the individual in both base years. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW;

(vi) Was hired to replace an employee who is a member of the military reserves or National Guard and was called to federal active military service by the president of the United States and is subsequently laid off when that employee is reemployed by their employer upon release from active duty within the time provided for reemployment in RCW 73.16.035;

(vii) Worked for an employer for twenty weeks or less, and was laid off at the end of temporary employment when that employee temporarily replaced a permanent employee receiving family or medical leave benefits under Title 50A RCW, and the layoff is due to the return of that permanent employee. This subsection (3)(a)(vii) applies to claims with an effective date on or after January 1, 2020; or

(viii) Was discharged because the individual was unable to satisfy a job prerequisite required by law or administrative rule.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

(4) When a benefit claim becomes invalid due to an amendment or adjustment of a report where the employer failed to report or inaccurately reported hours worked or remuneration paid, or both, all benefits paid will be charged to the experience rating account of the contribution paying employer or employers that originally filed the incomplete or inaccurate report or reports. An employer who reimburses the trust fund for benefits paid to workers and who fails to report or inaccurately reported hours worked or remuneration paid, or both, shall reimburse the trust fund for all benefits paid that are based on the originally filed incomplete or inaccurate report or reports.

(5) An employer's experience rating account may not be relieved of charges for a benefit payment and an employer who reimburses the trust fund for benefit payments may not be credited for a benefit payment if a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to the claim or claims without establishing good cause for the failure and the employer or employer's agent has a pattern of such failures. The commissioner has the authority to determine whether the employer has good cause under this subsection.

(a) For the purposes of this subsection, "adequately" means providing accurate information of sufficient quantity and quality

that would allow a reasonable person to determine eligibility for benefits.

(b)(i) For the purposes of this subsection, "pattern" means a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to a claim or claims without establishing good cause for the failure, if the greater of the following calculations for an employer is met:

(A) At least three times in the previous two years; or

(B) Twenty percent of the total current claims against the employer.

(ii) If an employer's agent is utilized, a pattern is established based on each individual client employer that the employer's agent represents.

**Sec. 17.** RCW 50.29.025 and 2011 c 4 s 16 and 2011 c 3 s 3 are each reenacted and amended to read as follows:

(1) ~~((For contributions assessed for rate years 2005 through 2009, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be the sum of the array calculation factor rate and the graduated social cost factor rate determined under this subsection, and the solvency surcharge determined under RCW 50.29.041, if any.~~

~~(a) The array calculation factor rate shall be determined as follows:~~

~~(i) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (A) Identification number; (B) benefit ratio; and (C) taxable payrolls for the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut off date.~~

~~(ii) Each employer in the array shall be assigned to one of forty rate classes according to his or her benefit ratio as follows, and, except as provided in RCW 50.29.026, the array calculation factor rate for each employer in the array shall be the rate specified in the rate class to which the employer has been assigned:~~

Benefit Ratio		Rate Class	Rate (percent)
At least	Less than		
	0.000001	1	0.00
0.000001	0.001250	2	0.13
0.001250	0.002500	3	0.25
0.002500	0.003750	4	0.38
0.003750	0.005000	5	0.50
0.005000	0.006250	6	0.63
0.006250	0.007500	7	0.75
0.007500	0.008750	8	0.88
0.008750	0.010000	9	1.00
0.010000	0.011250	10	1.15
0.011250	0.012500	11	1.30
0.012500	0.013750	12	1.45
0.013750	0.015000	13	1.60
0.015000	0.016250	14	1.75
0.016250	0.017500	15	1.90
0.017500	0.018750	16	2.05
0.018750	0.020000	17	2.20
0.020000	0.021250	18	2.35
0.021250	0.022500	19	2.50

0.022500	0.023750	20	2.65
0.023750	0.025000	21	2.80
0.025000	0.026250	22	2.95
0.026250	0.027500	23	3.10
0.027500	0.028750	24	3.25
0.028750	0.030000	25	3.40
0.030000	0.031250	26	3.55
0.031250	0.032500	27	3.70
0.032500	0.033750	28	3.85
0.033750	0.035000	29	4.00
0.035000	0.036250	30	4.15
0.036250	0.037500	31	4.30
0.037500	0.040000	32	4.45
0.040000	0.042500	33	4.60
0.042500	0.045000	34	4.75
0.045000	0.047500	35	4.90
0.047500	0.050000	36	5.05
0.050000	0.052500	37	5.20
0.052500	0.055000	38	5.30
0.055000	0.057500	39	5.35
0.057500		40	5.40

(b) The graduated social cost factor rate shall be determined as follows:

(i)(A) Except as provided in (b)(i)(B) and (C) of this subsection, the commissioner shall calculate the flat social cost factor for a rate year by dividing the total social cost by the total taxable payroll. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The flat social cost factor shall be expressed as a percentage.

(B) If, on the cut off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide more than ten months of unemployment benefits, the commissioner shall calculate the flat social cost factor for the rate year immediately following the cut off date by reducing the total social cost by the dollar amount that represents the number of months for which the balance in the unemployment compensation fund on the cut off date will provide benefits above ten months and dividing the result by the total taxable payroll. However, the calculation under this subsection (1)(b)(i)(B) for a rate year may not result in a flat social cost factor that is more than four tenths lower than the calculation under (b)(i)(A) of this subsection for that rate year.

For the purposes of this subsection, the commissioner shall determine the number of months of unemployment benefits in the unemployment compensation fund using the benefit cost rate for the average of the three highest calendar benefit cost rates in the twenty consecutive completed calendar years immediately preceding the cut off date or a period of consecutive calendar years immediately preceding the cut off date that includes three recessions, if longer.

(C) The minimum flat social cost factor calculated under this subsection (1)(b) shall be six tenths of one percent, except that if the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide:

(I) At least twelve months but less than fourteen months of unemployment benefits, the minimum shall be five tenths of one percent; or

(II) At least fourteen months of unemployment benefits, the minimum shall be five tenths of one percent, except that, for employers in rate class 1, the minimum shall be forty five hundredths of one percent.

(ii)(A) Except as provided in (b)(ii)(B) of this subsection, the graduated social cost factor rate for each employer in the array is the flat social cost factor multiplied by the percentage specified as follows for the rate class to which the employer has been assigned in (a)(ii) of this subsection, except that the sum of an employer's array calculation factor rate and the graduated social cost factor rate may not exceed six and five tenths percent or, for employers whose North American industry classification system code is within "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," may not exceed six percent through rate year 2007 and may not exceed five and seven tenths percent for rate years 2008 and 2009:

(I) Rate class 1—78 percent;

(II) Rate class 2—82 percent;

(III) Rate class 3—86 percent;

(IV) Rate class 4—90 percent;

(V) Rate class 5—94 percent;

(VI) Rate class 6—98 percent;

(VII) Rate class 7—102 percent;

(VIII) Rate class 8—106 percent;

(IX) Rate class 9—110 percent;

(X) Rate class 10—114 percent;

(XI) Rate class 11—118 percent; and

(XII) Rate classes 12 through 40—120 percent.

(B) For contributions assessed beginning July 1, 2005, through December 31, 2007, for employers whose North American industry classification system code is "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," the graduated social cost factor rate is zero.

(iii) For the purposes of this section:

(A) "Total social cost" means the amount calculated by subtracting the array calculation factor contributions paid by all employers with respect to the four consecutive calendar quarters immediately preceding the computation date and paid to the employment security department by the cut off date from the total unemployment benefits paid to claimants in the same four consecutive calendar quarters. To calculate the flat social cost factor for rate year 2005, the commissioner shall calculate the total social cost using the array calculation factor contributions that would have been required to be paid by all employers in the calculation period if (a) of this subsection had been in effect for the relevant period. To calculate the flat social cost factor for rate years 2010 and 2011, the forty five dollar increase paid as part of an individual's weekly benefit amount as provided in RCW 50.20.1201 shall not be considered for purposes of calculating the total unemployment benefits paid to claimants in the four consecutive calendar quarters immediately preceding the computation date.

(B) "Total taxable payroll" means the total amount of wages subject to tax, as determined under RCW 50.24.010, for all employers in the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut off date.

(c) For employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due:

(i) The array calculation factor rate shall be two tenths higher than that in rate class 40, except employers who have an approved agency deferred payment contract by September 30th of the previous rate year. If any employer with an approved agency-

SEVENTEENTH DAY, JANUARY 27, 2021

2021 REGULAR SESSION

~~deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to an array calculation factor rate two tenths higher than that in rate class 40; and~~

~~(ii) The social cost factor rate shall be the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.~~

~~(d) For all other employers not qualified to be in the array:~~

~~(i) For rate years 2005, 2006, and 2007:~~

~~(A) The array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, plus fifteen percent of that amount; however, the rate may not be less than one percent or more than the array calculation factor rate in rate class 40; and~~

~~(B) The social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, plus fifteen percent of that amount, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.~~

~~(ii) For contributions assessed for rate years 2008 and 2009:~~

~~(A) The array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, multiplied by the history factor, but not less than one percent or more than the array calculation factor rate in rate class 40;~~

~~(B) The social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, multiplied by the history factor, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection; and~~

~~(C) The history factor shall be based on the total amounts of benefits charged and contributions paid in the three fiscal years ending prior to the computation date by employers not qualified to be in the array, other than employers in (e) of this subsection, who were first subject to contributions in the calendar year ending three years prior to the computation date. The commissioner shall calculate the history ratio by dividing the total amount of benefits charged by the total amount of contributions paid in this three-year period by these employers. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five one hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The commissioner shall determine the history factor according to the history ratio as follows:~~

	History Ratio	History Factor (percent)
	At least	Less than
(I)	.95	90
(II)	.95	100
(III)	1.05	115

~~(2) For contributions assessed in rate year 2010 and thereafter, the) The contribution rate for each employer subject to contributions under RCW 50.24.010 shall be the sum of the array calculation factor rate and the graduated social cost factor rate determined under this subsection, and the solvency surcharge determined under RCW 50.29.041, if any.~~

~~(a) The array calculation factor rate shall be determined as follows:~~

~~(i) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (A) Identification number; (B) benefit ratio; and (C) taxable payrolls for the four consecutive calendar~~

quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(ii) Each employer in the array shall be assigned to one of forty rate classes according to his or her benefit ratio as follows, and, except as provided in RCW 50.29.026, the array calculation factor rate for each employer in the array shall be the rate specified in the rate class to which the employer has been assigned:

Benefit Ratio	Rate Class	Rate (percent)
At least	Less than	
	0.000001	1
0.000001	0.001250	2
0.001250	0.002500	3
0.002500	0.003750	4
0.003750	0.005000	5
0.005000	0.006250	6
0.006250	0.007500	7
0.007500	0.008750	8
0.008750	0.010000	9
0.010000	0.011250	10
0.011250	0.012500	11
0.012500	0.013750	12
0.013750	0.015000	13
0.015000	0.016250	14
0.016250	0.017500	15
0.017500	0.018750	16
0.018750	0.020000	17
0.020000	0.021250	18
0.021250	0.022500	19
0.022500	0.023750	20
0.023750	0.025000	21
0.025000	0.026250	22
0.026250	0.027500	23
0.027500	0.028750	24
0.028750	0.030000	25
0.030000	0.031250	26
0.031250	0.032500	27
0.032500	0.033750	28
0.033750	0.035000	29
0.035000	0.036250	30
0.036250	0.037500	31
0.037500	0.040000	32
0.040000	0.042500	33
0.042500	0.045000	34
0.045000	0.047500	35
0.047500	0.050000	36
0.050000	0.052500	37
0.052500	0.055000	38
0.055000	0.057500	39

0.057500

40

5.40

(b) The graduated social cost factor rate shall be determined as follows:

(i)(A) Except as provided in (b)(i)(B) and (C) of this subsection, the commissioner shall calculate the flat social cost factor for a rate year by dividing the total social cost by the total taxable payroll. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The flat social cost factor shall be expressed as a percentage.

(B)(I) If, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide more than ten months of unemployment benefits, the commissioner shall calculate the flat social cost factor for the rate year immediately following the cut-off date by reducing the total social cost by the dollar amount that represents the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits above ten months and dividing the result by the total taxable payroll. However, the calculation under this subsection ~~((2)) (1)(b)(i)(B)~~ for a rate year may not result in a flat social cost factor that is more than four-tenths lower than the calculation under (b)(i)(A) of this subsection for that rate year. For rate year 2011 and thereafter, the calculation may not result in a flat social cost factor that is more than one and twenty-two one-hundredths percent except for rate year 2021 the calculation may not result in a flat social cost factor that is more than five-tenths percent, for rate year 2022 the calculation may not result in a flat social cost factor that is more than seventy-five one-hundredths percent, for rate year 2023 the calculation may not result in a flat social cost factor that is more than eight-tenths percent, for rate year 2024 the calculation may not result in a flat social cost factor that is more than eighty-five one-hundredths percent, and for rate year 2025 the calculation may not result in a flat social cost factor that is more than nine-tenths percent.

(II) If, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide ten months of unemployment benefits or less, the flat social cost factor for the rate year immediately following the cut-off date may not increase by more than fifty percent over the previous rate year or may not exceed one and twenty-two one-hundredths percent, whichever is greater.

(III) For the purposes of this subsection ~~((2)) (1)(b)~~, the commissioner shall determine the number of months of unemployment benefits in the unemployment compensation fund using the benefit cost rate for the average of the three highest calendar benefit cost rates in the twenty consecutive completed calendar years immediately preceding the cut-off date or a period of consecutive calendar years immediately preceding the cut-off date that includes three recessions, if longer. ~~((The twenty-five dollar increase paid as part of an individual's weekly benefit amount as provided in RCW 50.20.1202 shall not be considered in calculating the benefit cost rate when determining the number of months of unemployment benefits in the unemployment compensation fund.))~~

(C) The minimum flat social cost factor calculated under this subsection ~~((2)) (1)(b)~~ shall be six-tenths of one percent, except that if the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide:

(I) At least ten months but less than eleven months of unemployment benefits, the minimum shall be five-tenths of one percent; or

(II) At least eleven months but less than twelve months of unemployment benefits, the minimum shall be forty-five hundredths of one percent; or

(III) At least twelve months but less than thirteen months of unemployment benefits, the minimum shall be four-tenths of one percent; or

(IV) At least thirteen months but less than fifteen months of unemployment benefits, the minimum shall be thirty-five hundredths of one percent; or

(V) At least fifteen months but less than seventeen months of unemployment benefits, the minimum shall be twenty-five hundredths of one percent; or

(VI) At least seventeen months but less than eighteen months of unemployment benefits, the minimum shall be fifteen hundredths of one percent; or

(VII) At least eighteen months of unemployment benefits, the minimum shall be fifteen hundredths of one percent through rate year 2011 and shall be zero thereafter.

~~(ii)((A) For rate years through 2010, the graduated social cost factor rate for each employer in the array is the flat social cost factor multiplied by the percentage specified as follows for the rate class to which the employer has been assigned in (a)(ii) of this subsection, except that the sum of an employer's array calculation factor rate and the graduated social cost factor rate may not exceed six percent or, for employers whose North American industry classification system code is within "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," may not exceed five and four-tenths percent:~~

~~(I) Rate class 1 - 78 percent;~~

~~(II) Rate class 2 - 82 percent;~~

~~(III) Rate class 3 - 86 percent;~~

~~(IV) Rate class 4 - 90 percent;~~

~~(V) Rate class 5 - 94 percent;~~

~~(VI) Rate class 6 - 98 percent;~~

~~(VII) Rate class 7 - 102 percent;~~

~~(VIII) Rate class 8 - 106 percent;~~

~~(IX) Rate class 9 - 110 percent;~~

~~(X) Rate class 10 - 114 percent;~~

~~(XI) Rate class 11 - 118 percent; and~~

~~(XII) Rate classes 12 through 40 - 120 percent.~~

~~(B) For rate years 2011 and thereafter, the) The graduated social cost factor rate for each employer in the array is the flat social cost factor multiplied by the percentage specified as follows for the rate class to which the employer has been assigned in (a)(ii) of this subsection, except that the sum of an employer's array calculation factor rate and the graduated social cost factor rate may not exceed six percent or, for employers whose North American industry classification system code is within "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," may not exceed five and four-tenths percent:~~

~~((H)) (A) Rate class 1 - 40 percent;~~

~~((HH)) (B) Rate class 2 - 44 percent;~~

~~((HHH)) (C) Rate class 3 - 48 percent;~~

~~((HHV)) (D) Rate class 4 - 52 percent;~~

~~((HV)) (E) Rate class 5 - 56 percent;~~

~~((HVH)) (F) Rate class 6 - 60 percent;~~

~~((HVHH)) (G) Rate class 7 - 64 percent;~~

~~((HVHHH)) (H) Rate class 8 - 68 percent;~~

~~((HVX)) (I) Rate class 9 - 72 percent;~~

~~((HX)) (J) Rate class 10 - 76 percent;~~

~~((HXH)) (K) Rate class 11 - 80 percent;~~

~~((HXHH)) (L) Rate class 12 - 84 percent;~~

~~((HXHHH)) (M) Rate class 13 - 88 percent;~~

~~((HXIV)) (N) Rate class 14 - 92 percent;~~

~~((HXV)) (O) Rate class 15 - 96 percent;~~

~~((HXVH)) (P) Rate class 16 - 100 percent;~~

SEVENTEENTH DAY, JANUARY 27, 2021

2021 REGULAR SESSION

- ~~((XVII))~~ (Q) Rate class 17 - 104 percent;
- ~~((XVIII))~~ (R) Rate class 18 - 108 percent;
- ~~((XIX))~~ (S) Rate class 19 - 112 percent;
- ~~((XX))~~ (T) Rate class 20 - 116 percent; and
- ~~((XXI))~~ (U) Rate classes 21 through 40 - 120 percent.

(iii) For the purposes of this section:

(A) "Total social cost" means the amount calculated by subtracting the array calculation factor contributions paid by all employers with respect to the four consecutive calendar quarters immediately preceding the computation date and paid to the employment security department by the cut-off date from the total unemployment benefits paid to claimants in the same four consecutive calendar quarters. ~~((To calculate the flat social cost factor for rate years 2012 and 2013, the twenty-five dollar increase paid as part of an individual's weekly benefit amount as provided in RCW 50.20.1202 shall not be considered for purposes of calculating the total unemployment benefits paid to claimants in the four consecutive calendar quarters immediately preceding the computation date.))~~

(B) "Total taxable payroll" means the total amount of wages subject to tax, as determined under RCW 50.24.010, for all employers in the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(c) For employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due:

(i) ~~((For rate years through 2010:~~

~~((A) The array calculation factor rate shall be two tenths higher than that in rate class 40, except employers who have an approved agency deferred payment contract by September 30th of the previous rate year. If any employer with an approved agency deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to an array calculation factor rate two tenths higher than that in rate class 40; and~~

~~((B) The social cost factor rate shall be the social cost factor rate assigned to rate class 40 under (b)(ii)(A) of this subsection.~~

~~((ii) For rate years 2011 and thereafter:))~~

~~((A))~~ ~~((B))~~ ~~((C))~~ For an employer who does not enter into an approved agency-deferred payment contract as described in (c)~~((ii)(A)(H) or (H))~~ (i)(B) or (C) of this subsection, the array calculation factor rate shall be the rate it would have been if the employer had not been delinquent in payment plus an additional one percent or, if the employer is delinquent in payment for a second or more consecutive year, an additional two percent;

~~((H))~~ (B) For an employer who enters an approved agency-deferred payment contract by September 30th of the previous rate year, the array calculation factor rate shall be the rate it would have been if the employer had not been delinquent in payment;

~~((H))~~ (C) For an employer who enters an approved agency-deferred payment contract after September 30th of the previous rate year, but within thirty days of the date the department sent its first tax rate notice, the array calculation factor rate shall be the rate it would have been had the employer not been delinquent in payment plus an additional one-half of one percent or, if the employer is delinquent in payment for a second or more consecutive year, an additional one and one-half percent;

~~((V))~~ (D) For an employer who enters an approved agency-deferred payment contract as described in (c)~~((ii)(A)(H) or (H))~~ (i)(B) or (C) of this subsection, but who fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the array calculation factor rate shall immediately revert to the applicable

array calculation factor rate under (c)~~((ii)(A)(H))~~ (i)(A) of this subsection; and

~~((B))~~ (ii) The social cost factor rate shall be the social cost factor rate assigned to rate class 40 under (b)(ii)~~((B))~~ (A) of this subsection.

(d) For all other employers not qualified to be in the array:

(i) The array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, multiplied by the history factor, but not less than one percent or more than the array calculation factor rate in rate class 40;

(ii) The social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, multiplied by the history factor, but not more than the social cost factor rate assigned to rate class 40 ~~((for the relevant year))~~ under (b)(ii)~~((A) or (B))~~ of this subsection; and

(iii) The history factor shall be based on the total amounts of benefits charged and contributions paid in the three fiscal years ending prior to the computation date by employers not qualified to be in the array, other than employers in (c) of this subsection, who were first subject to contributions in the calendar year ending three years prior to the computation date. The commissioner shall calculate the history ratio by dividing the total amount of benefits charged by the total amount of contributions paid in this three-year period by these employers. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five one-hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The commissioner shall determine the history factor according to the history ratio as follows:

	History Ratio	History Factor (percent)
	At least	Less than
(A)	.95	90
(B)	.95	100
(C)	1.05	115

~~((B))~~ (2) Assignment of employers by the commissioner to industrial classification, for purposes of this section, shall be in accordance with established classification practices found in the North American industry classification system code.

**Sec. 18.** RCW 50.29.026 and 2003 2nd sp.s. c 4 s 17 are each amended to read as follows:

(1) ~~((Beginning with contributions assessed for rate year 1996,))~~ Except as provided in subsection (3) of this section, a qualified employer's contribution rate ~~((applicable for rate years beginning before January 1, 2005,))~~ or array calculation factor rate ~~((applicable for rate years beginning on or after January 1, 2005,))~~ determined under RCW 50.29.025 may be modified as follows:

(a) Subject to the limitations of this subsection, an employer may make a voluntary contribution of an amount equal to part or all of the benefits charged to the employer's account during the two years most recently ended on June 30th that were used for the purpose of computing the employer's contribution rate ~~((applicable for rate years beginning before January 1, 2005,))~~ or array calculation factor rate ~~((applicable for rate years beginning on or after January 1, 2005,))~~. On receiving timely payment of a voluntary contribution, plus a surcharge of ten percent of the amount of the voluntary contribution, the commissioner shall cancel the benefits equal to the amount of the voluntary contribution, excluding the surcharge, and compute a new benefit ratio for the employer. The employer shall then be assigned the

contribution rate applicable for rate years beginning before January 1, 2005, or array calculation factor rate applicable for rate years beginning on or after January 1, 2005, applicable to the rate class within which the recomputed benefit ratio is included. The minimum amount of a voluntary contribution, excluding the surcharge, must be an amount that will result in a recomputed benefit ratio that is in a rate class at least four rate classes lower than the rate class that included the employer's original benefit ratio.

(b) Payment of a voluntary contribution is considered timely if received by the department during the period beginning on the date of mailing to the employer the notice of contribution rate (~~(applicable for rate years beginning before January 1, 2005, or notice of array calculation factor rate applicable for rate years beginning on or after January 1, 2005;)~~) required under this title for the rate year for which the employer is seeking a modification of ~~(his or her)~~ the employer's rate and ending on February 15th of that rate year ~~(or, for voluntary contributions for rate year 2000, ending on March 31, 2000).~~

(c) A benefit ratio may not be recomputed nor a rate be reduced under this section as a result of a voluntary contribution received after the payment period prescribed in (b) of this subsection.

(2) ((This)) Except as provided in subsection (3) of this section, this section does not apply to any employer who has not had an increase of at least twelve rate classes from the previous tax rate year.

(3) From the effective date of this section and until May 31, 2026, the following applies:

(a) The surcharge in subsection (1)(a) of this section will not be charged or used in the calculations;

(b) The ending payment date in subsection (1)(b) of this section is March 31st;

(c) The minimum amount of a voluntary contribution must be an amount that will result in a recomputed benefit ratio that is in a rate class at least two rate classes lower than the rate class that included the employer's original benefit ratio; and

(d) This section does not apply to any employer who has not had an increase of at least eight rate classes from the previous tax rate year.

**Sec. 19.** RCW 50.29.041 and 2006 c 13 s 5 are each amended to read as follows:

((Beginning with contributions assessed for rate year 2005)) Except for contributions assessed for rate years 2021, 2022, 2023, 2024, and 2025, the contribution rate of each employer subject to contributions under RCW 50.24.010 shall include a solvency surcharge determined as follows:

(1) This section shall apply to employers' contributions for a rate year immediately following a cut-off date only if, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide fewer than seven months of unemployment benefits.

(2) The solvency surcharge shall be the lowest rate necessary, as determined by the commissioner, but not more than two-tenths of one percent, to provide revenue during the applicable rate year that will fund unemployment benefits for the number of months that is the difference between nine months and the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits.

(3) The basis for determining the number of months of unemployment benefits shall be the same basis used in RCW 50.29.025~~((2))~~ (1)(b)(i)(B).

**Sec. 20.** RCW 50.29.062 and 2012 1st sp.s. c 2 s 1 are each amended to read as follows:

(1) If the department finds that a significant purpose of the transfer of the business is to obtain a reduced array calculation

factor rate, contribution rates shall be computed and penalties and other sanctions shall apply as specified in RCW 50.29.063.

(2) If subsection (1) of this section and RCW 50.29.063 do not apply and if the department finds that an employer is a successor, or partial successor, to a predecessor business, predecessor and successor employer contribution rates shall be computed in the following manner:

(a) If the successor is an employer, as defined in RCW 50.04.080, at the time of the transfer of a business, the following applies:

(i) The successor's contribution rate shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(ii) Beginning January 1st following the transfer, the successor's contribution rate for each rate year shall be based on a combination of the following:

(A) The successor's experience with payrolls and benefits; and

(B) Any experience assigned to the predecessor involved in the transfer. If only a portion of the business was transferred, then the experience attributable to the acquired portion is assigned to the successor.

(b) If the successor is not an employer at the time of the transfer, the following applies:

~~(i) ((For transfers before January 1, 2005:~~

~~(A) Except as provided in (b)(i)(B) of this subsection (2), the successor shall pay contributions at the lowest rate determined under either of the following:~~

~~(I) The contribution rate of the rate class assigned to the predecessor employer at the time of the transfer for the remainder of that rate year. Any experience relating to the assignment of that rate class attributable to the predecessor is transferred to the successor. Beginning with the January 1st following the transfer, the successor's contribution rate shall be based on a combination of the transferred experience of the acquired business and the successor's experience after the transfer; or~~

~~(H) The contribution rate equal to the average industry rate as determined by the commissioner, but not less than one percent, and continuing until the successor qualifies for a different rate in its own right. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, must be in accordance with established classification practices found in the North American industry classification system issued by the federal office of management and budget to the fourth digit provided in the North American industry classification system.~~

~~(B) If the successor simultaneously acquires the business or a portion of the business of two or more employers in different rate classes, its rate, from the date the transfer occurred until the end of that rate year and until it qualifies in its own right for a new rate, shall be the rate of the highest rate class applicable at the time of the acquisition to any predecessor employer who is a party to the acquisition, but not less than one percent.~~

~~(ii) For transfers on or after January 1, 2005:~~

~~(A))~~ Except as provided in (b)(ii)((B)) and ((C)) (iii) of this subsection (2), the successor shall pay contributions:

~~((H))~~ (A) At the contribution rate assigned to the predecessor employer at the time of the transfer for the remainder of that rate year. Any experience attributable to the predecessor relating to the assignment of the predecessor's rate class is transferred to the successor.

~~((H))~~ (B) Beginning January 1st following the transfer, the successor's contribution rate for each rate year shall be based on an array calculation factor rate that is a combination of the following: The successor's experience with payrolls and benefits; and any experience assigned to the predecessor involved in the transfer. If only a portion of the business was transferred, then the experience attributable to the acquired portion is assigned to the successor if qualified under RCW 50.29.010 by including the

SEVENTEENTH DAY, JANUARY 27, 2021

2021 REGULAR SESSION

transferred experience. If not qualified under RCW 50.29.010, the contribution rate shall equal the sum of the rates determined by the commissioner under RCW 50.29.025 (1)(d)~~((ii) or (2)(d))~~ and 50.29.041, if applicable, and continuing until the successor qualifies for a different rate, including the transferred experience.

~~((B))~~ (ii) If there is a substantial continuity of ownership, control, or management by the successor of the business of the predecessor, the successor shall pay contributions at the contribution rate determined for the predecessor employer at the time of the transfer for the remainder of that rate year. Any experience attributable to the predecessor relating to the assignment of the predecessor's rate class is transferred to the successor. Beginning January 1st following the transfer, the successor's array calculation factor rate shall be based on a combination of the transferred experience of the acquired business and the successor's experience after the transfer.

~~((C))~~ (iii) If the successor simultaneously acquires the business or a portion of the business of two or more employers with different contribution rates, the successor's rate, from the date the transfer occurred until the end of that rate year and until it qualifies in its own right for a new rate, shall be the sum of the rates determined by the commissioner under RCW 50.29.025 (1) (a) and (b) ~~((or (2)(a) and (b)))~~ and 50.29.041, applicable at the time of the acquisition, to the predecessor employer who, among the parties to the acquisition, had the largest total payroll in the completed calendar quarter immediately preceding the date of transfer, but not less than the sum of the rates determined by the commissioner under RCW 50.29.025 (1)(d)~~((ii) or (2)(d))~~ and 50.29.041, if applicable.

(c) With respect to predecessor employers:

(i) The contribution rate on any payroll retained by a predecessor employer shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(ii) In all cases, beginning January 1st following the transfer, the predecessor's contribution rate or the predecessor's array calculation factor for each rate year shall be based on its experience with payrolls and benefits as of the regular computation date for that rate year excluding the experience of the transferred business or transferred portion of business as that experience has transferred to the successor: PROVIDED, That if all of the predecessor's business is transferred to a successor or successors, the predecessor shall not be a qualified employer until it satisfies the requirements of a "qualified employer" as set forth in RCW 50.29.010.

(3) A predecessor-successor relationship does not exist for purposes of subsection (2) of this section when a significant purpose of the transfer of a business or its operating assets is for the employer to move or expand an existing business, or for an employer to establish a substantially similar business under common ownership, management, and control. However, if an employer transfers its business to another employer, and both employers are at the time of transfer under substantially common ownership, management, or control, then the unemployment experience attributable to the transferred business shall also be transferred to, and combined with the unemployment experience attributable to, the employer to whom such business is so transferred as specified in subsection (2)(a) of this section.

(4) For purposes of this section, "transfer of a business" means the same as RCW 50.29.063(4)(c).

**Sec. 21.** RCW 50.29.063 and 2010 c 25 s 3 are each amended to read as follows:

(1) If it is found that a significant purpose of the transfer of a business was to obtain a reduced array calculation factor rate, then the following applies:

(a) If the successor was an employer at the time of the transfer, then the experience rating accounts of the employers involved shall be combined into a single account and the employers assigned the higher of the predecessor or successor array calculation factor rate to take effect as of the date of the transfer.

(b) If the successor was not an employer at the time of the transfer, then the experience rating account of the acquired business must not be transferred and, instead, the sum of the rate determined by the commissioner under RCW 50.29.025 (1)(d)~~((ii) or (2)(d))~~ and 50.29.041, if applicable, shall be assigned.

(2) If any part of a delinquency for which an assessment is made under this title is due to an intent to knowingly evade the successorship provisions of RCW 50.29.062 and this section, then with respect to the employer, and to any business found to be knowingly promoting the evasion of such provisions:

(a) The commissioner shall, for the rate year in which the commissioner makes the determination under this subsection and for each of the three consecutive rate years following that rate year, assign to the employer or business the total rate, which is the sum of the recalculated array calculation factor rate and a civil penalty assessment rate, calculated as follows:

(i) Recalculate the array calculation factor rate as the array calculation factor rate that should have applied to the employer or business under RCW 50.29.025 and 50.29.062; and

(ii) Calculate a civil penalty assessment rate in an amount that, when added to the array calculation factor rate determined under (a)(i) of this subsection for the applicable rate year, results in a total rate equal to the maximum array calculation factor rate under RCW 50.29.025 plus two percent, which total rate is not limited by any maximum array calculation factor rate established in RCW 50.29.025 (1)(b)(ii) ~~((or (2)(b)(ii)))~~;

(b) The employer or business may be prosecuted under the penalties prescribed in RCW 50.36.020; and

(c) The employer or business must pay for the employment security department's reasonable expenses of auditing the employer's or business's books and collecting the civil penalty assessment.

(3) If the person knowingly evading the successorship provisions, or knowingly attempting to evade these provisions, or knowingly promoting the evasion of these provisions, is not an employer, the person is subject to a civil penalty assessment of five thousand dollars per occurrence. In addition, the person is subject to the penalties prescribed in RCW 50.36.020 as if the person were an employer. The person must also pay for the employment security department's reasonable expenses of auditing his or her books and collecting the civil penalty assessment.

(4) For purposes of this section:

(a) "Knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved and includes, but is not limited to, intent to evade, misrepresentation, or willful nondisclosure.

(b) "Person" means and includes an individual, a trust, estate, partnership, association, company, or corporation.

(c) "Transfer of a business" includes the transfer or acquisition of substantially all or a portion of the operating assets, which may include the employer's workforce.

(5) Any decision to assess a penalty under this section shall be made by the chief administrative officer of the tax branch or his or her designee.

(6) Nothing in this section shall be construed to deny an employer the right to appeal the assessment of a penalty in the manner provided in RCW 50.32.030.

(7) The commissioner shall engage in prevention, detection, and collection activities related to evasion of the successorship provisions of RCW 50.29.062 and this section, and establish procedures to enforce this section.

**Sec. 22.** RCW 50.44.060 and 2010 c 8 s 13043 are each amended to read as follows:

Benefits paid to employees of "nonprofit organizations" shall be financed in accordance with the provisions of this section. For the purpose of this section and RCW 50.44.070, the term "nonprofit organization" is limited to those organizations described in RCW 50.44.010, and joint accounts composed exclusively of such organizations.

(1) Any nonprofit organization which is, or becomes subject to this title (~~(on or after January 1, 1972)~~), shall pay contributions under the provisions of RCW 50.24.010 and chapter 50.29 RCW, unless it elects, in accordance with this subsection, to pay to the commissioner for the unemployment compensation fund an amount equal to the full amount of regular and additional benefits and one-half of the amount of extended benefits paid to individuals for weeks of unemployment that are based upon wages paid or payable during the effective period of such election to the extent that such payments are attributable to service in the employ of such nonprofit organization.

(a) Any nonprofit organization which becomes subject to this title (~~(after January 1, 1972)~~) may elect to become liable for payments in lieu of contributions for a period of not less than twelve months beginning with the date on which such subjectivity begins by filing a written notice of its election with the commissioner not later than thirty days immediately following the date of the determination of such subjectivity.

(b) Any nonprofit organization which makes an election in accordance with (a) of this subsection will continue to be liable for payments in lieu of contributions until it files with the commissioner a written notice terminating its election not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective.

(c) Any nonprofit organization which has been paying contributions under this title (~~(for a period subsequent to January 1, 1972)~~) may change to a reimbursable basis by filing with the commissioner not later than thirty days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

(d) The commissioner may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive (~~(but not any earlier than with respect to benefits paid after December 31, 1969)~~).

(e) The commissioner, in accordance with such regulations as the commissioner may prescribe, shall notify each nonprofit organization of any determination which the commissioner may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Any nonprofit organization subject to such determination and dissatisfied with such determination may file a request for review and redetermination with the commissioner within thirty days of the mailing of the determination to the organization. Should such request for review and redetermination be denied, the organization may, within ten days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this paragraph.

(2) Payments in lieu of contributions shall be made in accordance with the provisions of this section including either (a) or (b) of this subsection.

(a) At the end of each calendar quarter, the commissioner shall bill each nonprofit organization or group of such organizations which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular and additional benefits plus one-half of the amount of extended benefits paid during such quarter that is attributable to service in the employ of such organization.

(b)(i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make such payments as provided in this paragraph. Such method of payment shall become effective upon approval by the commissioner.

(ii) At the end of each calendar quarter, or at the end of such other period as determined by the commissioner, the commissioner shall bill each nonprofit organization for an amount representing one of the following:

(A) The percentage of its total payroll for the immediately preceding calendar year as the commissioner shall determine. Such determination shall be based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.

(B) For any organization which did not pay wages throughout the four calendar quarters of the preceding calendar year, such percentage of its payroll during such year as the commissioner shall determine.

(iii) At the end of each taxable year, the commissioner may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

(iv) At the end of each taxable year, the commissioner shall determine whether the total of payments for such year made by a nonprofit organization is less than, or in excess of, the total amount of regular and additional benefits plus one-half of the amount of extended benefits paid to individuals during such taxable year based on wages attributable to service in the employ of such organization. Each nonprofit organization whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with (c) of this subsection. If the total payments exceed the amount so determined for the taxable year, all of the excess payments will be retained in the fund as part of the payments which may be required for the next taxable year, or a part of the excess may, at the discretion of the commissioner, be refunded from the fund or retained in the fund as part of the payments which may be required for the next taxable year.

(c) Payment of any bill rendered under (a) or (b) of this subsection shall be made not later than thirty days after such bill was mailed to the last known address of the nonprofit organization or was otherwise delivered to it, and if not paid within such thirty days, the reimbursement payments itemized in the bill shall be deemed to be delinquent and the whole or part thereof remaining unpaid shall bear interest and penalties from and after the end of such thirty days at the rate and in the manner set forth in RCW 50.12.220 and 50.24.040.

(d) Payments made by any nonprofit organization under the provisions of this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization. Any deduction in violation of the provisions of this paragraph shall be unlawful.

(e)(i) Benefits paid during the one week waiting period when the one week waiting period is paid or reimbursed by the federal government shall not be billed.

(ii) In the event the one week waiting period is partially paid or partially reimbursed by the federal government, the department

SEVENTEENTH DAY, JANUARY 27, 2021

2021 REGULAR SESSION

may, by rule, elect to not bill, in full or in part, benefits paid during the one week waiting period.

(3) Each employer that is liable for payments in lieu of contributions shall pay to the commissioner for the fund the total amount of regular and additional benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of (a) and (b) of this subsection.

(a) If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his or her base-period employers.

(b) If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his or her base-period employers.

**Sec. 23.** RCW 50.60.020 and 2013 c 79 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affected employee" means a specified employee, hired on a permanent basis, to which an approved shared work compensation plan applies.

(2) "Employers' association" means an association which is a party to a collective bargaining agreement under which there is a shared work compensation plan.

(3) "Shared work benefits" means the benefits payable to an affected employee under an approved shared work compensation plan as distinguished from the benefits otherwise payable under this title.

(4) "Shared work compensation plan" means a plan of an employer, or of an employers' association, under which there is a reduction in the number of hours worked by employees rather than layoffs.

(5) "Shared work employer" means an employer, who has at least two employees, and at least ~~((one employee is))~~ two employees are covered by a shared work compensation plan.

(6) "Unemployment compensation" means the benefits payable under this title other than shared work benefits and includes any amounts payable pursuant to an agreement under federal law providing for compensation, assistance, or allowances with respect to unemployment.

(7) "Usual weekly hours of work" means the regular number of hours of work before the hours were reduced, not to exceed forty hours and not including overtime.

**Sec. 24.** RCW 50.60.110 and 2013 c 79 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, shared work benefits shall be charged to employers' experience rating accounts in the same manner as other benefits under this title are charged. Employers liable for payments in lieu of contributions

shall have shared work benefits attributed to their accounts in the same manner as other benefits under this title are attributed.

(2) ~~((For weeks of benefits paid between July 1, 2012, and June 28, 2015, any))~~ Any amount of shared work benefits that is paid or reimbursed by the federal government is not charged to experience rating accounts of employers or to employers who are liable for payments in lieu of contributions. The employment security department shall remove charges for any amount of shared work benefits that is paid or reimbursed by the federal government ~~((between July 1, 2012, and the week prior to July 28, 2013))~~.

NEW SECTION. **Sec. 25.** A new section is added to chapter 50.60 RCW to read as follows:

Affected employees may participate, as appropriate, in training, including employer-sponsored training or training funded under the workforce innovation and opportunity act, to enhance job skills if such program has been approved by the employment security department.

NEW SECTION. **Sec. 26.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. **Sec. 27.** The following acts or parts of acts are each repealed:

(1) RCW 50.20.1201 (Amount of benefits—Applicable May 3, 2009, for claims effective before, on, or after May 3, 2009, through January 2, 2010) and 2009 c 3 s 2; and

(2) RCW 50.20.1202 (Additional temporary benefit increase) and 2011 c 4 s 1.

NEW SECTION. **Sec. 28.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 28B.50.030, 50.04.323, 50.16.030, 50.20.010, 50.20.020, 50.20.100, 50.20.118, 50.20.120, 50.20.140, 50.24.014, 50.29.021, 50.29.026, 50.29.041, 50.29.062, 50.29.063, 50.44.060, 50.60.020, and 50.60.110; reenacting and amending RCW 50.20.050 and 50.29.025; adding new sections to chapter 50.04 RCW; adding a new section to chapter 50.12 RCW; adding a new section to chapter 50.60 RCW; creating new sections; repealing RCW 50.20.1201 and 50.20.1202; providing an expiration date; and declaring an emergency."

MOTION

Senator Braun moved that the following floor amendment no. 010 by Senator Braun be adopted:

On page 21, line 4, after "shall be" strike "20" and insert "17.5"

Senators Braun, Mullet and Rivers spoke in favor of adoption of the amendment to the striking amendment.

Senator Keiser spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 010 by Senator Braun on page 21, line 4 to striking floor amendment no. 006.

The motion by Senator Braun carried and floor amendment no. 010 was adopted by voice vote.

#### MOTION

On motion of Senator Liias, further consideration of Substitute Senate Bill No. 5061 was deferred, and the bill held its place on the second reading calendar.

#### SECOND READING

SENATE BILL NO. 5044, by Senators Das, Wellman, Darneille, Hasegawa, Hunt, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Stanford, and Wilson, C.

Concerning professional learning, equity, cultural competency, and dismantling institutional racism in the public school system.

#### MOTION

On motion of Senator Das, Substitute Senate Bill No. 5044 was substituted for Senate Bill No. 5044 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Short moved that the following floor amendment no. 011 by Senator Short be adopted:

On page 2, line 11, after "must" insert "define measurable goals for dismantling institutional racism and post the measurable goals online for parents and community members. These entities must also"

On page 3, line 9, after "staff." insert "The content outline must incorporate the measurable goals for dismantling institutional racism pursuant to RCW 28A.345.100."

Senator Short spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

Senator Wellman spoke on adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 011 by Senator Short on page 2, line 11 to Substitute Senate Bill No. 5044.

The motion by Senator Short did not carry and floor amendment no. 011 was not adopted by voice vote.

#### MOTION

Senator Short moved that the following floor amendment no. 012 by Senator Short be adopted:

On page 2, line 14, after "~~((and superintendents))~~." insert "The entities that developed the recommended list pursuant to this section must also define equity, diversity, inclusion, antiracism, and cultural competency and post the definitions online for parents and community members."

Senator Short spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 012 by Senator Short on page 2, line 14 to Substitute Senate Bill No. 5044.

The motion by Senator Short did not carry and floor amendment no. 012 was not adopted by voice vote.

#### MOTION

Senator Gildon moved that the following floor amendment no. 13 by Senator Gildon be adopted:

On page 2, line 14, after "~~((and superintendents))~~" insert "and post the recommended list of training programs online for parents and community members"

On page 3, line 9, after "staff." insert "The office of the superintendent of public instruction must post the content outline for professional development and training online for parents and community members."

On page 5, line 17, after "standards." insert "The professional educator standards board must post the list of model standards for antiracism and cultural competency online for parents and community members."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 13 by Senator Gildon on page 2, line 14 to Substitute Senate Bill No. 5044.

The motion by Senator Gildon carried and floor amendment no. 13 was adopted by voice vote.

#### MOTION

Senator Warnick moved that the following floor amendment no. 014 by Senator Warnick be adopted:

On page 2, line 18, after "implement" insert "Asian American history and"

On page 2, line 20, after "racism" insert ", including but not limited to racism against Asian Americans,"

On page 2, line 28, after "racism," insert "including but not limited to Asian Americans,"

On page 3, line 18, after "implement" insert "Asian American history and"

On page 3, line 21, after "threat" insert ", including but not limited to bias and stereotypes toward Asian Americans"

On page 5, line 19, after "standards," insert "including but not limited to addressing racism against Asian Americans,"

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

Senator Das spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 014 by Senator Warnick on page 2, line 18 to Substitute Senate Bill No. 5044.

The motion by Senator Warnick did not carry and floor amendment no. 014 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 015 by Senator Wagoner be adopted:

On page 2, line 29, after "sexualities," strike "and genders" and insert "genders, and rural and underserved populations"

On page 5, line 21, after "contexts," insert "including rural and underserved communities,"

Senator Wagoner spoke in favor of adoption of the amendment.

SEVENTEENTH DAY, JANUARY 27, 2021

2021 REGULAR SESSION

Senator Wellman spoke against adoption of the amendment.  
 Senator Wilson, C. spoke of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 015 by Senator Wagoner on page 2, line 29 to Substitute Senate Bill No. 5044.

The motion by Senator Wagoner did not carry and floor amendment no. 015 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 016 by Senator Rivers be adopted:

On page 2, line 29, after "genders" insert ", and highly capable students"

On page 5, line 24, after "experiences" insert ", including highly capable students' experiences,"

Senator Rivers spoke in favor of adoption of the amendment.  
 Senator Wellman spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 016 by Senator Rivers on page 2, line 29 to Substitute Senate Bill No. 5044.

The motion by Senator Rivers did not carry and floor amendment no. 016 was not adopted by voice vote.

PARLIAMENTARY INQUIRY

Senator Sheldon: "Mr. President, thank you. Question: when I see the vote totals for that last amendment it totaled 47. Why does the vote total not total 49? Wouldn't you add in anyone that's absent or excused?"

President Heck: "Senator Sheldon, this is the same thing as a voice vote that would occur on an amendment. And so, if you were sitting on the floor and were not voting, you wouldn't be tabulated as such either. Remember, this is an analog voice voting."

Senator Sheldon: "So, perhaps then, for the first bill, when the amendment did total 49, because that was recorded?"

President Heck: "Because 49 people voted."

Senator Sheldon: "Okay. Alright, thank you."

WITHDRAWAL OF AMENDMENT

On motion of Senator Wellman and without objection, floor amendment no. 008 by Senator Wellman on page 3, line 20 to Substitute Senate Bill No. 5044 was withdrawn.

MOTION

Senator Fortunato moved that the following floor amendment no. 017 by Senator Fortunato be adopted:

On page 3, line 30, after "encourages)" insert "(a)"

On page 3, after line 38, insert the following:

"(b) This subsection only applies to school districts that have institutional racism."

On page 4, at the beginning of line 3, insert "(1)"

On page 4, after line 10, insert the following:

"(2) This section only applies to school districts that have institutional racism."

On page 4, line 22, after "(2)" insert "(a)"

On page 4, after line 26, insert the following:

"(b) This subsection only applies to school districts that have institutional racism."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Hasegawa spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 017 by Senator Fortunato on page 3, line 30 to Substitute Senate Bill No. 5044.

The motion by Senator Fortunato did not carry and floor amendment no. 017 was not adopted by voice vote.

MOTION

Senator Hawkins moved that the following floor amendment no. 018 by Senator Hawkins be adopted:

On page 3, line 32, after "((ø))" strike "must" and insert "may"

On page 4, line 5, after "service districts" strike "must" and insert "may"

On page 4, line 23, after "day" strike "must" and insert "may"

Senator Hawkins spoke in favor of adoption of the amendment.  
 Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 018 by Senator Hawkins on page 3, line 32 to Substitute Senate Bill No. 5044.

The motion by Senator Hawkins did not carry and floor amendment no. 018 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 019 by Senator Braun be adopted:

On page 4, line 27, after "(3)" insert "Each year, beginning with the 2021-22 school year, each school district must use a portion of the professional learning allocation provided under this section to provide at least one half-day of professional learning regarding special education that includes, but is not limited to, the following:"

(a) Why some students with disabilities need special education or related services;

(b) How to recognize students with disabilities who may qualify for special education or related services; and

(c) Best practices for providing the following:

(i) For students with disabilities eligible for special education, access to the general education curriculum to obtain a diploma;

(ii) The opportunity for students with disabilities eligible for special education to participate in both school and work-based learning;

(iii) Inclusion of the classroom teacher in the development of the individualized education program;

(iv) How classroom teachers can provide special education in the general education classroom;

(v) A culture of high expectations for students with disabilities;

(vi) Effective and efficient classroom management; and

(vii) Appropriate transition services for students with disabilities eligible for special education, including collaborating with local community employers.

(4)"

On page 5, line 3, after "((ø))" strike "(4)" and insert "(5)"

On page 5, line 6, after "((ø))" strike "(5)" and insert "(6)"

Senator Braun spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 019 by Senator Braun on page 4, line 27 to Substitute Senate Bill No. 5044.

The motion by Senator Braun did not carry and floor amendment no. 019 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 020 by Senator Wagoner be adopted:

On page 5, line 24, after "experiences" insert ", including students' with disabilities experiences,"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 020 by Senator Wagoner on page 5, line 24 to Substitute Senate Bill No. 5044.

The motion by Senator Wagoner carried and floor amendment no. 020 was adopted by voice vote.

#### MOTION

Senator Hawkins moved that the following floor amendment no. 021 by Senator Hawkins be adopted:

On page 7, after line 8, insert the following:

"**Sec. 9.** RCW 28A.345.020 and 1969 ex.s. c 223 s 28A.61.020 are each amended to read as follows:

The membership of the school directors' association (~~shall~~) may comprise the members of the boards of directors of the school districts of the state."

On page 1, line 3 of the title, after "28A.410.260," strike "and 28A.410.270" and insert "28A.410.270, and 28A.345.020"

Senator Hawkins spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 021 by Senator Hawkins on page 7, line 8 to Substitute Senate Bill No. 5044.

The motion by Senator Hawkins did not carry and floor amendment no. 021 was not adopted by voice vote.

#### MOTION

Senator Hawkins moved that the following floor amendment no. 022 by Senator Hawkins be adopted:

On page 7, after line 8, insert the following:

"**Sec. 9.** RCW 28A.345.020 and 1969 ex.s. c 223 s 28A.61.020 are each amended to read as follows:

(1) The membership of the school directors' association shall comprise the members of the boards of directors of the school districts of the state.

(2) Members of the boards of directors may be ex officio members of the association if they do not pay dues under RCW 28A.345.050. Ex officio members are not allowed to vote and have limited access to services.

On page 1, line 3 of the title, after "28A.410.260," strike "and 28A.410.270" and insert "28A.410.270, and 28A.345.020"

Senator Hawkins spoke in favor of adoption of the amendment.

Senator Wilson, C. spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 022 by Senator Hawkins on page 7, line 8 to Substitute Senate Bill No. 5044.

The motion by Senator Hawkins did not carry and floor amendment no. 022 was not adopted by voice vote.

#### MOTION

On motion of Senator Das, the rules were suspended, Engrossed Substitute Senate Bill No. 5044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Das and Wilson, C. spoke in favor of passage of the bill.

Senators Wagoner, Braun and McCune spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5044.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5044 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:38 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

---

#### EVENING SESSION

---

The Senate was called to order at 5:38 p.m. by President Heck.

The Senate returned to consideration of Substitute Senate Bill No. 5061.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Van De Wege moved that the Senate now reconsider the vote by which floor amendment no. 010 to floor striking amendment no. 006 passed the senate earlier in the day.

The President declared the question before the Senate to be the motion by Senator Van De Wege that the Senate reconsider the vote by which floor amendment no. 010 passed the Senate.

SEVENTEENTH DAY, JANUARY 27, 2021

2021 REGULAR SESSION

The motion for reconsideration carried.

The President declared the question before the Senate to be the adoption of floor amendment no. 010 to floor striking amendment no. 006 reconsideration.

Senator Liias demanded a roll call.

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

Senator Braun spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 010 to floor striking amendment no. 006 on reconsideration.

ROLL CALL

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

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

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

The President declared the question before the Senate to be the adoption of striking floor amendment no. 006 by Senator Keiser to Substitute Senate Bill No. 5061.

The motion by Senator Keiser carried and striking floor amendment no. 006 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Schoesler spoke against passage of the bill.

POINT OF INQUIRY

Senator King: "Thank you Senator Keiser. Section 1 of this bill says the Legislature intends to continue assessing the funding levels of the Unemployment Insurance Trust Fund and the premium rates we're authorizing today. So, does this mean you intend to reassess this program and take further action as needed during the legislative session and next year's legislative session, including appropriating state or federal funds to offset increases related to the Covid-19 pandemic?"

Senator Keiser: "Thank you for your question Senator King. Yes. I intend that as this pandemic continues to unfold, we take further action as needed this session and next session to provide relief to impacted businesses while maintaining a healthy trust fund and the critical economic support it provides."

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5061.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5061 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

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

Voting nay: Senators Ericksen, Fortunato, Honeyford, McCune, Padden, Schoesler and Wilson, J.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5024, by Senators Padden, Pedersen, Brown, Gildon, Holy, Mullet, Short and Van De Wege

Reducing barriers to condominium construction.

MOTION

On motion of Senator Padden, Substitute Senate Bill No. 5024 was substituted for Senate Bill No. 5024 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kuderer moved that the following floor amendment no. 007 by Senator Kuderer be adopted:

Beginning on page 1, line 4, strike all of section 1  
Renummer the remaining sections consecutively.

On page 1, line 2 of the title, after "RCW" strike "64.55.010, 64.90.645," and insert "64.90.645"

Senator Kuderer spoke in favor of adoption of the amendment. Senators Padden and Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 007 by Senator Kuderer on page 1, line 4 to Substitute Senate Bill No. 5024.

The motion by Senator Kuderer did not carry and floor amendment no. 007 was not adopted by voice vote.

MOTION

Senator Pedersen moved that the following floor amendment no. 009 by Senator Pedersen be adopted:

On page 6, after line 14, insert the following:

"NEW SECTION. Sec. 4. Section 1 of this act expires June 30, 2031."

On page 1, line 1 of the title, after "construction;" strike the remainder of the title and insert "amending RCW 64.55.010, 64.90.645, and 64.04.005; and providing an expiration date."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 009 by Senator Pedersen on page 6, line 14 to Substitute Senate Bill No. 5024.

The motion by Senator Pedersen carried and floor amendment no. 009 was adopted by voice vote.

#### MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute Senate Bill No. 5024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Kuderer and Darneille spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5024.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5024 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

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

Voting nay: Senators Conway, Darneille, Das, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Robinson, Stanford, Wellman and Wilson, C.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Senator Short moved that the Senate advance to the ninth order of business and relieve the Committee on State Government & Elections of Senate Bill No. 5114.

Senator Short demanded a roll call.

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

Senator Short spoke in favor of the motion.

Senator Liias spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Short to advance to the ninth order and relieve the Committee on State Government & Elections of Senate Bill No. 5114.

#### ROLL CALL

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

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

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

#### MOTION

At 6:30 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Thursday, January 28, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**EIGHTEENTH DAY**

---

AFTERNOON SESSION

---

Senate Chamber, Olympia  
Thursday, January 28, 2021

The Senate was called to order at 12:32 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

MOTIONS

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

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

REPORTS OF STANDING COMMITTEES

January 28, 2021

SB 5006 Prime Sponsor, Senator Van De Wege: Concerning local parks funding options. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

Referred to Committee on Ways & Means.

January 27, 2021

SB 5023 Prime Sponsor, Senator Wilson, C.: Concerning working connections child care eligibility and unemployment benefits. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Ways & Means.

January 28, 2021

SB 5042 Prime Sponsor, Senator Salomon: Concerning the effective date of certain actions taken under the growth management act. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member and Warnick.

Referred to Committee on Rules for second reading.

January 27, 2021

SB 5046 Prime Sponsor, Senator Conway: Concerning workers' compensation claim resolution settlement agreements. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Honeyford; Robinson; Saldaña and Schoesler.

Referred to Committee on Rules for second reading.

January 27, 2021

SB 5052 Prime Sponsor, Senator Keiser: Concerning the creation of health equity zones. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5052 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Holy; Padden and Rivers.

Referred to Committee on Ways & Means.

January 27, 2021

SB 5136 Prime Sponsor, Senator Wilson, C.: Prohibiting fees for child care licenses. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5136 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Ways & Means.

January 27, 2021

SB 5147 Prime Sponsor, Senator Hawkins: Exploring alternative school calendars. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5147 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Referred to Committee on Ways & Means.

January 27, 2021  
SB 5161 Prime Sponsor, Senator Wellman: Teaching Washington's tribal history, culture, and government. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

January 26, 2021  
SB 5183 Prime Sponsor, Senator Nobles: Concerning victims of nonfatal strangulation. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5183 be substituted therefor, and the substitute bill do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Wilson, C.

Referred to Committee on Ways & Means.

January 28, 2021  
SB 5198 Prime Sponsor, Senator Schoesler: Easing ambulance restrictions in rural areas. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

Referred to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

#### MESSAGES FROM THE HOUSE

January 27, 2021

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 1052, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

January 27, 2021

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1049,  
 ENGROSSED HOUSE BILL NO. 1121,  
 ENGROSSED HOUSE BILL NO. 1131,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 5366 by Senators Stanford, Das, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Saldaña and Wellman

AN ACT Relating to improving environmental and social outcomes with the production of building materials; adding a new chapter to Title 39 RCW; and providing an expiration date.

Referred to Committee on State Government & Elections.

SB 5367 by Senator Conway

AN ACT Relating to directing the department of retirement systems to create rules regarding automatic refunds of retirement contributions in the retirement systems listed in RCW 41.50.030; and adding a new section to chapter 41.50 RCW.

Referred to Committee on Ways & Means.

SB 5368 by Senators Short, Fortunato, and Wilson, L.

AN ACT Relating to encouraging rural economic development; amending RCW 36.70A.020, 36.70A.280, 36.70A.330, 90.58.080, and 90.58.080; reenacting and amending RCW 36.70A.070 and 36.70A.130; adding a new section to chapter 35A.14 RCW; adding new sections to chapter 36.70A RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Housing & Local Government.

SB 5369 by Senator Schoesler

AN ACT Relating to directing the department of retirement systems to create rules regarding automatic refunds of retirement contributions in the retirement systems listed in RCW 41.50.030; and adding a new section to chapter 41.50 RCW.

Referred to Committee on Ways & Means.

SB 5370 by Senators Keiser, Dhingra, Saldaña, and Wilson, C.

AN ACT Relating to updating mental health advance directive laws; amending RCW 71.32.010, 71.32.020, 71.32.020, 71.32.030, 71.32.040, 71.32.050, 71.32.060, 71.32.070, 71.32.100, 71.32.110, 71.32.130, 71.32.170, 71.32.180, 71.32.210, 71.32.220, 71.32.250, and 71.34.755; reenacting and amending RCW 71.32.020, 71.32.140, and 71.32.260; providing effective dates; and providing expiration dates.

Referred to Committee on Health & Long Term Care.

SB 5371 by Senators Robinson, Carlyle, Conway, Dhingra, Pedersen and Saldaña

AN ACT Relating to funding public health services and health equity initiatives through a statewide sweetened beverage tax; amending RCW 82.25.015; adding new sections to chapter 43.70 RCW; and adding a new chapter to Title 82 RCW.

Referred to Committee on Health & Long Term Care.

EIGHTEENTH DAY, JANUARY 28, 2021

2021 REGULAR SESSION

Referred to Committee on State Government &amp; Elections.

SB 5372 by Senators Stanford, Warnick, Conway, Hasegawa, Saldaña, and Wilson, J.

AN ACT Relating to a hemp processor registration process; amending RCW 15.140.020 and 15.140.060; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5373 by Senators Lovelett, Saldaña, Das, Dhingra, Frockt, Hunt, Kuderer, Nguyen, Pedersen, Salomon, Stanford, Wellman, and Wilson, C.

AN ACT Relating to carbon pollution; adding a new chapter to Title 82 RCW; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

SB 5374 by Senators Honeyford, Fortunato, and Wilson, J.

AN ACT Relating to requiring students to study political systems and the negative effects of communism; and amending RCW 28A.230.170.

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

SB 5375 by Senators Warnick, Fortunato, Rolfes, Van De Wege, and Wilson, J.

AN ACT Relating to a study of the differences in low-income housing development in urban and rural locations; and creating new sections.

Referred to Committee on Housing & Local Government.

SB 5376 by Senators Wilson, C., Wellman, Conway, Das, Hunt, Kuderer, Liias, Nobles and Saldaña

AN ACT Relating to promoting awareness of the governor's office of the education ombuds; adding a new section to chapter 28A.600 RCW; and creating a new section.

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

SB 5377 by Senators Frockt, Keiser, Conway, Das, Dhingra, Hunt, Kuderer, Liias, Lovelett, Wilson, C., Nguyen, Pedersen, Saldaña and Salomon

AN ACT Relating to increasing affordability of standardized plans on the individual market; amending RCW 41.05.410 and 43.71.095; adding new sections to chapter 43.71 RCW; adding a new section to chapter 48.43 RCW; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health & Long Term Care.

ESHB 1056 by House Committee on Local Government (originally sponsored by Pollet, Goehner, Kloba, Lekanoff, Leavitt, Senn, Callan and Fey)

AN ACT Relating to open public meeting notice requirements and declared emergencies; amending RCW 42.30.040, 42.30.050, 42.30.070, 42.30.077, 42.30.080, and 42.30.090; adding a new section to chapter 42.30 RCW; creating a new section; and declaring an emergency.

## MOTIONS

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

At 12:34 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Friday, January 29, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**NINETEENTH DAY**

**AFTERNOON SESSION**

Senate Chamber, Olympia  
Friday, January 29, 2021

The Senate was called to order at 12:31 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

January 28, 2021

**SB 5021** Prime Sponsor, Senator Hunt: Concerning the effect of expenditure reduction efforts on retirement benefits for public employees, including those participating in the shared work program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon; Muzzall; Rivers and Warnick.

Referred to Committee on Rules for second reading.

January 28, 2021

**SB 5025** Prime Sponsor, Senator Rolfes: Concerning the consumer protection improvement act. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5025 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member and Holy.

Referred to Committee on Rules for second reading.

January 28, 2021

**SB 5035** Prime Sponsor, Senator Dhingra: Concerning offender scoring of drug offenses. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5035 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

Referred to Committee on Rules for second reading.

January 28, 2021

**SB 5038** Prime Sponsor, Senator Kuderer: Prohibiting the open carry of certain weapons at public demonstrations and the state capitol. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5038 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

Referred to Committee on Rules for second reading.

January 28, 2021

**SB 5054** Prime Sponsor, Senator Padden: Concerning impaired driving. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Ways & Means.

January 28, 2021

**SB 5058** Prime Sponsor, Senator Rolfes: Making technical changes to certain natural resources-related accounts. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

January 28, 2021

**SB 5059** Prime Sponsor, Senator McCune: Concerning protecting state and federal monuments, memorials, and statues

NINETEENTH DAY, JANUARY 29, 2021

2021 REGULAR SESSION

from damage intentionally inflicted during the course of unpeaceful demonstrations or riots. Reported by Committee on Law & Justice

Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5059 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

MINORITY recommendation: Do not pass. Signed by Senator Dhingra, Vice Chair.

Referred to Committee on Ways & Means.

Referred to Committee on Rules for second reading.

January 28, 2021

SB 5078 Prime Sponsor, Senator Liias: Addressing firearm safety measures to increase public safety. Reported by Committee on Law & Justice

SB 5159 Prime Sponsor, Senator Warnick: Concerning payments in lieu of real property taxes by the department of the fish and wildlife. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5078 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Rolfes; Short and Stanford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

Referred to Committee on Ways & Means.

Referred to Committee on Rules for second reading.

January 29, 2021

SB 5089 Prime Sponsor, Senator Kuderer: Concerning peace officer hiring and certification. Reported by Committee on Law & Justice

SB 5169 Prime Sponsor, Senator Frockt: Concerning provider reimbursement for personal protective equipment during the state of emergency related to COVID-19. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5089 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MAJORITY recommendation: That Substitute Senate Bill No. 5169 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson, J.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

January 28, 2021

SB 5106 Prime Sponsor, Senator Liias: Concerning municipal access to local financial services. Reported by Committee on Business, Financial Services & Trade

SB 5175 Prime Sponsor, Senator Nguyen: Concerning the authority of the community economic revitalization board. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt and Wilson, L.

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

Referred to Committee on Ways & Means.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hobbs.

SB 5177 Prime Sponsor, Senator Cleveland: Eliminating proof of nonmarriage as an element of a sex offense. Reported by Committee on Law & Justice

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

January 28, 2021

SB 5158 Prime Sponsor, Senator Hawkins: Concerning the utility wildland fire prevention advisory committee.

January 28, 2021

SB 5185 Prime Sponsor, Senator Pedersen: Concerning capacity to provide informed consent for health care decisions. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5185 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Holy; Kuderer; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senator McCune, Assistant Ranking Member.

Referred to Committee on Rules for second reading.

January 28, 2021

SB 5211 Prime Sponsor, Senator Frockt: Authorizing tax increment financing for local governments. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5211 be substituted therefor, and the substitute bill do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt and Hobbs.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson, L.

Referred to Committee on Ways & Means.

January 28, 2021

SB 5215 Prime Sponsor, Senator Conway: Increasing the maximum Washington college grant award at independent institutions of higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Ways & Means.

January 28, 2021

SB 5220 Prime Sponsor, Senator Van De Wege: Concerning the taxation of salmon recovery grants by updating the state business and occupation tax deduction for these grants, creating a sales and use tax exemption for grant proceeds received by recipients of these grants, and clarifying the sales and use tax obligations for goods and services purchased by recipients of these grants. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Ways & Means.

January 28, 2021

SB 5272 Prime Sponsor, Senator Rolfes: Concerning temporarily waiving certain liquor and cannabis board annual licensing fees. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5272 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

January 29, 2021

SB 5294 Prime Sponsor, Senator Cleveland: Concerning the creation of statewide epidemic preparedness and response guidelines for long-term care facilities. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5294 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Randall; Robinson; Van De Wege and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Ways & Means.

January 28, 2021

SB 5315 Prime Sponsor, Senator Mullet: Concerning captive insurance. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5315 be substituted therefor, and the substitute bill do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

Referred to Committee on Ways & Means.

## MOTIONS

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 5158 and Senate Bill No. 5175 which were designated to the Committee on Rules and referred to the Committee on Ways & Means.

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

## INTRODUCTION AND FIRST READING

SB 5378 by Senators Das, Nobles, Hasegawa, Lovelett, Randall, Saldaña, and Wilson, C.

AN ACT Relating to real estate brokers and managing brokers license renewal requirements; and amending RCW 18.85.211.

NINETEENTH DAY, JANUARY 29, 2021

2021 REGULAR SESSION

Referred to Committee on Business, Financial Services & Trade.

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

SB 5379 by Senator Stanford

AN ACT Relating to enhanced raffle procedures; and amending RCW 9.46.0323.

SB 5387 by Senators Nguyen, Lias, Billig, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Lovelett, Pedersen, Randall, Robinson, Saldaña, Stanford, Wellman, and Wilson, C.

AN ACT Relating to the working families tax exemption; amending RCW 82.08.0206; creating new sections; and prescribing penalties.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5380 by Senator Fortunato

AN ACT Relating to approval of building permits; and amending RCW 36.70B.070.

Referred to Committee on Human Services, Reentry & Rehabilitation.

Referred to Committee on Housing & Local Government.

SB 5381 by Senators Hobbs, Fortunato, King and Warnick

AN ACT Relating to fish passage project permit streamlining; and amending RCW 77.55.181, 90.58.147, and 47.85.020.

SB 5388 by Senators Saldaña, Keiser, Nguyen, Stanford, and Wilson, C.

AN ACT Relating to social equity within the cannabis industry; amending RCW 43.330.540, 69.50.335, and 69.50.336; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5382 by Senator Fortunato

AN ACT Relating to creating the state elections confidence using rigorous examination act; adding a new section to chapter 29A.08 RCW; and creating a new section.

SB 5389 by Senators Wellman, Nobles, Hunt, Nguyen, Randall, Saldaña, Stanford, and Wilson C.

AN ACT Relating to teaching endorsements in computer science; adding a new section to chapter 28A.410 RCW; and creating a new section.

Referred to Committee on State Government & Elections.

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

SB 5383 by Senators Wellman, Short, Hunt, King, Lovelett, Nguyen, Randall, Saldaña, Warnick, Wilson, C., and Wilson, L.

AN ACT Relating to authorizing a public utility district to provide retail telecommunications services in unserved areas under certain conditions; amending RCW 54.16.330 and 43.330.538; adding a new section to chapter 42.56 RCW; and creating a new section.

SB 5390 by Senators Lias, Gildon, Nguyen and Saldaña

AN ACT Relating to increasing housing supply through the growth management act and housing density tax incentives for local governments; amending RCW 36.70A.110, 36.70A.210, and 82.45.060; reenacting and amending RCW 36.70A.070; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Environment, Energy & Technology.

Referred to Committee on Housing & Local Government.

SB 5384 by Senators Warnick, Short, and Wilson, L.

AN ACT Relating to volunteer firefighters; amending RCW 49.12.460 and 41.06.550; creating a new section; and declaring an emergency.

SJR 8204 by Senators Randall, Wellman, Conway, Dhingra, Keiser, Lovelett, Mullet, Nguyen, Pedersen, Robinson, Saldaña, Stanford, and Wilson, C.

Amending the Constitution to allow 55 percent of voters voting to authorize school district bonds.

Referred to Committee on Labor, Commerce & Tribal Affairs.

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

SB 5385 by Senators Keiser, Saldaña and Nguyen

AN ACT Relating to the size of the airport a municipality must control or operate for that municipality to enact minimum labor standards for employees at the airport; and amending RCW 14.08.120.

EHB 1049 by Representatives Kirby, Vick, Kloba, Leavitt, Ryu, Morgan, Ramel, Springer and Stokesbary

AN ACT Relating to the off-site delivery of a vehicle by a vehicle dealer licensed under chapter 46.70 RCW; and amending RCW 19.118.031, 63.14.040, 63.14.154, and 46.70.023.

Referred to Committee on Labor, Commerce & Tribal Affairs.

Referred to Committee on Business, Financial Services & Trade.

SB 5386 by Senators Randall, Wellman, Dhingra, Lovelett, Mullet, Nguyen, Robinson, Saldaña, and Wilson, C.

AN ACT Relating to school district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, 39.36.020, 28A.530.020, and 28A.315.285; and providing a contingent effective date.

SHB 1052 by House Committee on Health Care & Wellness (originally sponsored by Bateman, Cody, Kloba and Macri)

AN ACT Relating to group insurance contract performance standards; amending RCW 48.30.140 and 48.30.150; adding a new section to chapter 48.30 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

EHB 1121 by Representatives Santos, Ybarra, Ortiz-Self, Gregerson, Paul, Stonier, Pollet, Bergquist and Harris-Talley

AN ACT Relating to the waiver of certain high school graduation requirements in times of emergency; amending RCW 28A.655.250; adding a new section to chapter 28A.230 RCW; creating a new section; and declaring an emergency.

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

EHB 1131 by Representatives Rude and Callan

AN ACT Relating to the emergency waiver of instructional hours and days at private schools; amending RCW 28A.195.040 and 28A.195.010; and declaring an emergency.

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

#### MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5381 which was designated to the Committee on Agriculture, Water, Natural Resources & Parks and referred to the Committee on Transportation.

At 12:33 p.m., on motion of Senator Liias, the Senate adjourned until 11:45 a.m. Monday, February 1, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**TWENTY SECOND DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia  
Monday, February 1, 2021

The Senate was called to order at 11:47 a.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

January 29, 2021

SB 5105 Prime Sponsor, Senator Hasegawa: Implementing the recommendations of the office of equity task force. Reported by Committee on State Government & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5105 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Ways & Means.

January 29, 2021

SB 5122 Prime Sponsor, Senator Darneille: Concerning the jurisdiction of juvenile court. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5122 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Saldaña and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon, Ranking Member and Dozier.

Referred to Committee on Rules for second reading.

January 29, 2021

SB 5129 Prime Sponsor, Senator Saldaña: Concerning the possession of vapor, vapor products, tobacco, and tobacco products by minors. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5129 be substituted therefor, and the substitute bill do

pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Saldaña and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators Gildon, Ranking Member and Dozier.

Referred to Committee on Rules for second reading.

January 29, 2021

SB 5157 Prime Sponsor, Senator Wagoner: Providing incentives to reduce involvement by persons with behavioral disorders in the criminal justice system. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5157 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Frockt; Nobles and Warnick.

Referred to Committee on Rules for second reading.

January 29, 2021

SB 5178 Prime Sponsor, Senator Cleveland: Establishing automatic waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5178 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

Referred to Committee on Rules for second reading.

January 29, 2021

SB 5210 Prime Sponsor, Senator Dhingra: Concerning updates to competency restoration order requirements. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5210 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Frockt; Nobles and Warnick.

Referred to Committee on Rules for second reading.

January 29, 2021

SB 5302 Prime Sponsor, Senator Cleveland: Establishing a personal protective equipment vendor database. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5302 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Keiser; Padden; Randall; Robinson; Van De Wege and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holy.

Referred to Committee on Ways & Means.

#### MOTIONS

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5122 which was designated to the Committee on Ways & Means and referred to the Committee on Rules.

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

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

December 18, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JOHN M. MEYER, appointed October 21, 2015, for the term ending September 30, 2021, as Member of the Western Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9000.

August 31, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KERI J. CLARK, appointed August 9, 2016, for the term ending July 1, 2021, as Member of the Washington State School for the Blind Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9001.

September 22, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ARTHUR A. BLAUVELT III, reappointed September 21, 2016, for the term ending September 30, 2021, as Member of the Grays Harbor College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9002.

September 22, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

SUSAN A. PALMER, reappointed September 21, 2016, for the term ending September 30, 2021, as Member of the Renton Technical College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9003.

September 22, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

FAALUAINA S. PRITCHARD, reappointed September 21, 2016, for the term ending September 30, 2021, as Member of the Clover Park Technical College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9004.

October 3, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JACELYN (JACKIE) M. BOSCHOK, appointed October 3, 2016, for the term ending September 30, 2021, as Member of the Green River College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9005.

October 3, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

KAREN T. LEE, reappointed October 1, 2016, for the term ending September 30, 2022, as Member of the Western Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9006.

December 7, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LOIS BERNSTEIN, appointed December 7, 2016, for the term ending September 30, 2021, as Member of the Tacoma Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9007.

TWENTY SECOND DAY, FEBRUARY 1, 2021

2021 REGULAR SESSION

December 28, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

EVERETT MACOMBER, reappointed December 21, 2016, for the term ending January 17, 2023, as Member of the Horse Racing Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9008.

February 3, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEVE JACOBS, appointed February 3, 2017, for the term ending February 11, 2021, as Member of the Health Care Facilities Authority.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9009.

June 22, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

LORETTA S. DEKAY, reappointed June 22, 2017, for the term ending June 12, 2021, as Member of the Columbia River Gorge Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9010.

June 26, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JAY J. MANNING, reappointed June 20, 2017, for the term ending June 25, 2021, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9011.

June 26, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

BETHANY S. RIVARD, reappointed June 20, 2017, for the term ending June 30, 2021, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9012.

June 29, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JAMES T. WILCOX JR, reappointed June 29, 2017, for the term ending June 25, 2021, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9013.

July 6, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GREGORY A. CHRISTIANSEN, appointed July 1, 2017, for the term ending June 30, 2021, as Member of the Workforce Training and Education Coordinating Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9014.

July 31, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROY CAPTAIN, appointed July 31, 2017, for the term ending September 30, 2021, as Member of the Cascadia College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9015.

August 7, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LAURA S. WILDFONG, appointed August 7, 2017, for the term ending September 30, 2021, as Member of the Lake Washington Institute of Technology Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9016.

August 14, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JEFFREY BRECKEL, reappointed August 14, 2017, for the term ending July 15, 2021, as Member of the Salmon Recovery Funding Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9017.

October 3, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MICHAEL S. MAXWELL, reappointed October 3, 2017, for the term ending September 30, 2022, as Member of the Peninsula College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9018.

October 19, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

SHARONNE A. NAVAS, reappointed October 19, 2017, for the term ending September 30, 2022, as Member of the Green River College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9019.

October 30, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

NEIL A. MCCLURE, appointed October 30, 2017, for the term ending September 30, 2022, as Member of the Yakima Valley Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9020.

November 20, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

REBECCA M. JOHNSON, appointed November 20, 2017, for the term ending September 30, 2022, as Member of the Whatcom Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9021.

December 20, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

STEVEN R. HILL, reappointed December 20, 2017, for the term ending September 30, 2022, as Member of the Seattle College District Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9022.

December 28, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CHERYL A. MILLER, appointed January 15, 2018, for the term ending September 30, 2021, as Member of the Olympic College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9023.

January 9, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

STEPHANIE M. SOLIEN, reappointed January 9, 2018, for the term ending June 25, 2021, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9024.

February 1, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JAY J. MANNING, appointed November 20, 2015, for the term ending September 30, 2021, as Member of the Eastern Washington University Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9026.

February 5, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

REGINALD GEORGE, appointed February 5, 2018, for the term ending July 1, 2022, as Member of the Washington State School for the Blind Board of Trustees.

TWENTY SECOND DAY, FEBRUARY 1, 2021

2021 REGULAR SESSION

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9027.

February 5, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GLENN A. JOHNSON, appointed February 5, 2018, for the term ending September 30, 2022, as Member of the Community Colleges of Spokane Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9028.

February 16, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

SIDNEY WELDELE-WALLACE, reappointed August 9, 2016, for the term ending July 1, 2021, as Member of the Washington Center for Deaf and Hard of Hearing Youth.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9029.

March 14, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JACK S. ENG, reappointed March 14, 2018, for the term ending June 17, 2023, as Member of the Board of Industrial Insurance Appeals.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9030.

March 23, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BRADLEY F. SMITH, appointed March 23, 2018, for the term ending September 30, 2022, as Member of the Bellingham Technical College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9031.

March 28, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ALICIA R. LEVY, appointed March 16, 2018, for the term ending June 30, 2023, as Member of the Gambling Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9032.

April 4, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MARCUS J. GLASPER, appointed March 28, 2018, for the term ending at the governor's pleasure, as a Director of the Lottery Commission as Agency Head.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9033.

April 10, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TIMOTHY LYNCH, appointed April 10, 2018, for the term ending January 19, 2022, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9034.

June 11, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

LOWELL T. MURRAY LLL, reappointed June 26, 2018, for the term ending June 25, 2022, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9035.

June 12, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PAULA M. AKERLUND, appointed July 1, 2018, for the term ending September 30, 2022, as Member of the Grays Harbor College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9036.

June 20, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JIM MOSS, reappointed July 1, 2018, for the term ending June 30, 2022, as Member of the Energy Northwest Executive Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9037.

July 10, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

DENNIS J. MCLERRAN, reappointed July 9, 2018, for the term ending June 25, 2022, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9038.

July 16, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MARC D. DAUDON, reappointed July 16, 2018, for the term ending June 30, 2022, as Member of the Energy Northwest Executive Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9039.

July 23, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ELIZABETH (BETH) J. THEW, appointed July 23, 2018, for the term ending June 30, 2022, as Member of the Workforce Training and Education Coordinating Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9040.

July 30, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JUANITA J. KAMPHUIS, reappointed July 23, 2018, for the term ending July 1, 2023, as Member of the Washington Center for Deaf and Hard of Hearing Youth.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9041.

August 6, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MARIA J. CHRISTIANSON, reappointed July 27, 2018, for the term ending July 1, 2023, as Member of the Washington Center for Deaf and Hard of Hearing Youth.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9042.

August 21, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

CATHERINE SHAFFER, reappointed August 20, 2018, for the term ending August 2, 2021, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9043.

August 22, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TIM G. WETTACK, reappointed August 22, 2018, for the term ending August 2, 2021, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9044.

August 29, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

RON SIMS, reappointed August 28, 2018, for the term ending September 30, 2023, as Member of the Washington State University Board of Regents.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9045.

September 7, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TWENTY SECOND DAY, FEBRUARY 1, 2021

2021 REGULAR SESSION

GREGORY C. LINK, reappointed September 6, 2018, for the term ending August 2, 2021, as Member of the Sentencing Guidelines Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9046.

September 7, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

DENNIS W. MATHEWS, reappointed September 6, 2018, for the term ending July 1, 2023, as Member of the Washington State School for the Blind Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9047.

September 20, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ELIZABETH (BETH) J. THEW, reappointed September 19, 2018, for the term ending September 30, 2023, as Member of the Community Colleges of Spokane Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9048.

September 25, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

D. MICHAEL KELLY, reappointed September 25, 2018, for the term ending September 30, 2023, as Member of the Cascadia College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9049.

September 25, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

NANCY L. MCDANIEL, reappointed September 25, 2018, for the term ending July 1, 2023, as Member of the Washington State School for the Blind Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9050.

September 27, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

DEBBIE J. AHL, reappointed September 27, 2018, for the term ending September 30, 2023, as Member of the Bellingham Technical College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9051.

October 16, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ASTRID E. AVELEDO, appointed October 15, 2018, for the term ending September 30, 2023, as Member of the Grays Harbor College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9052.

October 16, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ELAINE CHU, appointed October 15, 2018, for the term ending September 30, 2023, as Member of the Green River College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9053.

October 16, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JEREMY JAECH, reappointed October 15, 2018, for the term ending September 30, 2024, as Member of the University of Washington Board of Regents.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9054.

October 16, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

THOMAS W. LUX, reappointed October 15, 2018, for the term ending September 30, 2023, as Member of the Shoreline Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9055.

October 18, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROBERT H. MALTE, appointed October 18, 2018, for the term ending September 30, 2023, as Member of the Lake Washington Institute of Technology Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9056.

October 18, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BRENT L. STARK, appointed October 18, 2018, for the term ending July 1, 2023, as Member of the Washington State School for the Blind Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9057.

October 23, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TERESA N. TAYLOR, appointed October 22, 2018, for the term ending September 30, 2023, as Member of the Whatcom Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9058.

October 23, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEVEN H. YOSHIHARA, appointed October 23, 2018, for the term ending September 30, 2021, as Member of the Community Colleges of Spokane Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9059.

November 1, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PAUL B. SPEER, appointed October 31, 2018, for the term ending September 30, 2023, as Member of the Clark College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9060.

November 8, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LILY CLIFTON, appointed November 8, 2018, for the term ending July 1, 2023, as Member of the Washington State School for the Blind Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9061.

November 19, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BONNIE C. BUSH, appointed November 19, 2018, for the term ending January 19, 2022, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9062.

November 19, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PATRICIA E. SHUMAN, appointed November 19, 2018, for the term ending September 30, 2023, as Member of the Tacoma Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9063.

December 5, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

KENNETH BOUNDS, reappointed December 3, 2018, for the term ending December 31, 2024, as Member of the Parks and Recreation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9064.

December 5, 2018

TWENTY SECOND DAY, FEBRUARY 1, 2021

2021 REGULAR SESSION

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Sincerely,

JAY INSLEE, Governor

Ladies and Gentlemen:

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9069.

I have the honor to submit the following reappointment, subject to your confirmation.

January 9, 2019

MICHAEL S. LATIMER, reappointed December 3, 2018, for the term ending December 31, 2024, as Member of the Parks and Recreation Commission.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

Sincerely,

JAY INSLEE, Governor

I have the honor to submit the following appointment, subject to your confirmation.

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9065.

CHELSEA MASON, appointed January 9, 2019, for the term ending April 3, 2022, as Member of the State Board for Community and Technical Colleges.

Sincerely,

JAY INSLEE, Governor

December 13, 2018  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9070.

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

January 28, 2019

JAMES WEAVER, appointed December 10, 2018, for the term ending at the governor's pleasure, as Chief Information Officer of the Washington Technology Solutions - Agency Head.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

Sincerely,

JAY INSLEE, Governor

I have the honor to submit the following reappointment, subject to your confirmation.

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9066.

RUSSELL D. HAUGE, reappointed January 28, 2019, for the term ending January 15, 2025, as Member of the Liquor and Cannabis Board.

Sincerely,

JAY INSLEE, Governor

December 31, 2018  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9071.

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

January 28, 2019

ELI TAYLOR, appointed December 20, 2018, for the term ending September 30, 2023, as Member of the Clover Park Technical College Board of Trustees.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

Sincerely,

JAY INSLEE, Governor

I have the honor to submit the following appointment, subject to your confirmation.

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9067.

CLAUDE A. RAGLE, appointed April 13, 2019, for the term ending January 1, 2024, as Member of the Horse Racing Commission.

Sincerely,

JAY INSLEE, Governor

January 9, 2019  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9072.

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

February 7, 2019

RUSSELL LEHMAN, appointed January 9, 2019, for the term ending December 31, 2021, as Member of the Public Disclosure Commission.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

Sincerely,

JAY INSLEE, Governor

I have the honor to submit the following appointment, subject to your confirmation.

Referred to Committee on State Government & Elections as Senate Gubernatorial Appointment No. 9068.

MICHELLE L. MILNE, appointed February 7, 2019, for the term ending June 30, 2022, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

January 9, 2019  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9073.

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

February 15, 2019

ROBERT J. LOPEZ, reappointed January 18, 2019, for the term ending January 17, 2025, as Member of the Horse Racing Commission.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ADAM L. AGUILERA, appointed February 14, 2019, for the term ending September 30, 2021, as Member of the Professional Educator Standards Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9074.

February 19, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GLADYS T. GILLIS, appointed February 19, 2019, for the term ending September 30, 2024, as Member of the Central Washington University Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9075.

February 19, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MARISSA WINMILL, reappointed February 19, 2019, for the term ending September 30, 2021, as Member of the Professional Educator Standards Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9076.

March 7, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MARK P. MARTINEZ, reappointed March 6, 2019, for the term ending September 30, 2022, as Member of the Clover Park Technical College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9077.

March 14, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SUSANA REYES, appointed March 15, 2019, for the term ending January 12, 2022, as Member of the State Board of Education.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9078.

March 21, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KENNETH J. PEDERSEN, appointed March 21, 2019, for the term ending September 8, 2023, as Member of the Public Employment Relations Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9079.

March 27, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PATRICK J. OSHIE, appointed April 1, 2019, for the term ending January 15, 2022, as Member of the Northwest Power and Conservation Council.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9080.

March 27, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ED ZUCKERMAN, appointed March 22, 2019, for the term ending September 30, 2024, as Member of the The Evergreen State College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9081.

April 9, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JEFF A. PATNODE, reappointed April 16, 2019, for the term ending April 15, 2024, as Member of the Indeterminate Sentence Review Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Human Services, Reentry & Rehabilitation as Senate Gubernatorial Appointment No. 9082.

April 30, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

EILEEN SULLIVAN, appointed April 30, 2019, for the term ending August 2, 2024, as Member of the Lottery Commission.

Sincerely,  
JAY INSLEE, Governor

TWENTY SECOND DAY, FEBRUARY 1, 2021

2021 REGULAR SESSION

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9083.

JUDY GUENTHER, reappointed July 2, 2019, for the term ending January 19, 2023, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9088.

July 3, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LARRY BROWN, appointed May 8, 2019, for the term ending June 30, 2022, as Member of the Workforce Training and Education Coordinating Board.

I have the honor to submit the following reappointment, subject to your confirmation.

BUD E. SIZEMORE, reappointed July 3, 2019, for the term ending June 30, 2025, as Member of the Gambling Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9089.

May 29, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PETER M. GAYTON, appointed May 29, 2019, for the term ending January 1, 2025, as Member of the Personnel Resources Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9085.

July 16, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TENESHA FREMSTAD, appointed July 16, 2019, for the term ending June 30, 2022, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9090.

June 18, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ISABEL A. COLE, appointed June 18, 2019, for the term ending June 17, 2025, as Member of the Board of Industrial Insurance Appeals.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9086.

July 16, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

KEN A. LARSEN, reappointed July 16, 2019, for the term ending June 30, 2023, as Member of the Housing Finance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Housing & Local Government as Senate Gubernatorial Appointment No. 9091.

June 20, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JEANNE K. BENNETT, appointed June 20, 2019, for the term ending September 30, 2021, as Member of the Clark College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9087.

July 16, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

WENDY L. LAWRENCE, reappointed July 16, 2019, for the term ending June 30, 2023, as Member of the Housing Finance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Housing & Local Government as Senate Gubernatorial Appointment No. 9092.

July 2, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

July 16, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

STEVEN MALLOCH, reappointed July 16, 2019, for the term ending June 30, 2023, as Member of the Chehalis Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9093.

July 16, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

AMY L. FROST, reappointed July 15, 2019, for the term ending June 30, 2023, as Member of the Professional Educator Standards Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9094.

August 7, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

FLORENCE S. CHANG, appointed August 7, 2019, for the term ending September 30, 2022, as Member of the Bates Technical College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9095.

August 7, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CRAIG A. RITCHIE, appointed August 7, 2019, for the term ending January 19, 2023, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9096.

August 7, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

WALLY WEBSTER II, appointed October 1, 2019, for the term ending September 30, 2024, as Member of the Edmonds Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9097.

August 7, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEVEN A. ZIMMERMAN, appointed August 2, 2019, for the term ending September 30, 2023, as Member of the Wenatchee Valley College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9098.

August 13, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GUADALUPE GAMBOA, appointed June 18, 2019, for the term ending June 17, 2024, as Member of the Human Rights Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9099.

August 13, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MOLLY F. LINVILLE, appointed July 22, 2019, for the term ending December 31, 2024, as Member of the Fish and Wildlife Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9100.

August 20, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JAMES R. ANDERSON, appointed July 22, 2019, for the term ending December 31, 2024, as Member of the Fish and Wildlife Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9101.

August 20, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

TWENTY SECOND DAY, FEBRUARY 1, 2021

2021 REGULAR SESSION

I have the honor to submit the following appointment, subject to your confirmation.

CANDELARIO GONZALEZ, appointed August 20, 2019, for the term ending September 30, 2023, as Member of the Olympic College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9102.

September 18, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

LOUISE CHERNIN, reappointed September 18, 2019, for the term ending September 30, 2024, as Member of the Seattle College District Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9103.

September 18, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

URIEL R. INIGUEZ, reappointed September 18, 2019, for the term ending September 30, 2025, as Member of the Eastern Washington University Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9104.

September 18, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SHARMILA SWENSON, appointed September 18, 2019, for the term ending September 30, 2024, as Member of the Highline College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9105.

September 18, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JEFF VINCENT, appointed September 18, 2019, for the term ending June 30, 2023, as Member of the Washington Student Achievement Council.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9106.

September 19, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MEGHAN B. QUINT, appointed September 19, 2019, for the term ending September 30, 2024, as Member of the Cascadia College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9107.

September 19, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CAROLINA T. SUN-WIDROW, appointed September 18, 2019, for the term ending June 30, 2024, as Member of the Pollution Control/Shorelines Hearings Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9108.

September 20, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ADRIANNE WAGNER, appointed September 20, 2019, for the term ending September 30, 2023, as Member of the Edmonds Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9109.

September 26, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JUANITA D. RICHARDS, appointed October 1, 2019, for the term ending September 30, 2024, as Member of the Big Bend Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9110.

October 3, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

WENDY K. BOHLKE, reappointed October 3, 2019, for the term ending September 30, 2024, as Member of the Whatcom Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9111.

October 3, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HARRIETTE C. BRYANT, appointed October 3, 2019, for the term ending September 30, 2024, as Member of the Olympic College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9112.

October 3, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KRISTIN M. RAY, appointed October 3, 2019, for the term ending September 30, 2024, as Member of the Pierce College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9113.

October 8, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MEGAN S. O'BRYAN, reappointed October 7, 2019, for the term ending September 30, 2024, as Member of the Skagit Valley College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9114.

October 8, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

EBEN POBEE, appointed October 8, 2019, for the term ending September 30, 2024, as Member of the Shoreline Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9115.

October 14, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

RICHARD G. FUKUTAKI, appointed October 3, 2019, for the term ending September 30, 2024, as Member of the Bellevue College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9116.

October 14, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ANNE E. HAMILTON, reappointed October 10, 2019, for the term ending September 30, 2024, as Member of the Lake Washington Institute of Technology Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9117.

October 14, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MICHAEL D. WILSON, reappointed October 10, 2019, for the term ending September 30, 2024, as Member of the Community Colleges of Spokane Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9118.

October 21, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

SARA I. CATE, reappointed October 17, 2019, for the term ending September 30, 2024, as Member of the Yakima Valley Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9119.

October 21, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CONSTANCE W. RICE, appointed October 21, 2019, for the term ending September 30, 2025, as Member of the University of Washington Board of Regents.

Sincerely,

JAY INSLEE, Governor

TWENTY SECOND DAY, FEBRUARY 1, 2021

2021 REGULAR SESSION

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9120.

October 21, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ROGELIO RIOJAS, reappointed October 21, 2019, for the term ending September 30, 2025, as Member of the University of Washington Board of Regents.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9121.

October 25, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MICHELLE LIBERTY, appointed October 25, 2019, for the term ending September 30, 2024, as Member of the Walla Walla Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9122.

October 30, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JERRY J. MENINICK, appointed October 30, 2019, for the term ending June 12, 2023, as Member of the Columbia River Gorge Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9123.

November 19, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

F. MARIBEL VILCHEZ, appointed November 19, 2019, for the term ending June 30, 2023, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9124.

November 20, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

WESLEY HENSON, appointed November 20, 2019, for the term ending July 1, 2024, as Member of the Washington Center for Deaf and Hard of Hearing Youth.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9125.

November 22, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ZABRINA M. JENKINS, appointed November 22, 2019, for the term ending September 30, 2024, as Member of the Central Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9126.

November 25, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JEROMY C. SULLIVAN, reappointed November 25, 2019, for the term ending July 15, 2023, as Member of the Salmon Recovery Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9127.

December 4, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

NORRIS "NORRIE" GREGOIRE, appointed December 4, 2019, for the term ending August 2, 2022, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9128.

December 4, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DONA PONEPINTO, appointed December 4, 2019, for the term ending September 30, 2024, as Member of the Tacoma Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9129.

December 4, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STANLEY RUMBAUGH, appointed December 4, 2019, for the term ending August 2, 2022, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9130.

December 4, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CHRISTIE E. SKOORSMITH, appointed December 4, 2019, for the term ending October 1, 2022, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Business, Financial Services & Trade as Senate Gubernatorial Appointment No. 9131.

December 5, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JENNIFER R. ALBRIGHT, reappointed December 5, 2019, for the term ending August 2, 2022, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9132.

December 12, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CAROL MITCHELL, appointed December 12, 2019, for the term ending September 30, 2024, as Member of the Clover Park Technical College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9133.

December 12, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MIGUEL PEREZ-GIBSON, appointed December 12, 2019, for the term ending September 30, 2025, as Member of the The Evergreen State College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9134.

December 17, 2019

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JENNIFER G. ACUNA, appointed December 17, 2019, for the term ending July 1, 2024, as Member of the Washington Center for Deaf and Hard of Hearing Youth.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9135.

January 8, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROBERT HAND, appointed January 20, 2020, for the term ending June 30, 2023, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9136.

January 14, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JERRIE L. ALLARD, reappointed January 20, 2020, for the term ending January 19, 2024, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9137.

January 14, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TERI L. FERREIRA, reappointed January 20, 2020, for the term ending January 19, 2024, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9138.

January 14, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TWENTY SECOND DAY, FEBRUARY 1, 2021

2021 REGULAR SESSION

PATRICK L. GALLAHER, appointed January 20, 2020, for the term ending January 19, 2024, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9139.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEVEN ASHBY, appointed January 15, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9140.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PAUL T. FRANCIS, appointed January 15, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9141.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TONY F. GOLIK, reappointed January 15, 2020, for the term ending August 2, 2022, as Member of the Sentencing Guidelines Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9142.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

WILLIAM LYNE, appointed January 15, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9143.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SUSAN MULLANEY, appointed January 15, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9144.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TERRI (THERESA) A. STANDISH-, appointed January 15, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9145.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JAN YOSHIWARA, appointed January 15, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9146.

January 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DEREK M. YOUNG, appointed January 15, 2020, for the term ending August 2, 2021, as Member of the Sentencing Guidelines Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9147.

January 16, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

KATHRYN GARDOW, reappointed January 16, 2020, for the term ending December 31, 2022, as Member of the Recreation and Conservation Funding Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9148.

January 16, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HENRY HIX, appointed January 16, 2020, for the term ending December 31, 2022, as Member of the Recreation and Conservation Funding Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9149.

January 17, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MICHAEL MEOTTI, appointed January 17, 2020, for the term ending June 30, 2022, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9150.

January 23, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HOLLY M. SILER, appointed January 23, 2020, for the term ending September 30, 2024, as Member of the Columbia Basin College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9151.

January 28, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MARK P. MARTINEZ, appointed January 28, 2020, for the term ending June 30, 2021, as Member of the Workforce Training and Education Coordinating Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9152.

January 28, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

GUY R. NORMAN, reappointed January 28, 2020, for the term ending January 15, 2023, as Member of the Northwest Power and Conservation Council.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9153.

January 29, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ROZANNE E. GARMAN, appointed January 29, 2020, for the term ending September 30, 2021, as Member of the South Puget Sound Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9154.

February 4, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ANN M. ROBBINS, appointed February 4, 2020, for the term ending June 30, 2022, as Member of the Professional Educator Standards Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9155.

February 10, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JANE K. BROOM DAVIDSON, appointed February 10, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9156.

February 18, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MARK R. BUSTO, reappointed February 18, 2020, for the term ending September 8, 2024, as Member of the Public Employment Relations Commission.

Sincerely,  
JAY INSLEE, Governor

TWENTY SECOND DAY, FEBRUARY 1, 2021

2021 REGULAR SESSION

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9157.

ENRIQUE S. CERNA, appointed March 16, 2020, for the term ending September 30, 2025, as Member of the Washington State University Board of Regents.

February 18, 2020

Sincerely,

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

JAY INSLEE, Governor

Ladies and Gentlemen:

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9162.

I have the honor to submit the following appointment, subject to your confirmation.

March 10, 2020

GERALD L. MARTIN, appointed February 18, 2020, for the term ending September 30, 2024, as Member of the Everett Community College Board of Trustees.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Sincerely,

Ladies and Gentlemen:

JAY INSLEE, Governor

I have the honor to submit the following reappointment, subject to your confirmation.

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9158.

CHASE D. FRANKLIN, reappointed March 10, 2020, for the term ending September 30, 2025, as Member of the Western Washington University Board of Trustees.

February 19, 2020

Sincerely,

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

JAY INSLEE, Governor

Ladies and Gentlemen:

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9163.

I have the honor to submit the following appointment, subject to your confirmation.

March 10, 2020

JEFFREY J. HENSLER, appointed February 19, 2020, for the term ending September 30, 2025, as Member of the Central Washington University Board of Trustees.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Sincerely,

Ladies and Gentlemen:

JAY INSLEE, Governor

I have the honor to submit the following reappointment, subject to your confirmation.

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9159.

LURA J. POWELL, reappointed March 10, 2020, for the term ending September 30, 2025, as Member of the Washington State University Board of Regents.

February 28, 2020

Sincerely,

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

JAY INSLEE, Governor

Ladies and Gentlemen:

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9164.

I have the honor to submit the following appointment, subject to your confirmation.

March 27, 2020

WILMA CARTAGENA, appointed February 28, 2020, for the term ending September 30, 2024, as Member of the Wenatchee Valley College Board of Trustees.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Sincerely,

Ladies and Gentlemen:

JAY INSLEE, Governor

I have the honor to submit the following appointment, subject to your confirmation.

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9160.

SATIVAH A. JONES, appointed March 27, 2020, for the term ending June 30, 2023, as Member of the Washington Student Achievement Council.

March 9, 2020

Sincerely,

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

JAY INSLEE, Governor

Ladies and Gentlemen:

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9165.

I have the honor to submit the following appointment, subject to your confirmation.

March 27, 2020

HEATHER ROSENTRATER, appointed March 9, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability and Oversight Board.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Sincerely,

Ladies and Gentlemen:

JAY INSLEE, Governor

I have the honor to submit the following appointment, subject to your confirmation.

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9161.

WILLIAM A. MIRAND, appointed March 27, 2020, for the term ending September 30, 2024, as Member of the Bellingham Technical College Board of Trustees.

March 10, 2020

Sincerely,

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

JAY INSLEE, Governor

Ladies and Gentlemen:

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9166.

I have the honor to submit the following appointment, subject to your confirmation.

April 13, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LORI M. RAMSDELL, appointed April 16, 2020, for the term ending April 15, 2025, as Member of the Indeterminate Sentence Review Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services, Reentry & Rehabilitation as Senate Gubernatorial Appointment No. 9167.

April 20, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JOHN D. SAVEN, reappointed April 17, 2020, for the term ending June 30, 2024, as Member of the Energy Northwest Executive Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9168.

May 29, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

J. A. VANDERSTOEP, appointed July 1, 2020, for the term ending June 30, 2024, as Member of the Chehalis Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9169.

June 4, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

WILLIAM N. RUMPF, appointed June 15, 2020, for the term ending January 1, 2075, as a Chair of the Housing Finance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Housing & Local Government as Senate Gubernatorial Appointment No. 9170.

June 5, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ABIGAIL E. GREINER, appointed July 1, 2020, for the term ending June 30, 2021, as Member of the Eastern Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9171.

June 6, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

FRANKIE L. COLEMAN, appointed July 6, 2020, for the term ending September 30, 2022, as Member of the Olympic College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9172.

June 11, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KELLY FUKAI, appointed July 1, 2020, for the term ending June 30, 2026, as Member of the Transportation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9173.

June 11, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LAUREN KING, appointed June 11, 2020, for the term ending June 30, 2021, as Member of the Gambling Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9174.

June 11, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

NATHANIEL L. MCMILLION, appointed July 1, 2020, for the term ending June 30, 2021, as Member of the Central Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9175.

June 12, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MARK RIKER, appointed June 12, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability and Oversight Board.

TWENTY SECOND DAY, FEBRUARY 1, 2021

2021 REGULAR SESSION

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9176.

June 17, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SAVANNA NAVARRO KRESSE, appointed June 17, 2020, for the term ending June 30, 2022, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9177.

June 17, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ARDINE WILLIAMS, appointed June 17, 2020, for the term ending June 30, 2021, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9178.

June 23, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

NEIL L. WISE, reappointed July 1, 2020, for the term ending June 30, 2026, as Member of the Pollution Control/Shorelines Hearings Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9179.

June 24, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MICHELLE GONZALEZ, appointed July 1, 2020, for the term ending June 30, 2022, as Member of the Pollution Control/Shorelines Hearings Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9180.

June 26, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DEANNA GEORGE, appointed June 26, 2020, for the term ending June 30, 2022, as Member of the Workforce Education Investment Accountability and Oversight Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9181.

June 29, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KRISTINA S. POGOSIAN, appointed July 1, 2020, for the term ending June 30, 2021, as Member of the University of Washington Board of Regents.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9182.

June 29, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JOHN F. SCHOETTLER, appointed July 1, 2020, for the term ending September 30, 2024, as Member of the Washington State University Board of Regents.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9183.

June 30, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ARLIEGH P. CAYANAN, appointed July 1, 2020, for the term ending June 30, 2021, as Member of the Washington State University Board of Regents.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9184.

July 1, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TATEASHA M. DAVIS, appointed July 15, 2020, for the term ending April 15, 2021, as Member of the Indeterminate Sentence Review Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Human Services, Reentry & Rehabilitation as Senate Gubernatorial Appointment No. 9185.

July 6, 2020  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON  
 Ladies and Gentlemen:

I have the honor to submit the following reappointment,  
 subject to your confirmation.

HARRY L. CARTHUM, reappointed July 6, 2020, for the  
 term ending September 30, 2024, as Member of the Grays Harbor  
 College Board of Trustees.

Sincerely,  
 JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce  
 Development as Senate Gubernatorial Appointment No. 9186.

July 31, 2020  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON  
 Ladies and Gentlemen:

I have the honor to submit the following reappointment,  
 subject to your confirmation.

NANCY K. FITTA, reappointed July 31, 2020, for the term  
 ending July 1, 2025, as Member of the Washington Center for  
 Deaf and Hard of Hearing Youth.

Sincerely,  
 JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education  
 as Senate Gubernatorial Appointment No. 9187.

July 31, 2020  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON  
 Ladies and Gentlemen:

I have the honor to submit the following appointment, subject  
 to your confirmation.

ALLIE M. JOINER, appointed July 31, 2020, for the term  
 ending July 1, 2025, as Member of the Washington Center for  
 Deaf and Hard of Hearing Youth.

Sincerely,  
 JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education  
 as Senate Gubernatorial Appointment No. 9188.

July 31, 2020  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON  
 Ladies and Gentlemen:

I have the honor to submit the following reappointment,  
 subject to your confirmation.

NANCY J. SINKOVITZ, reappointed July 31, 2020, for the  
 term ending July 1, 2025, as Member of the Washington Center  
 for Deaf and Hard of Hearing Youth.

Sincerely,  
 JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education  
 as Senate Gubernatorial Appointment No. 9189.

August 3, 2020  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON  
 Ladies and Gentlemen:

I have the honor to submit the following reappointment,  
 subject to your confirmation.

RITUJA INDAPURE, reappointed August 3, 2020, for the  
 term ending June 30, 2023, as Member of the Washington State  
 Women's Commission.

Sincerely,  
 JAY INSLEE, Governor  
 Referred to Committee on State Government & Elections as  
 Senate Gubernatorial Appointment No. 9190.

August 7, 2020  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON  
 Ladies and Gentlemen:

I have the honor to submit the following appointment, subject  
 to your confirmation.

ATHMAR AL-GHANIM, appointed August 7, 2020, for the  
 term ending June 30, 2021, as Member of the Edmonds  
 Community College Board of Trustees.

Sincerely,  
 JAY INSLEE, Governor  
 Referred to Committee on Higher Education & Workforce  
 Development as Senate Gubernatorial Appointment No. 9191.

August 7, 2020  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON  
 Ladies and Gentlemen:

I have the honor to submit the following appointment, subject  
 to your confirmation.

ALEJANDRO ALCANTAR, appointed August 7, 2020, for  
 the term ending June 30, 2021, as Member of the Washington  
 Student Achievement Council.

Sincerely,  
 JAY INSLEE, Governor  
 Referred to Committee on Higher Education & Workforce  
 Development as Senate Gubernatorial Appointment No. 9192.

August 24, 2020  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON  
 Ladies and Gentlemen:

I have the honor to submit the following appointment, subject  
 to your confirmation.

ALLAN BELTON, appointed August 24, 2020, for the term  
 ending March 26, 2024, as Member of the Higher Education  
 Facilities Authority.

Sincerely,  
 JAY INSLEE, Governor  
 Referred to Committee on Higher Education & Workforce  
 Development as Senate Gubernatorial Appointment No. 9193.

August 24, 2020  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON  
 Ladies and Gentlemen:

I have the honor to submit the following appointment, subject  
 to your confirmation.

VICKI L. LOWE, appointed August 24, 2020, for the term  
 ending June 30, 2022, as Member of the Washington State  
 Women's Commission.

Sincerely,  
 JAY INSLEE, Governor  
 Referred to Committee on State Government & Elections as  
 Senate Gubernatorial Appointment No. 9194.

August 24, 2020  
 TO THE HONORABLE, THE SENATE OF THE STATE OF  
 WASHINGTON  
 Ladies and Gentlemen:

TWENTY SECOND DAY, FEBRUARY 1, 2021

2021 REGULAR SESSION

I have the honor to submit the following reappointment, subject to your confirmation.

MICHELLE Y. MERRIWEATHER, reappointed August 24, 2020, for the term ending June 30, 2023, as Member of the Washington State Women’s Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on State Government & Elections as Senate Gubernatorial Appointment No. 9195.

August 24, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JAMES M. MOHR, appointed August 24, 2020, for the term ending June 17, 2022, as Member of the Human Rights Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9196.

August 28, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HAWKINS B. DEFRANCE, appointed August 28, 2020, for the term ending January 19, 2024, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9197.

August 28, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

WILLIAM E. HAYES, appointed August 28, 2020, for the term ending January 20, 2023, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9198.

September 8, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

QUINN R. DALAN, appointed September 8, 2020, for the term ending June 30, 2022, as Member of the Washington State Women’s Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on State Government & Elections as Senate Gubernatorial Appointment No. 9199.

September 8, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ANNA M. FRANKLIN, appointed September 8, 2020, for the term ending June 30, 2023, as Member of the Washington State Women’s Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on State Government & Elections as Senate Gubernatorial Appointment No. 9200.

September 17, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MELINDA L. BRATSCHE-HORSAGER, appointed September 17, 2020, for the term ending June 30, 2021, as Member of the The Evergreen State College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9201.

September 17, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ANNA FRANZ, appointed October 1, 2020, for the term ending September 30, 2025, as Member of the Big Bend Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9202.

September 17, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

RICHARD, JR. E. LEIGH, appointed October 1, 2020, for the term ending September 30, 2025, as Member of the Bellevue College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9203.

September 17, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ARLENE M. PIERINI, reappointed October 1, 2020, for the term ending September 30, 2025, as Member of the Green River College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9204.

September 17, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JENNIFER RAMIREZ ROBSON, appointed September 17, 2020, for the term ending September 30, 2024, as Member of the Green River College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9205.

September 17, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JAY A. REICH, appointed October 1, 2020, for the term ending September 30, 2024, as Member of the State Board for Community and Technical Colleges.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9206.

September 17, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CHARLES C. STANLEY, appointed September 17, 2020, for the term ending September 30, 2024, as Member of the Centralia College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9207.

September 17, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HANNAH STODDARD, appointed September 17, 2020, for the term ending June 30, 2021, as Member of the Bellevue College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9208.

September 17, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

FREDERICK P. WHANG, reappointed October 1, 2020, for the term ending September 30, 2024, as Member of the State Board for Community and Technical Colleges.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9209.

September 22, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ISABELLE C. DE WULF, reappointed October 2, 2020, for the term ending October 1, 2024, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Business, Financial Services & Trade as Senate Gubernatorial Appointment No. 9210.

September 22, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

RICHARD P. KAISER, reappointed October 1, 2020, for the term ending September 30, 2025, as Member of the Bellingham Technical College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9211.

September 22, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MICHAEL KARNOFSKI, reappointed October 1, 2020, for the term ending September 30, 2025, as Member of the Lower Columbia College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9212.

September 22, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KIMBERLY H. PEARSON, appointed September 22, 2020, for the term ending October 1, 2022, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

JAY INSLEE, Governor

TWENTY SECOND DAY, FEBRUARY 1, 2021

2021 REGULAR SESSION

Referred to Committee on Business, Financial Services & Trade as Senate Gubernatorial Appointment No. 9213.

TOM ECKMANN, reappointed October 1, 2020, for the term ending September 30, 2025, as Member of the Olympic College Board of Trustees.

September 22, 2020

Sincerely,

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

JAY INSLEE, Governor

Ladies and Gentlemen:

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9218.

I have the honor to submit the following appointment, subject to your confirmation.

October 1, 2020

JAMES R. SAYCE, appointed October 1, 2020, for the term ending September 30, 2025, as Member of the Grays Harbor College Board of Trustees.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

Sincerely,

I have the honor to submit the following appointment, subject to your confirmation.

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9214.

KIMBERLY L. HARPER, appointed October 1, 2020, for the term ending September 30, 2025, as Member of the Columbia Basin College Board of Trustees.

September 24, 2020

Sincerely,

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

JAY INSLEE, Governor

Ladies and Gentlemen:

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9219.

I have the honor to submit the following appointment, subject to your confirmation.

October 1, 2020

THERESE N. PASQUIER, appointed October 1, 2020, for the term ending September 30, 2025, as Member of the Pierce College Board of Trustees.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

Sincerely,

I have the honor to submit the following reappointment, subject to your confirmation.

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9215.

COLLEEN F. PONTO, reappointed October 1, 2020, for the term ending September 30, 2025, as Member of the Cascadia College Board of Trustees.

September 24, 2020

Sincerely,

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

JAY INSLEE, Governor

Ladies and Gentlemen:

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9220.

I have the honor to submit the following reappointment, subject to your confirmation.

October 6, 2020

JOHN W. PEDLOW, reappointed October 1, 2020, for the term ending September 30, 2025, as Member of the Whatcom Community College Board of Trustees.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

Sincerely,

I have the honor to submit the following appointment, subject to your confirmation.

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9216.

PAULA ARNO MARTINEZ, appointed October 6, 2020, for the term ending September 30, 2025, as Member of the Wenatchee Valley College Board of Trustees.

September 25, 2020

Sincerely,

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

JAY INSLEE, Governor

Ladies and Gentlemen:

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9221.

I have the honor to submit the following reappointment, subject to your confirmation.

October 6, 2020

PHYLLIS GUTIERREZ KENNEY, reappointed September 17, 2020, for the term ending September 30, 2023, as Member of the State Board for Community and Technical Colleges.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

Sincerely,

I have the honor to submit the following appointment, subject to your confirmation.

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9217.

CRISTHIAN A. CANSECO JUAREZ, appointed January 4, 2021, for the term ending September 30, 2025, as Member of the Clark College Board of Trustees.

October 1, 2020

Sincerely,

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

JAY INSLEE, Governor

Ladies and Gentlemen:

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9222.

I have the honor to submit the following reappointment, subject to your confirmation.

October 6, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

DOUG MAH, reappointed October 6, 2020, for the term ending September 30, 2025, as Member of the South Puget Sound Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9223.

October 6, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

FRIEDA K. TAKAMURA, reappointed October 6, 2020, for the term ending September 30, 2025, as Member of the Renton Technical College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9224.

October 8, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TERESITA BATAYOLA, reappointed October 8, 2020, for the term ending September 30, 2025, as Member of the Seattle College District Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9225.

October 13, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CASTULO (CUS) ARTEAGA, appointed October 13, 2020, for the term ending September 30, 2023, as Member of the Yakima Valley Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9226.

October 13, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JOSEPH S. BOWMAN IV, appointed October 13, 2020, for the term ending September 30, 2025, as Member of the Highline College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9227.

October 13, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JENETTE RAMOS, appointed October 13, 2020, for the term ending September 30, 2026, as Member of the Washington State University Board of Regents.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9228.

October 20, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

LISA T. KEOHOKALO LE SCHAUER, reappointed October 20, 2020, for the term ending September 30, 2026, as Member of the Washington State University Board of Regents.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9229.

October 20, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

RHONDA SALVESEN, reappointed October 20, 2020, for the term ending September 25, 2024, as Member of the Clemency and Pardons Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services, Reentry & Rehabilitation as Senate Gubernatorial Appointment No. 9230.

October 20, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

EVELYN P. YENSON, reappointed October 20, 2020, for the term ending September 25, 2024, as Member of the Clemency and Pardons Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services, Reentry & Rehabilitation as Senate Gubernatorial Appointment No. 9231.

October 22, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TWENTY SECOND DAY, FEBRUARY 1, 2021

2021 REGULAR SESSION

JUDITH GINIGER, reappointed October 22, 2020, for the term ending August 2, 2026, as Member of the Lottery Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9232.

October 22, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LATASHA M. WORTHAM, appointed October 22, 2020, for the term ending September 30, 2025, as Member of the Tacoma Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9233.

October 27, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TIA H. BENSON TOLLE, reappointed October 27, 2020, for the term ending September 30, 2025, as Member of the Edmonds Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9234.

October 27, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KIANTHA L. DUNCAN, appointed October 27, 2020, for the term ending September 30, 2025, as Member of the Community Colleges of Spokane Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9235.

October 30, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

KIMBERLY N. GORDON, reappointed October 30, 2020, for the term ending August 2, 2023, as Member of the Sentencing Guidelines Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9236.

October 30, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

PHILLIP R. LEMLEY, reappointed October 30, 2020, for the term ending August 2, 2023, as Member of the Sentencing Guidelines Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9237.

October 30, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JON TUNHEIM, appointed October 30, 2020, for the term ending August 2, 2023, as Member of the Sentencing Guidelines Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9238.

November 10, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TIMOTHY BURT, reappointed November 10, 2020, for the term ending September 30, 2025, as Member of the Walla Walla Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9239.

November 10, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DAVID O. EARLING, appointed November 10, 2020, for the term ending September 30, 2022, as Member of the Edmonds Community College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9240.

November 10, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

WILLIAM C. HOUSER, reappointed November 10, 2020, for the term ending August 2, 2023, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9241.

November 10, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

CHRISTINA PETERSON, reappointed January 5, 2021, for the term ending January 4, 2027, as Member of the Personnel Resources Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9242.

November 13, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TORAYA MILLER, reappointed November 13, 2020, for the term ending September 30, 2025, as Member of the Everett Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9243.

December 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JANE L. JACOBSEN, reappointed December 15, 2020, for the term ending September 30, 2024, as Member of the Clark College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9244.

December 15, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ANN E. RENDAHL, reappointed January 2, 2021, for the term ending January 1, 2027, as Member of the Utilities and Transportation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9245.

December 22, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

SOPHIA DANENBERG, reappointed January 1, 2021, for the term ending December 31, 2026, as Member of the Parks and Recreation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9246.

December 22, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JOSEPHINE WIGGS-MARTIN, appointed December 22, 2020, for the term ending August 2, 2021, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9247.

December 24, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JUDGE WESLEY SAINT CLAIR, appointed December 24, 2020, for the term ending August 2, 2022, as a Chair of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9248.

December 30, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

FRED W. KOONTZ, appointed January 4, 2021, for the term ending December 31, 2026, as Member of the Fish and Wildlife Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9249.

December 30, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LORNA SMITH, appointed January 4, 2021, for the term ending December 31, 2026, as Member of the Fish and Wildlife Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9250.

TWENTY SECOND DAY, FEBRUARY 1, 2021

2021 REGULAR SESSION

January 8, 2021  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
 Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MICHAEL ANTHONY, appointed January 8, 2021, for the term ending December 26, 2023, as Member of the Board of Pilotage Commissioners.

Sincerely,  
 JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9251.

January 8, 2021  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
 Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

LAYNE BLADOW, reappointed January 8, 2021, for the term ending September 30, 2024, as Member of the Bates Technical College Board of Trustees.

Sincerely,  
 JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9252.

January 8, 2021  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
 Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

MICHAEL S. SHIOSAKI, reappointed January 8, 2021, for the term ending December 31, 2023, as Member of the Recreation and Conservation Funding Board.

Sincerely,  
 JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9253.

January 15, 2021  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
 Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

HARIUM J. MARTIN-MORRIS, reappointed January 13, 2021, for the term ending January 12, 2025, as Member of the State Board of Education.

Sincerely,  
 JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9254.

January 15, 2021  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
 Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

KEVIN K. WANG, reappointed January 13, 2021, for the term ending January 12, 2025, as Member of the State Board of Education.

Sincerely,  
 JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9255.

December 30, 2021  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
 Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CHERIE M. HARRIS, appointed December 30, 2020, for the term ending August 2, 2021, as Member of the Sentencing Guidelines Commission.

Sincerely,  
 JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9256.

MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5391 by Senator McCune

AN ACT Relating to increasing the income eligibility requirement for the senior citizen and persons with disabilities property tax exemption program; amending RCW 84.36.381 and 84.38.020; reenacting and amending RCW 84.36.383; and creating new sections.

Referred to Committee on Ways & Means.

SB 5392 by Senator Wagoner

AN ACT Relating to criteria for excluding artificial water bodies as shorelines of the state; and amending RCW 90.58.030.

Referred to Committee on Environment, Energy & Technology.

SB 5393 by Senator Fortunato

AN ACT Relating to the format of initiative petitions; and amending RCW 29A.72.100.

Referred to Committee on State Government & Elections.

SB 5394 by Senators Braun and Rolfe

AN ACT Relating to the sale of liquor by licensed restaurants for off-premises consumption; adding a new section to chapter 66.24 RCW; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5395 by Senator Hunt

AN ACT Relating to use of state resources during periods where state employees are required to work from home; adding a new section to chapter 41.04 RCW; creating new sections; and providing a contingent expiration date.

Referred to Committee on State Government & Elections.

SB 5396 by Senators Lovelett and Saldaña

AN ACT Relating to expanding the sales and use tax exemption for farmworker housing; amending RCW 82.08.02745 and 82.12.02685; creating a new section; and providing expiration dates.

Referred to Committee on Housing & Local Government.

SB 5397 by Senator Randall

AN ACT Relating to improving access to behavioral health treatment in certified crisis facilities; amending RCW 71.05.750, 71.05.755, 71.24.045, and 71.24.490; amending 2020 c 302 s 110 (uncodified); reenacting and amending RCW 71.05.020, 71.05.020, 71.05.020, 71.05.020, and 71.24.037; adding new sections to chapter 71.05 RCW; creating a new section; providing an effective date; providing a contingent effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SB 5398 by Senator Wellman

AN ACT Relating to providing small business excise tax relief to address the financial hardship caused by COVID-19; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5399 by Senator Randall

AN ACT Relating to the creation of a universal health care commission; and adding a new chapter to Title 48 RCW.

Referred to Committee on Health & Long Term Care.

## MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5396 which was designated to the Committee on Labor, Commerce & Tribal Affairs and referred to the Committee on Housing & Local Government.

At 11:49 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Tuesday, February 2, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWENTY THIRD DAY

AFTERNOON SESSION

Senate Chamber, Olympia  
Tuesday, February 2, 2021

The Senate was called to order at 12:32 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

MOTIONS

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

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

REPORTS OF STANDING COMMITTEES

February 1, 2021

SB 5016 Prime Sponsor, Senator Warnick: Concerning tracked and wheeled all-terrain vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

February 1, 2021

SB 5031 Prime Sponsor, Senator Honeyford: Concerning a community aviation revitalization loan program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Ways & Means.

February 1, 2021

SB 5140 Prime Sponsor, Senator Kuderer: Protecting pregnancy and miscarriage-related patient care. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5140 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

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

Referred to Committee on Rules for second reading.

February 2, 2021

SB 5262 Prime Sponsor, Senator Liias: Broadening the eligibility requirements and extending the expiration date for the data center tax incentive. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Brown; Frockt; Hobbs and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa, Vice Chair.

Referred to Committee on Ways & Means.

MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5031 which was designated to the Committee on Rules and referred to the Committee on Ways & Means.

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

MESSAGES FROM THE HOUSE

February 1, 2021

MR. PRESIDENT:  
The House has passed HOUSE BILL NO. 1367, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

February 1, 2021

MR. PRESIDENT:  
The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

January 29, 2021

MR. PRESIDENT:  
The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5061. and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

January 29, 2021

MR. PRESIDENT:  
The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1108. and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

January 29, 2021

MR. PRESIDENT:  
The House has passed HOUSE BILL NO. 1063. and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

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

#### INTRODUCTION AND FIRST READING

SB 5400 by Senator Mullet

AN ACT Relating to federal home loan bank rights regarding collateral pledged by insurer members; and adding a new section to chapter 48.31 RCW.

Referred to Committee on Business, Financial Services & Trade.

SB 5401 by Senators Nguyen and Rivers

AN ACT Relating to degrees in computer science; amending RCW 28B.50.825; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SB 5402 by Senator Mullet

AN ACT Relating to property tax deferral during the COVID-19 pandemic; amending RCW 84.56.020; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5403 by Senators Wellman and Warnick

AN ACT Relating to the interagency, multijurisdictional system improvement team; and reenacting and amending RCW 43.155.150.

Referred to Committee on State Government & Elections.

SB 5404 by Senators Rivers and Warnick

AN ACT Relating to addressing the impacts of pinnipeds on populations of threatened southern resident orca prey; and creating new sections.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5405 by Senator Hasegawa

AN ACT Relating to racial equity analysis for the joint legislative audit and review committee work; amending RCW 44.28.005; and adding a new section to chapter 44.28 RCW.

Referred to Committee on State Government & Elections.

SB 5406 by Senators Hawkins and Mullet

AN ACT Relating to compensation for tow truck operators for keeping the public roadways clear; amending RCW 46.44.110; and creating a new section.

Referred to Committee on Transportation.

SB 5407 by Senators Wilson, L.

AN ACT Relating to firearm theft; amending RCW 9.94A.515; adding a new section to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5408 by Senator Stanford

AN ACT Relating to the homestead exemption; amending RCW 6.13.010, 6.13.030, 6.13.070, and 6.13.090; and creating a new section.

Referred to Committee on Law & Justice.

SB 5409 by Senator Dozier

AN ACT Relating to requiring insurers who use credit information to provide reasonable exceptions to insurance rates for consumers experiencing extraordinary life circumstances; and amending RCW 48.18.545 and 48.19.035.

Referred to Committee on Business, Financial Services & Trade.

SB 5410 by Senator Stanford

AN ACT Relating to enhanced raffle procedures; and amending RCW 9.46.0323.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5411 by Senator Stanford

AN ACT Relating to establishing a programmatic safe harbor agreement on forestlands for northern spotted owls; and adding a new section to chapter 76.09 RCW.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SJM 8003 by Senators Rivers and Warnick

Requesting Congress to amend the marine mammal protection act to allow the lethal removal of pinnipeds in Puget Sound in a manner similar to the recent changes authorized in the Columbia river to protect endangered salmon populations.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

#### MOTIONS

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

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

#### MOTION

Senator Wellman moved adoption of the following resolution:

#### SENATE RESOLUTION 8604

By Senators Wellman, Cleveland, and Lovelett

WHEREAS, In 2013, the Evergreen School District of Vancouver, Washington, opened the Henrietta Lacks Health and Bioscience High School, becoming the first organization to memorialize her publicly and honor her legacy; and

WHEREAS, The students of this school have called upon the Washington State Legislature to acknowledge the contribution of Henrietta Lacks' cells to medical research; and

TWENTY THIRD DAY, FEBRUARY 2, 2021

2021 REGULAR SESSION

WHEREAS, As a Black woman with cervical cancer in 1951, Lacks received medical care in a racially segregated ward of Johns Hopkins Hospital where her doctor George Gey took samples from her biopsied tumor without her consent; and

WHEREAS, Gey used these cells to create the first immortal cell line, known as the "HeLa" cell line, which has been reproduced in labs all over the world and used to develop some of the most important breakthroughs in medicine; and

WHEREAS, These breakthroughs include extensive research into the cures for cancer, treatment for HIV and AIDS, Parkinson's disease, the effects of radiation, the polio vaccine, gene mapping, and current development of a coronavirus vaccine; and

WHEREAS, As the ongoing COVID-19 pandemic brings devastation around the world and the work of medical researchers is more relevant than ever, we must recognize the impact Lacks has had on virology and immunology and the relevance on our lives today; and

WHEREAS, Though there are almost 11,000 patents to date involving use of the HeLa cell line, neither Henrietta nor her family gave consent for their use or received financial compensation; and

WHEREAS, Too often, the role of marginalized people in developing significant advances for humankind are unacknowledged;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Legislature recognize the contribution of Henrietta Lacks' cells to modern medicine and the educational, racial, and economic barriers that played a role in her story; and

BE IT FURTHER RESOLVED, As the COVID-19 vaccine begins to be distributed, let us recognize the debt we owe Henrietta Lacks and her family; and

BE IT FURTHER RESOLVED, That Lacks' story is a reminder of the work left to be done in culturally-responsive medicine and education.

Senators Wellman and Cleveland spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8604.

The motion by Senator Wellman carried and the resolution was adopted by voice vote.

MOTION

Senator Wilson, C. moved adoption of the following resolution:

SENATE RESOLUTION  
8605

By Senator Wilson, C.

WHEREAS, The Washington State Constitution states that it is "the paramount duty of the state to educate all children residing within its borders..."; and

WHEREAS, Washington state is committed to preparing every student for postsecondary pathways, careers, and civic engagement; and

WHEREAS, Education is key to the future of students in the K-12 education system and the future of our state's economy; and

WHEREAS, Rare is the adult who does not vividly remember at least one teacher or school leader as having played a pivotal,

lasting, and unforgettable role in their education and personal growth; and

WHEREAS, The education and training of future educators, principals, and assistant principals is essential to meeting the state's goals for public education; and

WHEREAS, The Association of Washington School Principals has followed a tradition of recognizing February as Future Educators Month since 2015 and is now joined by the Washington Association of School Administrators; and

WHEREAS, The purpose of this practice is to inspire, celebrate, and raise awareness of the field of education for high school and college students who may be interested in becoming teachers, and for teachers and educational leaders who may be interested in becoming principals; and

WHEREAS, The recruitment, placement, and retention of anti-racist future educators, principals, and assistant principals, and those who represent the demographics of the schools and cities in which they work, is crucial to the enrichment of students' educational experience;

NOW, THEREFORE, BE IT RESOLVED, That the Senate, in recognition of the importance of expanding and sustaining the pathway of future teachers and principals, and raising awareness about this critical career field, join the Association of Washington School Principals and Washington Association of School Administrators in celebrating the month of February as Future Educators Month.

Senators Wilson, C. and Short spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8605.

The motion by Senator Wilson, C. carried and the resolution was adopted by voice vote.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5061.

MOTION

At 12:49 p.m., on motion of Senator Lias, the Senate adjourned until 1:30 p.m. Wednesday, February 3, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWENTY FOURTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia  
Wednesday, February 3, 2021

The Senate was called to order at 1:40 p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Olivia Retallack and Mr. Benjamin Retallack led the Senate in the Pledge of Allegiance. The Retallacks are the grandchildren of Mr. Andy Staubitz, Senate Sergeant at Arms.

Pastor Bob Luhn of the Othello Church of the Nazarene offered the prayer. Pastor Luhn is a guest of Senator Schoesler.

REMARKS BY THE PRESIDENT

President Heck: "Before we begin today, the President would like to offer a gentle reminder. Rule 27, combined with longstanding and deep tradition of the Washington State Senate combined with language in Mason's Manual, which is on occasion used as our backstop to our Reed's Rules, specifically do not allow for the reading of speeches on the floor. This is true whether the speeches are given remotely or while physically present here. This does not mean members cannot use notes, of course they can. The language specifically in Mason's Manual, for example, says '*Members do not have the right to read their own written speeches without permission of the body. Members are entitled to speak from notes.*' The President would respectfully request your acknowledgement and cooperation in this regard, and I thank you."

MOTIONS

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

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

REPORTS OF STANDING COMMITTEES

February 3, 2021  
SB 5022 Prime Sponsor, Senator Das: Concerning the management of certain materials to support recycling and waste and litter reduction. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5022 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown; Fortunato; Sheldon and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hobbs.

Referred to Committee on Ways & Means.

February 3, 2021  
SB 5040 Prime Sponsor, Senator Fortunato: Enhancing litter control along state highways. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Brown; Das; Fortunato; Hobbs; Nguyen; Sheldon; Short; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Transportation.

February 3, 2021  
SB 5101 Prime Sponsor, Senator Stanford: Establishing tribal representation on the emergency management council. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

February 2, 2021  
SB 5119 Prime Sponsor, Senator Darneille: Concerning individuals in custody. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5119 be substituted therefor, and the substitute bill do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; Saldaña and Wilson, C.

Referred to Committee on Ways & Means.

February 3, 2021  
SB 5174 Prime Sponsor, Senator Wilson, J.: Providing for the recycling of wind turbine blades. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5174 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Brown; Das; Fortunato; Hobbs; Nguyen; Sheldon; Short; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Ways & Means.

February 3, 2021

TWENTY FOURTH DAY, FEBRUARY 3, 2021

2021 REGULAR SESSION

SB 5182 Prime Sponsor, Senator Kuderer: Concerning advisory votes. Reported by Committee on State Government & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5182 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

MINORITY recommendation: Do not pass. Signed by Senator Wilson, J., Ranking Member.

Referred to Committee on Rules for second reading.

February 3, 2021

SB 5196 Prime Sponsor, Senator Billig: Describing how the legislature may convene a special session. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson, J., Ranking Member.

Referred to Committee on Rules for second reading.

February 2, 2021

SB 5248 Prime Sponsor, Senator Darneille: Establishing the joint legislative task force on jail standards. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; Saldaña and Wilson, C.

Referred to Committee on Ways & Means.

February 2, 2021

SGA 9010 LORETTA S. DEKAY, reappointed on June 22, 2017, for the term ending June 12, 2021, as Member of the Columbia River Gorge Commission. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

February 2, 2021

SGA 9123 JERRY J. MENINICK, appointed on October 30, 2019, for the term ending June 12, 2023, as Member of the Columbia River Gorge Commission. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

Pursuant to Senate Rule 45(13), notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

SENATE BILL NO. 5370,  
SENATE BILL NO. 5397,  
and SENATE BILL NO. 5412.

MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report and Supplemental Committee report were referred to the committees as designated.

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

INTRODUCTION AND FIRST READING

SB 5412 by Senator Warnick

AN ACT Relating to facilitating supportive relationships with family and significant individuals within the behavioral health system; adding a new section to chapter 71.24 RCW; adding a new section to chapter 72.23 RCW; and creating a new section.

Referred to Committee on Behavioral Health Subcommittee to Health & Long Term Care.

SB 5413 by Senators Wilson, C.

AN ACT Relating to solitary confinement; amending RCW 72.09.015; adding a new section to chapter 72.09 RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 36.28A RCW; creating new sections; and providing an effective date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5414 by Senators Gildon and Conway

AN ACT Relating to providing a tax preference for data centers in counties with a certain population; adding new sections to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Business, Financial Services & Trade.

SB 5415 by Senator Lovelett

AN ACT Relating to the energy facility site evaluation council; amending RCW 80.50.040, 80.50.060, 80.50.071, 80.50.100, 80.50.140, 80.50.175, and 43.79A.040; reenacting and amending RCW 80.50.020, 80.50.030, and 80.50.090; adding new sections to chapter 80.50 RCW; repealing RCW 80.50.190; providing an effective date; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

SB 5416 by Senator Padden

AN ACT Relating to prohibiting abortion on the basis of Down syndrome; amending RCW 9.02.110 and 9.02.170; and adding new sections to chapter 9.02 RCW.

Referred to Committee on Law & Justice.

SB 5417 by Senators King and Conway

AN ACT Relating to extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic; amending RCW 66.24.175, 66.24.630, and 82.08.150; adding a new section to chapter 66.08 RCW; creating new sections; making an appropriation; providing expiration dates; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5418 by Senators Billig and Kuderer

AN ACT Relating to prohibiting health care entities from providing donors or board members privileged access to drugs or vaccines that are in limited supply; adding a new section to chapter 70.01 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SB 5419 by Senators Stanford and Nobles

AN ACT Relating to replacing the Marcus Whitman statue in the national statutory hall collection with a statue of Billy Frank Jr.; adding a new section to chapter 43.08 RCW; creating new sections; and providing a contingent expiration date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5420 by Senator Muzzall

AN ACT Relating to data reporting requirements for hospitals; adding a new section to chapter 70.41 RCW; adding a new section to chapter 71.12 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SJM 8004 by Senator Hasegawa

Addressing "de-risking" by financial institutions.

Referred to Committee on Business, Financial Services & Trade.

SJR 8205 by Senator Fortunato

Amending the state Constitution so that the right of the individual citizen to bear arms in defense of himself, or the state includes the right to possess firearm magazines and firearm loading devices of any size.

Referred to Committee on Law & Justice.

HB 1063 by Representatives Harris, Cody, Bateman, Kloba, Ortiz-Self, Leavitt, Slatter, Tharinger, Callan, Riccelli, Macri, Rule, Davis and Pollet

AN ACT Relating to allowing additional renewals for behavioral health professional trainee and associate credentials; amending RCW 18.205.095 and 18.225.145; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

ESHB 1108 by House Committee on Civil Rights & Judiciary (originally sponsored by Orwall, Ortiz-Self, Kloba, Hackney, Chopp, Santos, Macri, Pollet and Harris-Talley)

AN ACT Relating to maintaining funding and assistance for homeowners navigating the foreclosure process; amending RCW 61.24.166 and 61.24.173; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Business, Financial Services & Trade.

HB 1367 by Representatives Ormsby, Bergquist, Ramos, Callan, Gregerson, Simmons, Berry, Sullivan, Leavitt, Kloba, Macri, Ramel and Harris-Talley

AN ACT Relating to revising 2019-2021 fiscal biennium appropriations of state and federal funding for previously implemented medicaid rates and other medicaid expenditures in the developmental disabilities and long-term care programs in response to the COVID-19 pandemic; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 1368 by House Committee on Appropriations (originally sponsored by Ormsby, Macri, Ramos, Callan, Gregerson, Berry, Sullivan, Leavitt, Duerr, Bergquist, Kloba, Riccelli, Ramel, Harris-Talley and Pollet)

AN ACT Relating to responding to the COVID-19 pandemic through state actions supported by federal funding; adding a new section to chapter 43.70 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

## MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 1108 which was designated to the Committee on Housing & Local Government and referred to the Committee on Business, Financial Services & Trade.

On motion of Senator Liias and pursuant to Emergency Senate Rule J (2), the Rules Committee was relieved of Senate Bill No. 5272 and Senate Bill No. 5272 was placed on the day's 2<sup>nd</sup> Reading Calendar.

On motion of Senator Liias, Emergency Senate Rule K (2) was suspended as to Senate Bill No. 5272, so the body may consider amendments thereto.

At 1:45 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

----

The Senate was called to order at 2:55 p.m. by President Heck.

TWENTY FOURTH DAY, FEBRUARY 3, 2021

2021 REGULAR SESSION

MOTION

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

SECOND READING

SENATE BILL NO. 5121, by Senators Darneille, Das, Dhingra, Hasegawa, Mullet, Nguyen, and Wilson, C.

Expanding eligibility for the graduated reentry program.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5121 was substituted for Senate Bill No. 5121 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rivers moved that the following floor amendment no. 031 by Senator Rivers be adopted:

On page 1, after line 4, insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature declares its specific intent to dedicate any savings generated by this act to a special account to be used for purposes specified in section 3 of this act.

(2) This section expires June 30, 2023."

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

On page 5, after line 18, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The corrections and public safety account is created in the custody of the state treasurer to be used only for the purposes of this section.

(2) Expenditures from the account may be used only for:

(a) Funding victims' services in local jurisdictions and superior courts; or

(b) Supplementing the crime victim's compensation account under RCW 7.68.045.

(3) It is the express intent of the legislature that moneys in the corrections and public safety account may not be transferred to any other account or spent for any purposes other than provided under this section.

(4) Revenues to the corrections and public safety account consist of:

(a) Funds transferred to the account pursuant to this act; and

(b) Any other revenues appropriated to or deposited into the account.

(5)(a) For the 2021-2023 fiscal biennium, the state treasurer shall transfer any savings generated by this act during the 2021-2023 fiscal biennium from the general fund to the corrections and public safety account.

(b) Moneys transferred to the corrections and public safety account in (a) of this subsection may only be used by the department for the purposes of subsection (2) of this section.

(c) Moneys in the account as referenced in (a) of this subsection may be spent only after appropriation.

(6) Moneys appropriated to the corrections and public safety account may not be used to supplant existing funding or levels of service.

(7) If the account balance in the corrections and public safety account exceeds \$10,000,000 at any time, the amount in excess of \$10,000,000 shall be transferred to the state general fund.

(8) During the 2021-2023 fiscal biennium, any residue in the account shall be accumulated and shall not revert to the state general fund until the end of the biennium.

(9) This section expires June 30, 2023."

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

On page 1, beginning on line 2 of the title, after "9.94A.728;" strike all material through "section" on line 3 and insert "adding a new section to chapter 72.09 RCW; creating new sections; and providing expiration dates"

Senator Rivers spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 031 by Senator Rivers on page 1, after line 4 to Substitute Senate Bill No. 5121.

The motion by Senator Rivers did not carry and floor amendment no. 031 was not adopted by voice vote.

MOTION

Senator Dozier moved that the following floor amendment no. 032 by Senator Dozier be adopted:

On page 1, after line 4, insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature declares its specific intent to dedicate any savings generated by this act to a special account to be used for purposes specified in section 3 of this act.

(2) This section expires June 30, 2023."

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

On page 5, after line 18, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 72.09 RCW to read as follows:

(1) The corrections and public safety account is created in the custody of the state treasurer to be used only for the purposes of this section.

(2) Expenditures from the account may be used only for:

(a) Replacing the offender management network information system maintained by the department with a more efficient and technologically advanced system; and

(b) Implementing a comprehensive electronic health records system at the department.

(3) It is the express intent of the legislature that moneys in the corrections and public safety account may not be transferred to any other account or spent for any purposes other than provided under this section.

(4) Revenues to the corrections and public safety account consist of:

(a) Funds transferred to the account pursuant to this act; and

(b) Any other revenues appropriated to or deposited into the account.

(5)(a) For the 2021-2023 fiscal biennium, the state treasurer shall transfer any savings generated by this act during the 2021-2023 fiscal biennium from the general fund to the corrections and public safety account.

(b) Moneys transferred to the corrections and public safety account in (a) of this subsection may only be used by the department for the purposes of subsection (2) of this section.

(c) Moneys in the account as referenced in (a) of this subsection may be spent only after appropriation.

(6) Moneys appropriated to the corrections and public safety account may not be used to supplant existing funding or levels of service.

(7) If the account balance in the corrections and public safety account exceeds \$25,000,000 at any time, the amount in excess of \$25,000,000 shall be transferred to the state general fund.

(8) During the 2021-2023 fiscal biennium, any residue in the account shall be accumulated and shall not revert to the state general fund until the end of the biennium.

(9) This section expires June 30, 2023."

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

On page 1, line 2 of the title, after "9.94A.728;" strike the remainder of the title and insert "adding a new section to chapter 72.09 RCW; creating new sections; and providing expiration dates."

Senator Dozier spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 032 by Senator Dozier on page 1, after line 4 to Substitute Senate Bill No. 5121.

The motion by Senator Dozier did not carry and floor amendment no. 032 was not adopted by voice vote.

#### MOTION

Senator Rivers moved that the following floor amendment no. 033 by Senator Rivers be adopted:

On page 1, line 15, after "least" strike "six" and insert "12"

Senator Rivers spoke in favor of adoption of the amendment.

Senator Darneille spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 033 by Senator Rivers on page 1, line 15 to Substitute Senate Bill No. 5121.

The motion by Senator Rivers did not carry and floor amendment no. 033 was not adopted by voice vote.

#### MOTION

Senator Short moved that the following floor amendment no. 030 by Senator Short be adopted:

On page 2, after line 4, insert the following:

"(iii) Offenders subject to this subsection may not be released to electronic monitoring before the department sends and receives receipt of notice by all identified victims."

Senator Short spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 030 by Senator Short on page 2, after line 4 to Substitute Senate Bill No. 5121.

The motion by Senator Short did not carry and floor amendment no. 030 was not adopted by voice vote.

#### MOTION

Senator Rivers moved that the following floor amendment no. 035 by Senator Rivers be adopted:

On page 2, after line 4, insert the following:

"(iii) Home detention under (a) of this subsection may not be imposed for offenders convicted of a felony offense where the

offender was armed with a firearm or deadly weapon in the commission of the offense."

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

Senators Darneille and Dhingra spoke against adoption of the amendment.

Senator Rivers demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Rivers on page 2, after line 4 to Substitute Senate Bill No. 5121.

#### ROLL CALL

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

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

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

#### MOTION

Senator Darneille moved that the following floor amendment no. 023 by Senator Darneille be adopted:

On page 2, line 17, after "offenders" strike "convicted of" and insert "currently serving a term of confinement for"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 023 by Senator Darneille on page 2, line 17 to Substitute Senate Bill No. 5121.

The motion by Senator Darneille carried and floor amendment no. 023 was adopted by voice vote.

#### MOTION

Senator Warnick moved that the following floor amendment no. 026 by Senator Warnick be adopted:

On page 2, line 19, after "offense:" strike "or"

On page 2, line 22, after "9.94A.411(2)" insert "; or (D) Any crime committed in furtherance of a criminal street gang"

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

Senator Nguyen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 026 by Senator Warnick on page 2, line 19 to Substitute Senate Bill No. 5121.

The motion by Senator Warnick did not carry and floor amendment no. 026 was not adopted by voice vote.

#### MOTION

Senator Short moved that the following floor amendment no. 027 by Senator Short be adopted:

On page 2, line 19, after "offense;" strike "or"  
 On page 2, line 22, after "9.94A.411(2)" insert "; or  
(D) Any crime involving a child"

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

Senator Dhingra spoke against adoption of the amendment.  
 Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Short on page 2, line 19 to Substitute Senate Bill No. 5121.

ROLL CALL

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

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

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

MOTION

Senator Padden moved that the following floor amendment no. 039 by Senator Padden be adopted:

On page 2, line 19, after "offense;" strike "or"  
 On page 2, line 22, after "9.94A.411(2)" insert "; or  
(D) Any crime involving the theft of a motor vehicle"

Senators Padden and Brown spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.  
 The President declared the question before the Senate to be the adoption of floor amendment no. 039 by Senator Padden on page 2, line 19 to Substitute Senate Bill No. 5121.

The motion by Senator Padden did not carry and floor amendment no. 039 was not adopted by voice vote.

MOTION

Senator Gildon moved that the following floor amendment no. 024 by Senator Gildon be adopted:

On page 2, after line 22, insert the following:  
"(c) An offender may not be transferred to home detention as part of the graduated reentry program under this section unless the offender has willfully participated in programming and has had no more than five general infractions and no more than two serious infractions during the offender's term of confinement in accordance with department policies."

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

Senator Darneille spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 024 by Senator Gildon on page 2, after line 22 to Substitute Senate Bill No. 5121.

The motion by Senator Gildon did not carry and floor amendment no. 024 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 036 by Senator Wagoner be adopted:

On page 2, line 34, after "arrangement" insert "in the offender's county of origin as defined in RCW 72.09.270"

On page 2, line 34, after "detention" insert ", unless release to the offender's county of origin would result in the release of the offender within 50 miles of the victim's residence"

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Wilson, C. spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 036 by Senator Wagoner on page 2, line 34 to Substitute Senate Bill No. 5121.

The motion by Senator Wagoner did not carry and floor amendment no. 036 was not adopted by voice vote.

MOTION

Senator Gildon moved that the following floor amendment no. 025 by Senator Gildon be adopted:

On page 2, line 35, after "(5)" insert the following:  
"All offenders placed on home detention as part of the graduated reentry program must receive racial equity and implicit bias training prior to transfer to home detention.  
(6)"

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

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

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 025 by Senator Gildon on page 2, line 35 to Substitute Senate Bill No. 5121.

The motion by Senator Gildon did not carry and floor amendment no. 025 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 028 by Senator Short be adopted:

On page 3, after line 18, insert the following:  
"(9) The department may not release participants under subsection (1)(a) of this section to electronic home monitoring as part of the graduated reentry program in counties where the crime rate exceeds the state average."

Senator Short spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 028 by Senator Short on page 3, line 18 to Substitute Senate Bill No. 5121.

The motion by Senator Short did not carry and floor amendment no. 028 was not adopted by voice vote.

#### MOTION

Senator Braun moved that the following floor amendment no. 037 by Senator Braun be adopted:

On page 3, after line 18, insert the following:

"(9) The department shall publish a monthly report on its website with the number of offenders who were transferred during the month to home detention as part of the graduated reentry program. The department shall submit an annual report by December 1st to the appropriate committees of the legislature with the number of offenders who were transferred to home detention as part of the graduated reentry program during the prior year."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 037 by Senator Braun on page 3, after line 18 to Substitute Senate Bill No. 5121.

The motion by Senator Braun carried and floor amendment no. 037 was adopted by voice vote.

#### MOTION

Senator Short moved that the following floor amendment no. 029 by Senator Short be adopted:

On page 5, beginning on line 19, strike all of section 3

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 9.94A.733 and 9.94A.728."

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

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 029 by Senator Short on page 5, line 19 to Substitute Senate Bill No. 5121.

The motion by Senator Short did not carry and floor amendment no. 029 was not adopted by voice vote.

#### MOTION

Senator Rivers moved that the following floor amendment no. 038 by Senator Rivers be adopted:

On page 5, after line 23, insert the following:

"NEW SECTION. Sec. 4. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Senator Rivers spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 038 by Senator Rivers on page 5, line 23 to Substitute Senate Bill No. 5121.

The motion by Senator Rivers did not carry and floor amendment no. 038 was not adopted by voice vote.

#### MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Dhingra spoke in favor of passage of the bill.

Senators Gildon, Rivers and Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5121.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5121 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:31 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

---

The Senate was called to order at 4:44 p.m. by President Heck.

#### SECOND READING

SENATE BILL NO. 5032, by Senators Hasegawa, Warnick, Kuderer, and Wilson, C.

Concerning the reauthorization and improvements to alternative public works contracting procedures.

The measure was read the second time.

#### MOTION

On motion of Senator Hasegawa, the rules were suspended, Senate Bill No. 5032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa, Warnick, Wagoner and Fortunato spoke in favor of passage of the bill.

TWENTY FOURTH DAY, FEBRUARY 3, 2021

2021 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Senate Bill No. 5032.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5032 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5073, by Senators Dhingra, Das, Kuderer, Salomon, Warnick, and Wilson, C.

Concerning involuntary commitment.

## MOTIONS

On motion of Senator Dhingra, Substitute Senate Bill No. 5073 was substituted for Substitute Senate Bill No. 5073 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Substitute Senate Bill No. 5073 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5073.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5073 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Ericksen and Hasegawa

SUBSTITUTE SENATE BILL NO. 5073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Padden: "Thank you Mr. President. I just want to call to my colleagues' attention that in three days, February 6, we would have celebrated the 110<sup>th</sup> birthday of Ronald Wilson Reagan, the 40<sup>th</sup> President of the United States. And I think it is good to call attention to him. It was a different time, it, maybe some would argue a better time, but I think it is good to remember his remarkable life. I remember, you know, the time he was a lifeguard. He saved numerous people from drowning. Later was a sportscaster in Des Moines, Iowa for the Iowa Cubs, announcing play-by-play baseball. And of course, he became a famous actor. But his political career really started in 1964 with that famous speech *A Time for Choosing* in which he was supporting the candidacy of Barry Goldwater. Now Barry didn't do so well, he a, I was involved a little bit in his campaign, but I was a young guy and I thought he was going to win but it turns out he only carried five states. It just shows that at that time, perhaps I wasn't too realistic. But, that speech propelled Ronald Reagan on and in 1966 he got elected Governor of California. Amazing. And he was elected one time after that. 68 he made his first attempt to run for the Republican nomination for president and didn't make it. He tried again in '76. Came very close and lost to Gerald Ford. Um, but I was a supporter, very active in the campaign and as many of you know, ended up being a visionary and ahead of my time by casting an electoral vote for him in '76 when it wasn't until 1980 that he won in a remarkable fashion. Many quotes, many things that he did, I remember especially his work with Pope John Paul II and Margaret Thatcher and the impact on freeing up Eastern Europe where there is much more freedom today than there was then. And of course, the wall is down, and he made the famous speech to 'Tear down that wall'. But perhaps my favorite quote, or one of them that he made was 'The closest thing to eternal life on earth is a government program.' And that seems to continue to remain true. He was a very popular president. Very decent person. And I think we all remember his long, long goodbye, dying of Alzheimer's Disease. But I just wanted to make a few remarks about somebody that I admire greatly, Ronald Wilson Reagan. Thank you very much Mr. President."

## SECOND READING

SENATE BILL NO. 5198, by Senators Schoesler, Dozier, Honeyford, King, Short and Warnick

Easing ambulance restrictions in rural areas.

The measure was read the second time.

## MOTION

On motion of Senator Liias, the rules were suspended, Senate Bill No. 5198 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5198.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5198 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato,

Froct, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Van De Wege

SENATE BILL NO. 5198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5184, by Senators Nobles, Wellman, Billig, Carlyle, Conway, Das, Dhingra, Froct, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Nguyen, Randall, Saldaña, Salomon, and Wilson, C.

Establishing a building point of contact in all K-12 public schools for students in foster care.

The measure was read the second time.

#### MOTION

On motion of Senator Nobles, the rules were suspended, Senate Bill No. 5184 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nobles, Hawkins, Nguyen, Short, Rivers, Randall, Brown, Carlyle and Dozier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5184.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5184 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5184, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REMARKS BY THE PRESIDENT

President Heck: "Senator Nobles, you have come a long way from foster care. Congratulations."

#### PERSONAL PRIVILEGE

Senator Nobles: "I just want to say thank you for this bill passing the Senate floor tonight. I also just want to recognize that Mr. John Ryan was the first black person to serve the 28<sup>th</sup> Legislative District and Senator Rosa Franklin was the first black woman to serve the state of Washington in the Senate. And I want to stand here and say the name of Manny Ellis, and I want to stand

here for my four children, and I want to stand here for other youth who are experiencing foster care, and moms who are teen moms, and single moms, and other community members who are experiencing homelessness. And I want to ask them to just stay faithful, stay hopeful. I also want to make sure that we understand Mr. President, that part of being a leader is bringing people together and it is not good enough to stay apart. So, I stand here, Mr. President, to help to unite the haves and the have nots, the housed and the unhoused, the faithful and the hopeless, the Democrats and the Republicans. And I hope that we can do good work Mr. President as leaders. And I do want to say that I am so proud to be here, and I absolutely have come a long way from experiencing foster care. Thank you, Mr. President."

#### SECOND READING

SENATE BILL NO. 5077, by Senators Dozier, Mullet, Brown, Das, Warnick, and Wilson, C.

Providing authority to licensed companies to allow licensed mortgage loan originators to work from their residences without the company licensing the residence as a branch office of the company.

The measure was read the second time.

#### MOTION

On motion of Senator Dozier, the rules were suspended, Senate Bill No. 5077 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dozier, Mullet, Rivers, and Hawkins spoke in favor of passage of the bill.

Senators Hunt, Muzzall, Darneille and Sheldon spoke on passage of the bill.

#### PERSONAL PRIVILEGE

Senator Rolfes: "Thank you Mr. President. You know we have a vast viewership on TVW, and I think it needs to be said that the Senate is currently undergoing a timeworn, not always funny, but usually entertaining tradition of gently razzing the new Senators when they make their first-floor speech and pass their first bill. So, I just want to say congratulations to all of our new members and someday we will all be in person, and you're kind of lucky that you got to do this on Zoom and not on the floor."

The President declared the question before the Senate to be the final passage of Senate Bill No. 5077.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5077 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

TWENTY FOURTH DAY, FEBRUARY 3, 2021

2021 REGULAR SESSION

SENATE BILL NO. 5077, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Heck: “And Senator Dozier, Congratulations to you too sir for passing your first bill.”

PERSONAL PRIVILEGE

Senator Dozier: “Well, first of all I would like to thank this body. I’ve had the opportunity to get to know some of you a little bit in this difficult time when we don’t get to visit much. But so far, all of you that I have met, I’ve enjoyed working with you and look forward to the many years ahead to be in this body of senators and hope that we can all be together. It may not be this year, but I look forward to it in the future. Thank you.”

PERSONAL PRIVILEGE

Senator Nobles: “Sorry, Mr. President, but I forgot to mention that I heard it was also tradition to provide a gift to all the Senate members. And so, right about now, you should be receiving an email with instructions on how to receive your special gift from me, from my district and me. Thank you.”

REMARKS BY SENATOR DOZIER

Senator Dozier: “Mr. President, I have been informed and I know this from past history, that one of our previous senators in the 16<sup>th</sup> District, Senator Mike Hewitt, was probably the person that really liked to exploit the wine industry in Walla Walla. Um, I guess I will be sending out emails to find out whether it’s white wine, red wine, or your choice of something. I guess you’ll be receiving it very soon. Um, Senator Nobles, I hope your phone rings like mine did.”

SECOND READING

SENATE BILL NO. 5005, by Senators Pedersen, Padden and Mullet

Concerning business corporations.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Senate Bill No. 5005 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Hasegawa spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5005.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5005 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5005, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5011, by Senators Pedersen, Wilson, L., Brown, Kuderer, Mullet and Warnick

Addressing electronic meetings and notice provisions for common interest communities, condominiums, and homeowners' associations.

MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 5011 was substituted for Senate Bill No. 5011 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 5011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5011.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5011 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5272, by Senators Rolfes, Frockt, Conway, Das, Dhingra, Keiser, Lovelett, Mullet, Nguyen, Nobles, Randall, Saldaña, Stanford, Wilson, C., and Wilson, J.

Concerning temporarily waiving certain liquor and cannabis board annual licensing fees.

## MOTION

On motion of Senator Rolfes, Substitute Senate Bill No. 5272 was substituted for Senate Bill No. 5272 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Wilson, L. moved that the following floor amendment no. 040 by Senator Wilson, L. be adopted:

On page 2, beginning on line 9, after "waived" strike "for licenses that expire"

On page 2, line 11, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(e); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(e)"

On page 5, beginning on line 14, after "waived" strike "for licenses that expire"

On page 5, line 16, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (2)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (2)(b)"

On page 6, beginning on line 1, after "waived" strike "for licenses that expire"

On page 6, line 3, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b)"

On page 10, beginning on line 11, after "waived" strike "for licenses that expire"

On page 10, line 13, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b)"

On page 13, beginning on line 18, after "waived" strike "for licenses that expire"

On page 13, line 20, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b)"

On page 16, beginning on line 26, after "waived" strike "for licenses that expire"

On page 16, line 28, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b)"

On page 19, beginning on line 3, after "waived" strike "for licenses that expire"

On page 19, line 5, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (2)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (2)(b)"

On page 21, at the beginning of line 9, strike "for licenses that expire"

On page 21, line 10, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (2)(a); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (2)(a)"

On page 22, beginning on line 36, after "waived" strike "for licenses that expire"

On page 22, line 38, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(e); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(e)"

On page 25, beginning on line 18, after "waived" strike "for licenses that expire"

On page 25, line 20, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b)"

On page 27, beginning on line 34, after "waived" strike "for licenses that expire"

On page 27, line 36, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (2)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (2)(b)"

On page 28, beginning on line 25, after "waived" strike "for licenses that expire"

On page 28, line 27, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b)"

On page 31, beginning on line 17, after "waived" strike "for licenses that expire"

On page 31, line 19, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (6)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (6)(b)"

On page 34, beginning on line 11, after "waived" strike "for licenses that expire"

On page 34, line 13, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (9)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (9)(b)"

On page 35, beginning on line 11, after "waived" strike "for licenses that expire"

On page 35, line 13, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (4)(b); and

TWENTY FOURTH DAY, FEBRUARY 3, 2021

2021 REGULAR SESSION

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (4)(b)"

On page 36, beginning on line 10, after "waived" strike "for licenses that expire"

On page 36, line 12, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b)"

On page 38, beginning on line 10, after "waived" strike "for licenses that expire"

On page 38, line 12, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b)"

On page 40, beginning on line 13, after "waived" strike "for licenses that expire"

On page 40, line 15, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (5)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (5)(b)"

On page 41, beginning on line 9, after "waived" strike "for licenses that expire"

On page 41, line 11, after "section" insert "for:"

(i) Licenses that expire during the 12-month waiver period under this subsection (2)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (2)(b)"

Senators Wilson, L. and Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 040 by Senator Wilson, L. on page 2, line 9 to Substitute Senate Bill No. 5272.

The motion by Senator Wilson, L. carried, and floor amendment no. 040 was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 5272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Wilson, L. and Lovelett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5272.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5272 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

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

Voting nay: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF ORDER

Senator Short: "Mr. President, I move that the Senate advance to the ninth order of business for the purpose of relieving the State Government & Elections Committee of Senate Bill 5114 concerning safely reopening Washington."

Senator Short demanded a roll call.

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

President Heck: "Questions relating to the priority of business are not debatable. By tradition, one explanatory speech has been allowed on each side."

REMARKS BY SENATOR SHORT

Senator Short: "Thank you Mr. President. The explanation for what we are doing today is to respond to the extraordinary circumstances that still exist, Mr. President, for restaurants and business that all, though some are open under existing operations many of our communities and businesses are closed. You know what Senate Bill No. 5114 does, Mr. President, is that it doesn't rely on a proposition of creating winners and losers. It does it straight across the board and it does so safely. It doesn't rely on a regional approach that ignores local health districts and the information they have. And a regional approach that really pits rural against urban. It doesn't make sense Mr. President. Mr. President Senate Bill No. 5114 doesn't rely on the outdated, unreliable data Mr. President. We know that when we look at Department of Health's data Mr. President that that it says that it isn't something that can be totally relied upon. In fact, Mr. President we find that of the metrics that are used to decide when a business, you know at the whim of the state, can reopen or not we have one set of data, hospitals or not that are current within about a week. We have case-rate data that's two weeks old. And then we get into the positivity rate that is three weeks old Mr. President. So, if you are Thurston County and you just opened on February 1<sup>st</sup>, that was based on January 9<sup>th</sup> data. Now look, that does not mean I'm trying to play Monday night quarterback nor does this bill. But it says that we all ought to put our heads together and thoughtfully approach this. All of us together. All of us in the Legislature including the Governor. And we need to do it with fairness and consistency, and we need to do it now. And I believe until that time happens this is the bill that gets us there the quickest and I would urge its support and immediate brought forward. Thank you, Mr. President."

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. This is a procedural motion which for those that are following along on TVW means it has nothing to do with the merits of the bill we're just deciding whether to go to item nine on the agenda versus item six on the agenda. Mr. President, I am pleased that the Senate Ways &

Means Committee will be advancing legislation to bring forward 2.2 billion dollars more relief to Washingtonians. That is a wonderful step forward. As to this motion it is procedural and asking for a no.”

The President declared that the question before the Senate be the motion by Senator Short to advance to the ninth order of business.

#### ROLL CALL

The Secretary called the roll on the motion by Senator Short to advance to the ninth order of business and the motion did not pass the Senate by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

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

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

#### MOTION

At 6:06 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m., Thursday, February 4, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**TWENTY FIFTH DAY**

---

**AFTERNOON SESSION**

---

Senate Chamber, Olympia  
Thursday, February 4, 2021

The Senate was called to order at 12:31 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

February 3, 2021

SB 5012 Prime Sponsor, Senator Lovelett: Providing a local government option for the funding of essential affordable housing programs. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5012 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member and Warnick.

Referred to Committee on Ways & Means.

February 3, 2021

SB 5017 Prime Sponsor, Senator Wellman: Clarifying school district procurement requirements for personal service contracts for construction management, value engineering, constructibility review, and building commissioning. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

February 3, 2021

SB 5043 Prime Sponsor, Senator Salomon: Providing housing to school district employees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member and McCune.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Dozier.

Referred to Committee on Ways & Means.

February 3, 2021

SB 5055 Prime Sponsor, Senator Nguyen: Concerning law enforcement personnel collective bargaining. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5055 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford and Schoesler.

Referred to Committee on Rules for second reading.

February 3, 2021

SB 5064 Prime Sponsor, Senator Saldaña: Concerning qualifications for unemployment insurance when an individual voluntarily leaves work. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5064 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Honeyford and Schoesler.

Referred to Committee on Rules for second reading.

February 3, 2021

SB 5160 Prime Sponsor, Senator Kuderer: Addressing landlord-tenant relations by providing certain tenant protections during and after public health emergencies, providing for legal representation in eviction cases, and authorizing landlord access to state rental assistance programs. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5160 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member and Warnick.

Referred to Committee on Ways & Means.

February 3, 2021

SB 5237 Prime Sponsor, Senator Wilson, C.: Expanding accessible, affordable child care and early childhood development programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5237 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member and Dozier.

MINORITY recommendation: Do not pass. Signed by Senator McCune.

Referred to Committee on Ways & Means.

February 3, 2021

SB 5242 Prime Sponsor, Senator Liias: Supporting media literacy and digital citizenship. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Ways & Means.

February 3, 2021

SB 5260 Prime Sponsor, Senator Kuderer: Requiring annual reporting from the eviction resolution pilot program. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5260 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

Referred to Committee on Rules for second reading.

February 4, 2021

SB 5312 Prime Sponsor, Senator Mullet: Facilitating transit-oriented development and increasing housing inventory. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

Referred to Committee on Rules for second reading.

## MOTIONS

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the Standing Committees were granted special leave to meet during the day's floor session.

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

## MESSAGE FROM THE HOUSE

February 3, 2021

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1037,  
SUBSTITUTE HOUSE BILL NO. 1074,  
HOUSE BILL NO. 1087,  
SUBSTITUTE HOUSE BILL NO. 1124,  
HOUSE BILL NO. 1159,  
HOUSE BILL NO. 1165,  
SUBSTITUTE HOUSE BILL NO. 1171,  
HOUSE BILL NO. 1237,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 5421 by Senator McCune

AN ACT Relating to creating a salmon fisheries dispute resolution process; adding a new section to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SB 5422 by Senators Braun, Holy, and Wilson, L.

AN ACT Relating to excise tax reform to preserve aerospace and other manufacturing jobs in Washington; amending RCW 82.04.240, 82.04.2404, 82.04.260, 82.04.2909, 82.04.294, 82.04.280, 82.04.050, and 82.32.790; amending 2020 c 80 s 62 (uncodified); creating a new section; repealing 2017 3rd sp.s. c 37 s 518, 2017 c 135 s 9, 2010 c 114 s 104, and 2003 c 149 s 3; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5423 by Senators Rivers, Cleveland and Holy

AN ACT Relating to telemedicine consultations; and amending RCW 18.71.030.

Referred to Committee on Health & Long Term Care.

SB 5424 by Senators Wilson, L., Braun, Brown, Das, Fortunato, Holy, Keiser and Rivers

AN ACT Relating to providing financial relief for working families; amending RCW 82.08.0206; and creating a new section.

TWENTY FIFTH DAY, FEBRUARY 4, 2021

2021 REGULAR SESSION

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5425 by Senators Stanford, Das, Hasegawa, Keiser, Kuderer, Nguyen and Saldaña

AN ACT Relating to extended benefits in the unemployment insurance system; amending RCW 50.22.010; reenacting and amending RCW 50.22.020; adding a new section to chapter 50.22 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5426 by Senators Hunt, Conway, Das, Dhingra, Hasegawa, Keiser, Kuderer, Lovelett, Nguyen, Saldaña, Stanford, and Wilson, C.

AN ACT Relating to improving the equity of Washington state's tax code by creating the Washington state wealth tax and taxing extraordinary financial intangible assets; amending RCW 43.135.034 and 82.32.655; adding a new title to the Revised Code of Washington to be codified as Title 84A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Ways & Means.

SB 5427 by Senators King, Holy, Keiser and Saldaña

AN ACT Relating to job search monitoring; amending RCW 50.20.240; creating new sections; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

MOTIONS

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

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

MOTION

Senator Wagoner moved adoption of the following resolution:

SENATE RESOLUTION  
8606

By Senator Wagoner

WHEREAS, The evil and abhorrent practice of slavery reached the shores of colonial America less than a century after the first European settlement there, starting with the first Africans who were brought, against their will, to Jamestown, Virginia, in 1619, a year before the Pilgrims landed at Plymouth; and

WHEREAS, The establishment of slavery in colonial America became a cruel irony since the United States of America, the land of the free, was later founded on the principles embodied in our Declaration of Independence that "all men are created equal" and "endowed by their Creator" with "certain unalienable Rights" including "Life, liberty and the pursuit of Happiness"; and

WHEREAS, African Americans were denied these rights by the practice of slavery; and

WHEREAS, When the Founding Fathers met in 1787 to create the Constitution and set America's new federal government on a firm course, compromises were made, including allowing slavery to continue, denying African Americans their individual rights and dignity, tearing apart families, and contradicting the American values enshrined in the Declaration of Independence; and

WHEREAS, By 1860, nearly four million slaves, one-eighth of America's population at that time, were kept in bondage in America's Southern or border states, and those who supported slavery in America sought to "strengthen, perpetuate, and extend this interest [slavery]" even at the cost of a Civil War; and

WHEREAS, The American Civil War began in 1861 and lasted four bloody years, resulting in more than 650,000 deaths suffered between the two sides; and

WHEREAS, On January 1, 1863, President Abraham Lincoln took a monumental first step toward ending slavery in America by issuing the Emancipation Proclamation, which declared that the slaves of the Confederate states that rebelled against the Union were free; and

WHEREAS, President Lincoln fought valiantly for the passage of a 13th Amendment to the United States Constitution, to ban slavery in America forever, but a bullet fired by a Confederate sympathizer ended Lincoln's life eight months before the 13th Amendment was ratified on December 6, 1865; and

WHEREAS, The potential for a full and meaningful Reconstruction following the Civil War died with President Lincoln's assassination just days after the Confederate capital fell, and the largest Confederate army surrendered; and

WHEREAS, Vice President Andrew Johnson, who assumed the presidency upon Lincoln's death, failed to lead a reunited America to a complete and true Reconstruction, as Johnson lacked commitment to the civil rights of the former slaves; and

WHEREAS, President Johnson failed to thwart the efforts within the former Confederate states to suppress the rights of African Americans through enactment of "Black Codes" and other discriminatory laws and practices; and

WHEREAS, The "Radical Republicans" led Congress to enact a Reconstruction agenda that expanded civil rights and sought to realize the goal of a more equal America; and

WHEREAS, The national achievements of the Reconstruction era included the ratification of the 13th Amendment, as well as the 1868 ratification of the 14th Amendment, which ensured the citizenship of former slaves, and guaranteed equal protection under the law, and the 1870 ratification of the 15th Amendment, which proclaimed the rights of citizens to vote, regardless of "race, color, or previous condition of servitude"; and

WHEREAS, America's Reconstruction era saw the historic election of about two thousand African American officeholders in our nation, from local positions and state legislative seats to the United States Senate, a period that would give African Americans a more active role in the political, economic, and social life of the South; and

WHEREAS, The Reconstruction era ended after federal troops withdrew from the old Confederacy in 1877, soon followed by the overt and covert efforts of many Southern whites to reverse the newfound freedoms of African Americans, such as passage of laws in Southern states that took away rights of African Americans, including preventing them from freely participating in elections; and

WHEREAS, Despite these setbacks, the dream of equal rights for African Americans continued to flicker for nearly a century until it reignited with the civil rights movement in the 1960s, led by the Reverend Dr. Martin Luther King, Jr. and others, and advanced by the passage of the 1964 Civil Rights Act and the

1965 Voting Rights Act, both of which received strong bipartisan support in Congress;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate remember, recognize, and honor America's Reconstruction era and its advances in civil rights for African Americans.

Senators Wagoner, Liias and Short spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8606.

The motion by Senator Wagoner carried and the resolution was adopted by voice vote.

#### MOTION

At 12:41 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m., Friday, February 5, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWENTY SIXTH DAY

---

AFTERNOON SESSION

---

Senate Chamber, Olympia  
Friday, February 5, 2021

The Senate was called to order at 12:35 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

MOTIONS

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

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

REPORTS OF STANDING COMMITTEES

February 4, 2021

SB 5009 Prime Sponsor, Senator Padden: Enacting the uniform public expression protection act. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5009 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

Referred to Committee on Rules for second reading.

February 4, 2021

SB 5036 Prime Sponsor, Senator Dhingra: Concerning conditional commutation by the clemency and pardons board. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5036 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

Referred to Committee on Ways & Means.

February 4, 2021

SB 5079 Prime Sponsor, Senator Das: Extending the closure notice period for manufactured/mobile home communities. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5079 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member and Warnick.

Referred to Committee on Rules for second reading.

February 4, 2021

SB 5152 Prime Sponsor, Senator Nguyen: Enhancing data stewardship and privacy protections for vehicle and driver data. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5152 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Lovelett; Nguyen; Nobles; Randall; Sheldon and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato, Padden and Wilson, J.

Referred to Committee on Rules for second reading.

February 4, 2021

SB 5155 Prime Sponsor, Senator Kuderer: Concerning prejudgment interest. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5155 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 4, 2021

SB 5164 Prime Sponsor, Senator Darneille: Resentencing of individuals sentenced as a persistent offender due to a robbery in the second degree conviction. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

Referred to Committee on Rules for second reading.

February 4, 2021

SB 5180 Prime Sponsor, Senator Dhingra: Vacating certain convictions. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5180 be substituted therefor, and the substitute bill do

pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 4, 2021

SB 5194 Prime Sponsor, Senator Liias: Providing for equity and access in the community and technical colleges. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5194 be substituted therefor, and the substitute bill do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

Referred to Committee on Ways & Means.

February 4, 2021

SB 5201 Prime Sponsor, Senator Van De Wege: Concerning department of natural resources' timber and land sales. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

February 4, 2021

SB 5227 Prime Sponsor, Senator Randall: Requiring diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5227 be substituted therefor, and the substitute bill do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair and Liias.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holy, Ranking Member.

Referred to Committee on Rules for second reading.

February 4, 2021

SB 5228 Prime Sponsor, Senator Randall: Addressing disproportionate health outcomes by building a foundation of equity in medical training. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5228 be substituted therefor, and the substitute bill do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

Referred to Committee on Ways & Means.

February 4, 2021

SB 5235 Prime Sponsor, Senator Liias: Increasing housing unit inventory by removing arbitrary limits on housing options. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5235 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Short, Assistant Ranking Member.

Referred to Committee on Rules for second reading.

February 4, 2021

SB 5241 Prime Sponsor, Senator Dhingra: Promoting economic inclusion. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5241 be substituted therefor, and the substitute bill do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; McCune; Saldaña and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Dozier.

Referred to Committee on Ways & Means.

February 4, 2021

SB 5253 Prime Sponsor, Senator Liias: Implementing the recommendations of the pollinator health task force. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5253 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Ways & Means.

February 4, 2021

SB 5259 Prime Sponsor, Senator Nobles: Concerning law enforcement data collection. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5259 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Ways & Means.

TWENTY SIXTH DAY, FEBRUARY 5, 2021

2021 REGULAR SESSION

February 4, 2021

February 4, 2021  
SB 5263 Prime Sponsor, Senator Frockt: Concerning defenses in personal injury and wrongful death actions where the person injured or killed was committing a felony. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5263 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member and Holy.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

Referred to Committee on Rules for second reading.

February 4, 2021  
SB 5273 Prime Sponsor, Senator Salomon: Concerning the replacement of shoreline armoring. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5273 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Rolfes and Stanford.

MINORITY recommendation: Do not pass. Signed by Senators Warnick, Ranking Member; Honeyford and Short.

Referred to Committee on Rules for second reading.

February 4, 2021  
SB 5288 Prime Sponsor, Senator Liias: Increasing access to the Washington opportunity scholarship program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5288 be substituted therefor, and the substitute bill do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

Referred to Committee on Rules for second reading.

February 4, 2021  
SB 5304 Prime Sponsor, Senator Wilson, C.: Providing reentry services to persons releasing from state and local institutions. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5304 be substituted therefor, and the substitute bill do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Wilson, C.

Referred to Committee on Ways & Means.

February 4, 2021  
SB 5317 Prime Sponsor, Senator Warnick: Concerning pesticide registration and pesticide licensing fees. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5317 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Rolfes and Stanford.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Short.

Referred to Committee on Ways & Means.

February 4, 2021  
SB 5318 Prime Sponsor, Senator Warnick: Concerning fertilizer fees. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5318 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

February 4, 2021  
SB 5347 Prime Sponsor, Senator Padden: Concerning member voting methods. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 4, 2021  
SB 5358 Prime Sponsor, Senator Gildon: Providing incentives to employers to hire certain hard-to-place job seekers. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5358 be substituted therefor, and the substitute bill do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Wilson, C.

Referred to Committee on Ways & Means.

February 4, 2021  
SB 5372 Prime Sponsor, Senator Stanford: Concerning a hemp processor registration process. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Rolfes; Short and Stanford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

February 4, 2021

SHB 1095 Prime Sponsor, Committee on Finance: Concerning the taxation of governmental financial assistance programs addressing the impacts of conditions giving rise to a gubernatorial or presidential emergency proclamation by creating state business and occupation tax and state public utility tax exemptions, a sales and use tax exemption for the receipt of such financial assistance, and clarifying the sales and use tax obligations for goods and services purchased by recipients of such financial assistance. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 4, 2021

HB 1367 Prime Sponsor, Representative Ormsby: Revising 2019-2021 fiscal biennium appropriations of state and federal funding for previously implemented medicaid rates and other medicaid expenditures in the developmental disabilities and long-term care programs in response to the COVID-19 pandemic. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 4, 2021

ESHB 1368 Prime Sponsor, Committee on Appropriations: Responding to the COVID-19 pandemic through state actions supported by federal funding. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant

Ranking Member, Capital Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

#### MOTIONS

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5318 which was designated to the Committee on Ways & Means and referred to the Committee on Rules.

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

#### MESSAGE FROM THE HOUSE

February 5, 2021

MR. PRESIDENT:

The Speaker has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 5061.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 5428 by Senators Nguyen, Darneille, Das, Kuderer, Lovelett, Nobles, Saldaña and Wellman

AN ACT Relating to the application of the state environmental policy act to temporary shelters and transitional encampments; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Housing & Local Government.

SB 5429 by Senators Wilson, J., Braun, Dhingra, Fortunato, Frockt, Hawkins, Hunt, Lovelett, Padden, Rivers, Saldaña, Schoesler, Sheldon, Wagoner and Warnick

AN ACT Relating to the "pick it up, Washington" litter control program; amending RCW 70A.200.130 and 70A.200.030; adding a new section to chapter 70A.200 RCW; creating a new section; and decodifying RCW 70A.200.900.

Referred to Committee on Environment, Energy & Technology.

SB 5430 by Senator Mullet

AN ACT Relating to tuition unit pricing in the advanced college tuition payment program; and amending RCW 28B.95.030.

Referred to Committee on Higher Education & Workforce Development.

SHB 1037 by House Committee on Consumer Protection & Business (originally sponsored by Kirby and Vick)

AN ACT Relating to insurance adjusters; and amending RCW 48.17.010, 48.17.150, 48.17.410, and 48.17.420.

TWENTY SIXTH DAY, FEBRUARY 5, 2021

2021 REGULAR SESSION

Referred to Committee on Business, Financial Services & Trade.

SHB 1074 by House Committee on Health Care & Wellness (originally sponsored by Peterson, Rude, Leavitt, Wylie, Kloba, Ortiz-Self, Callan, Riccelli, Davis and Pollet)

AN ACT Relating to overdose and suicide fatality reviews; and adding a new section to chapter 70.05 RCW.

Referred to Committee on Health & Long Term Care.

HB 1087 by Representatives Berry, Wicks, Simmons, Kloba, Hackney, Santos, Macri and Sullivan

AN ACT Relating to clarifying the continuity of employee family and medical leave rights; adding a new section to chapter 50A.05 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SHB 1124 by House Committee on Health Care & Wellness (originally sponsored by Cody)

AN ACT Relating to nurse delegation of glucose monitoring, glucose testing, and insulin injections; amending RCW 18.79.260; reenacting and amending RCW 18.79.260; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

HB 1159 by Representatives Berg, Bronoske, Griffey and Pollet

AN ACT Relating to the number of fire protection district commissioners; and amending RCW 52.14.015.

Referred to Committee on Housing & Local Government.

HB 1165 by Representatives Ryu, Vick, Santos, Hoff and Harris-Talley

AN ACT Relating to the Washington credit union act; and amending RCW 31.12.005, 31.12.402, 31.12.404, 31.12.436, and 31.12.438.

Referred to Committee on Business, Financial Services & Trade.

SHB 1171 by House Committee on Civil Rights & Judiciary (originally sponsored by Walen, Springer, Dolan and Lovick)

AN ACT Relating to amending child support income withholding provisions to comply with federal child support program requirements; amending RCW 6.27.105, 6.27.140, 6.27.150, 6.27.330, 26.18.020, 26.18.080, 26.18.090, 26.18.110, 26.18.130, 26.18.140, 26.23.010, 26.23.050, 26.23.050, 26.23.060, 74.20A.080, 74.20A.240, and 74.20A.350; reenacting and amending RCW 26.23.090; repealing RCW 26.18.100; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

HB 1237 by Representatives Eslick, Senn, Leavitt, Callan, Ortiz-Self, Rude, Davis, Santos, Rule, Goodman and Riccelli

AN ACT Relating to defining family resource centers; amending RCW 43.330.010; reenacting and amending RCW 74.14C.010 and 43.216.010; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

MOTIONS

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

At 12:38 p.m., on motion of Senator Liias, the Senate adjourned until 11:45 a.m., Monday, February 8, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

TWENTY NINTH DAY, FEBRUARY 8, 2021

## TWENTY NINTH DAY

---

**MORNING SESSION**

---

Senate Chamber, Olympia  
Monday, February 8, 2021

The Senate was called to order at 11:46 a.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

February 5, 2021

**SB 5116** Prime Sponsor, Senator Hasegawa: Establishing guidelines for government procurement and use of automated decision systems in order to protect consumers, improve transparency, and create more market predictability. Reported by Committee on State Government & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5116 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Ways & Means.

February 5, 2021

**SB 5123** Prime Sponsor, Senator Darneille: Creating a developmentally appropriate response to youth who commit sexual offenses. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5123 be substituted therefor, and the substitute bill do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Saldaña and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senator McCune.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Dozier.

Referred to Committee on Rules for second reading.

February 5, 2021

**SB 5131** Prime Sponsor, Senator Holy: Concerning county clerks duties related to recall petitions. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

February 5, 2021

**SB 5163** Prime Sponsor, Senator Rolfes: Concerning the placement and treatment of conditionally released sexually violent predators. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5163 be substituted therefor, and the substitute bill do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Saldaña and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier and McCune.

Referred to Committee on Ways & Means.

February 5, 2021

**SB 5170** Prime Sponsor, Senator Carlyle: Concerning employment after public service in state government. Reported by Committee on State Government & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5170 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

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

Referred to Committee on Rules for second reading.

February 5, 2021

**SB 5179** Prime Sponsor, Senator Liias: Concerning blood donation. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5179 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Robinson; Van De Wege and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

Referred to Committee on Rules for second reading.

February 5, 2021

**SB 5195** Prime Sponsor, Senator Liias: Concerning prescribing opioid overdose reversal medication. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

TWENTY NINTH DAY, FEBRUARY 8, 2021

2021 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 5195 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Frockt and Nobles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wagoner, Ranking Member and Warnick.

Referred to Committee on Ways & Means.

February 5, 2021

SB 5203 Prime Sponsor, Senator Van De Wege: Producing, distributing, and purchasing generic prescription drugs. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5203 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Rivers and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holy and Padden.

Referred to Committee on Ways & Means.

February 5, 2021

SB 5214 Prime Sponsor, Senator Nguyen: Concerning economic assistance programs. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5214 be substituted therefor, and the substitute bill do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; Saldaña and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator McCune.

Referred to Committee on Ways & Means.

February 5, 2021

SB 5229 Prime Sponsor, Senator Randall: Concerning health equity continuing education for health care professionals. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5229 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Randall; Rivers; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Padden and Wilson, J.

Referred to Committee on Rules for second reading.

February 5, 2021

SB 5236 Prime Sponsor, Senator Warnick: Extending certificate of need exemptions. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5236 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Frockt; Nobles and Warnick.

Referred to Committee on Rules for second reading.

February 5, 2021

SB 5245 Prime Sponsor, Senator Brown: Concerning the safety of crime victims. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5245 be substituted therefor, and the substitute bill do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Wilson, C.

Referred to Committee on Ways & Means.

February 5, 2021

SB 5246 Prime Sponsor, Senator Randall: Concerning reimbursement for primary care services for medicaid beneficiaries. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

Referred to Committee on Ways & Means.

February 5, 2021

SB 5249 Prime Sponsor, Senator Wellman: Supporting mastery-based learning. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5249 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Ways & Means.

February 5, 2021

SB 5258 Prime Sponsor, Senator Cleveland: Concerning consumer directed employers. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holy.

Referred to Committee on Ways & Means.

February 5, 2021

SB 5264 Prime Sponsor, Senator Wagoner: Declaring January as Chinese American history month and encouraging public schools to commemorate the month. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

February 5, 2021

SB 5268 Prime Sponsor, Senator Keiser: Transforming services for individuals with intellectual and developmental disabilities by increasing the capabilities of community residential settings and redesigning the long-term nature of intermediate care facilities. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5268 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden and Wilson, J.

Referred to Committee on Ways & Means.

February 5, 2021

SB 5311 Prime Sponsor, Senator Rivers: Adjusting the skilled nursing medicaid rate methodology. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5311 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

Referred to Committee on Ways & Means.

February 5, 2021

SB 5327 Prime Sponsor, Senator Brown: Creating a confidential youth safety and well-being tip line. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5327 be substituted therefor, and the substitute bill do pass. Signed by Senators Wagoner, Ranking Member; Frockt; Nobles and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Dhingra, Chair.

Referred to Committee on Ways & Means.

February 5, 2021

SB 5328 Prime Sponsor, Senator Lovelett: Concerning clubhouses for persons with mental illness. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Frockt; Nobles and Warnick.

Referred to Committee on Ways & Means.

February 5, 2021

SB 5331 Prime Sponsor, Senator Gildon: Establishing an early childhood court program for young children and their families involved or at risk of becoming involved in Washington's child welfare system. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5331 be substituted therefor, and the substitute bill do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Wilson, C.

Referred to Committee on Ways & Means.

February 5, 2021

SJM 8002 Prime Sponsor, Senator Kuderer: Requesting an amendment to the United States Constitution on campaign finance reform. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

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

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

## MESSAGE FROM OTHER STATE OFFICERS

The following reports were submitted to and received by the office of the Secretary of the Senate:

**Agriculture, Department of** – “Country of Origin Labeling Standards for Beef and Other Meat”, in accordance with Engrossed Substitute Senate Bill No. 6168;

**Board of Education** – “Statewide Indicators of Education System Health, 2020 Summary Report and Recommendations”, pursuant to 28A.150.550 RCW;

**Commerce, Department of** – “Retirement Marketplace, 2020 Biennial Report to the Legislature”, pursuant to 43.330.747 RCW; “Biennial Report of the Statewide Reentry Council”, pursuant to 43.380.050 RCW; “Long-Term Care Ombuds Program Funding Model Recommendations”, in accordance with Engrossed Substitute Senate Bill No. 6168; “Manufactured Housing Communities Workgroup Report”, in accordance with Engrossed Substitute House Bill No. 1582; “Washington State Energy Strategy, 2021 Report”, pursuant to 43.21F.045 RCW;

TWENTY NINTH DAY, FEBRUARY 8, 2021

2021 REGULAR SESSION

**Courts, Administrative Office of the** - “*Family and Juvenile Court Improvement Program, 2020 Report*”, pursuant to 2.56.230 RCW;

**Ecology, Department of** - “*The Hydrofluorocarbon Transition: Background and Recommendations for Incentive-Based Policies and Programs*”, in accordance with Engrossed Second Substitute House Bill No. 1112; “*Greenhouse Gas Emissions Inventory 1990-2018*”, pursuant to 70A.45.020 RCW; “*Recycling Development Center, Report to the Legislature*”, pursuant to 70A.240.030 RCW;

**Financial Management, Office of** - “*Young Adults and Teenagers Who Are Disconnected From School and the Workforce in Washington*”, in accordance with Engrossed Substitute Senate Bill No. 6168;

**Fish and Wildlife, Department of** - “*Implementing Initiative 1401: The Washington Animal Trafficking Act Report to the Legislature*”, pursuant to 77.15.135 RCW; “*Hatchery Improvement Master Plan - Southern Resident Killer Whale Prey Enhancement*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Hunter and Fisher Compliance: Harvest Reporting and Administrative Penalties Report to the Legislature*”, pursuant to 77.32.070 RCW;

**Health Care Authority** - “*Children and Youth Behavioral Health Work Group Recommendations 2016-2020*”, in accordance with Second Substitute House Bill No. 2737; “*Universal Health Care Work Group, Final Report to the Legislature*”, in accordance with Engrossed Substitute House Bill No. 1109; “*Bree Collaborative Reproductive and Sexual Health Report*”, in accordance with Second Substitute Senate Bill No. 5602; “*Behavioral Health Consultation and Referral Service*”, in accordance with Engrossed Second Substitute Senate Bill No. 5432; “*Survey of Peer Mental Health Programs*”, in accordance with Second Substitute House Bill No. 1394; “*Proportion of Non-Participating Providers Serving Apple Health Enrollees, July 1, 2019 - June 30, 2020*”, pursuant to 74.09.522 RCW; “*Involuntary Treatment Act Work Group*”, in accordance with Second Engrossed Second Substitute Senate Bill No. 5720; “*Operation of Community Behavioral Health Service Delivery System*”, pursuant to 71.24.420 RCW; “*Educational Service Districts’ Employee Health Benefits*”, in accordance with Engrossed Substitute House Bill No. 2140;

**Health, Department of** - “*Improving Behavioral Health & Suicide Prevention in the Agricultural Industry: Pilot Program Results and Recommendations*”, in accordance with Second Substitute House Bill No. 2671;

**Insurance Commissioner, Office of the** - “*Bree Collaborative’s 2019 Palliative Care Report*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Palliative Care Report Letter*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*Palliative Care Letter*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*OIC Palliative Care Survey Questions*”, in accordance with Engrossed Substitute Senate Bill No. 6168;

**Military Department** - “*911 Cost Study; Report to the Legislature*”, in accordance with Engrossed Substitute House Bill No. 1109;

**Natural Resources, Department of** - “*Electric Utilities: Wildland Fire Prevention Task Force - Final Report 2020*”, in accordance with Substitute Senate Bill No. 5305; “*Trust Lands Performance Assessment Project: Charting a Course for the Future, Legislative Report*”, in accordance with Engrossed Substitute Senate Bill No. 6095;

**Public Instruction, Office of the Superintendent of** - “*180-Day Waivers for the 2019-20 School Year*”, pursuant to 28A.300.760 RCW; “*Graduation Pathways Snapshot, Class of*

2020”, pursuant to 28A.655.260 RCW; “*Update: Career and Technical Course Equivalencies, 2020 Report*”, pursuant to 28A.300.236 RCW; “*Monitoring and Data Collection: School Safety Programs*”, pursuant to 28A.300.645 RCW;

**Revenue, Department of** - “*Washington Action Plan: FAA Policy Concerning Airport Revenue 2021 Update*”, in accordance with Engrossed Substitute Senate Bill No. 6168; “*State Agency Business Licensing Information for 2020 Updated Appendix*”, pursuant to 19.02.055 RCW;

**Social & Health Services, Department of** - “*Forensic Admissions and Evaluations - Performance Targets 2019 Third Quarter (July 1, 2019 - September 30, 2019)*”, pursuant to 10.77.068 RCW; “*Forensic Admissions and Evaluations - Performance Targets 2020 Second Quarter (April 1, 2020-June 30, 2020)*”, pursuant to 10.77.068 RCW; “*Traumatic Brain Injury Statewide Comprehensive Plan SFY 2022-2023*”, pursuant to 74.31.020 RCW; “*Forensic Admissions and Evaluations - Performance Targets 2019 Fourth Quarter (October 1, 2019 - December 31, 2019)*”, pursuant to 10.77.068 RCW; “*WorkFirst Maintenance of Effort and Work Participation Rate, April - June 2020*”, in accordance with Engrossed Substitute Senate Bill No. 6168;

**Transportation, Department of** - “*Regional Mobility Grant Program 2021-2023 Prioritized List of Projects*”, pursuant to 47.66.030 RCW; “*Washington State Ferries: System Electrification Plan*”, in accordance with Engrossed Substitute House Bill No. 1160; “*Washington State Ferries: System Electrification Plan Appendices*”, in accordance with Engrossed Substitute House Bill No. 1160; “*Select Appropriations - Toll Division Allocation Analysis FY 2021*”, in accordance with Engrossed Substitute House Bill No. 2322;

**University of Washington School of Environment and Forest Sciences** - “*Washington’s Small Forest Landowners in 2020: Status, Trends and Recommendations after 20 Years of Forests and Fish*”, in accordance with Engrossed Substitute Senate Bill No. 5330;

**Washington Background Check Advisory Board** - “*Annual Report*”, in accordance with Engrossed Second Substitute House Bill No. 2467.

MOTION

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

MESSAGE FROM THE HOUSE

February 5, 2021

MR. PRESIDENT:  
The House has passed:

HOUSE BILL NO. 1055,  
SUBSTITUTE HOUSE BILL NO. 1064,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5431 by Senators Randall and Nobles

AN ACT Relating to creating the Rosa Franklin legislative internship program scholarship; amending RCW

43.79A.040; adding new sections to chapter 44.04 RCW; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Higher Education & Workforce Development.

SB 5432 by Senators Carlyle and Nguyen

AN ACT Relating to cybersecurity in state government; adding new sections to chapter 43.105 RCW; creating a new section; repealing RCW 43.105.215; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

SB 5433 by Senators Lovelett and Dhingra

AN ACT Relating to creating the basic food categorical income eligibility program; adding a new section to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SB 5434 by Senator Wagoner

AN ACT Relating to creating the Washington voter confidence act; amending RCW 29A.08.140, 46.20.155, 46.20.155, 46.20.202, and 29A.08.610; adding a new section to chapter 29A.08 RCW; adding a new section to chapter 29A.84 RCW; creating new sections; providing effective dates; and providing expiration dates.

Referred to Committee on State Government & Elections.

SB 5435 by Senator Wagoner

AN ACT Relating to permitting holders of disabled American veteran license plates and holders of Purple Heart license plates to utilize parking spaces reserved for persons with physical disabilities; and amending RCW 46.19.050.

Referred to Committee on Transportation.

SB 5436 by Senators Billig and Nguyen

AN ACT Relating to collective bargaining over the content of reports by ombuds and the selection of ombuds and their staff who oversee law enforcement personnel; and amending RCW 41.56.100.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5437 by Senator Dozier

AN ACT Relating to offender management network information and electronic health records systems at the department of corrections; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

MOTION

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

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. I know for the last three sessions we have commemorated Bob Cantore Day in the Senate which was yesterday. So, we all join in wishing Bob Cantore a belated Happy Birthday."

REMARKS BY THE PRESIDENT

President Heck: "Point well taken Senator Liias. Ironically, this coming Saturday is also Mrs. Gorrell's birthday."

MOTION

At 11:50 a.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Tuesday, February 9, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**THIRTIETH DAY**

---

**AFTERNOON SESSION**

---

Senate Chamber, Olympia  
Tuesday, February 9, 2021

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

February 5, 2021

**SB 5071** Prime Sponsor, Senator Dhingra: Creating transition teams to assist specified persons under civil commitment. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5071 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Frockt; Nobles and Warnick.

Referred to Committee on Ways & Means.

February 8, 2021

**SB 5181** Prime Sponsor, Senator Honeyford: Providing school districts serving low-income communities with flexibility in financing their facilities. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5181 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

February 8, 2021

**SB 5202** Prime Sponsor, Senator Schoesler: Establishing school district depreciation subfunds for the purposes of preventative maintenance. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

February 8, 2021

**SB 5267** Prime Sponsor, Senator Saldaña: Requiring electrical licensing for electrical work associated with flipping property. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5267 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

Referred to Committee on Rules for second reading.

February 8, 2021

**SB 5284** Prime Sponsor, Senator Randall: Eliminating subminimum wage certificates for persons with disabilities. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5284 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Honeyford.

Referred to Committee on Rules for second reading.

February 8, 2021

**SB 5364** Prime Sponsor, Senator Fortunato: Concerning equine industry support. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Honeyford; Robinson; Saldaña and Schoesler.

Referred to Committee on Ways & Means.

February 8, 2021

**SB 5376** Prime Sponsor, Senator Wilson, C.: Promoting awareness of the governor's office of the education ombuds. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5376 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice

Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

February 8, 2021

**SB 5385** Prime Sponsor, Senator Keiser: Concerning the size of the airport a municipality must control or operate for that municipality to enact minimum labor standards for employees at the airport. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

Referred to Committee on Rules for second reading.

February 8, 2021

**EHB 1121** Prime Sponsor, Representative Santos: Concerning the emergency waiver of graduation requirements. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

February 8, 2021

**EHB 1131** Prime Sponsor, Representative Rude: Concerning the emergency waiver of instructional hours and days at private schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

#### MESSAGE FROM THE GOVERNOR

February 08, 2021

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on February 8, 2021, Governor Inslee approved the following Senate Bill entitled:

#### **Engrossed Substitute Senate Bill No. 5061**

Relating to unemployment insurance.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

#### MOTION

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

#### INTRODUCTION AND FIRST READING

**SB 5438** by Senators Saldaña and Nobles

AN ACT Relating to providing unemployment benefits to workers who are unemployed as a result of the COVID-19 pandemic and not eligible for unemployment benefits due to immigration status; adding a new chapter to Title 49 RCW; making an appropriation; providing an expiration date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

**SB 5439** by Senator Saldaña

AN ACT Relating to facilitating the coordinated installation of broadband along state highways; amending RCW 43.330.409, 43.330.532, 43.330.534, 43.330.538, 47.04.045, 47.04.047, 47.44.081, and 47.52.001; adding a new section to chapter 47.04 RCW; and creating a new section.

Referred to Committee on Transportation.

**SB 5440** by Senators Wilson, J.

AN ACT Relating to manufacturing tax reform to preserve aerospace and other manufacturing jobs in Washington; amending RCW 82.04.240, 82.04.2404, 82.04.260, 82.04.2909, 82.04.294, 82.04.280, and 82.32.790; creating a new section; repealing 2017 3rd sp.s. c 37 s 518, 2017 c 135 s 9, 2010 c 114 s 104, and 2003 c 149 s 3; and providing an effective date.

Referred to Committee on Business, Financial Services & Trade.

**SB 5441** by Senators Wellman and Cleveland

AN ACT Relating to informed consent for breast implant surgery; adding a new section to chapter 18.130 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

**SB 5442** by Senators Van De Wege and Carlyle

AN ACT Relating to the funding of salaries of school district superintendents; amending RCW 28A.330.100; reenacting and amending RCW 28A.150.260; and adding a new section to chapter 28A.330 RCW.

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

**HB 1055** by Representatives Berg, Abbarno, Shewmake, Walen, Orcutt, Ramos, Tharinger and Callan

AN ACT Relating to extending the expiration date for reporting requirements on timber purchases; amending

THIRTIETH DAY, FEBRUARY 9, 2021

2021 REGULAR SESSION

RCW 84.33.088; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 1064 by House Committee on Consumer Protection & Business (originally sponsored by Eslick, Kloba, Leavitt, Wylie, Gregerson, Ryu, Young, Robertson, Kirby and Fey)

AN ACT Relating to disclosing the availability of high-speed internet access; amending RCW 64.06.020; and creating a new section.

Referred to Committee on Business, Financial Services & Trade.

#### MOTIONS

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

On motion of Senator Liias, Senate Bill No. 5227 was rereferred to the Committee on Ways & Means from the Committee on Rules to which it had been inadvertently referred on February 5, 2021.

#### MOTION

At 12:33 p.m., on motion of Senator Liias, the Senate adjourned until 1:30 p.m. Wednesday, February 10, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**THIRTY FIRST DAY**

**AFTERNOON SESSION**

Senate Chamber, Olympia  
Wednesday, February 10, 2021

The Senate was called to order at 1:34 p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Josie Hunt led the Senate in the Pledge of Allegiance. Miss Hunt is a student at UW Seattle and an intern for Senator Kuderer.

The President of the Senate, Lt. Governor Denny Heck, offered the prayer.

President Heck: "I would now invite you all to join me in prayer in the manner in which your faith informs you. Dear Lord, thank you for listening. This Monday afternoon You welcomed another angel. Steve Houle, a twenty-eight-year veteran of the Washington State Patrol, was tragically killed in an avalanche near Lake Cle Elum. He was nearing retirement, but he wore the blue proudly and served our state with dedication and professionalism. He was respected and beloved by his colleagues and his friends and his family. He loved the outdoors and hunting and hiking and fishing and snowmobiling. He was a devoted son to his parents, Howard and Terry, who are feeling the deepest pain imaginable as with the rest of his family. He was a devoted husband to his wife Laurie. And his stepdaughter Rachel he was a devoted father to his two sons, Hayden and Connor, my nephews. We ask you to lay your healing hands upon the hearts and souls of all his family. His sons will never know the joy of having that child parent relationship fully grow into that very special adult to adult friendship as they age. They will never know the joy of seeing their father play with their children and teach them the ways of the outdoors. They will never know him at their Easter table, family birthday parties or Thanksgiving dinner, or around the Christmas tree. But as is Your plan Lord, his being is deeply etched in their D.N.A. and more importantly in their hearts. This is Your gift for which we give thanks. Please touch their hearts Lord, with the power of Your love. Touch us as well. Remind us to be humble. Remind us to be grateful for all the men and women who wear blue in service to our state, and all those countless others who serve community and state, including the members of this chamber. We pray all these things in Your name and with the certainty that Your wisdom surpasses all human understanding. Amen."

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

February 9, 2021

**SB 5029** Prime Sponsor, Senator Honeyford: Concerning tax deferrals for investment projects in high unemployment counties. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5029 be substituted therefor, and the substitute bill do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Brown; Frockt; Hobbs and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa, Vice Chair.

Referred to Committee on Ways & Means.

February 9, 2021

**SB 5125** Prime Sponsor, Senator Cleveland: Affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5125 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Ericksen, Ranking Member; Brown; Das; Fortunato; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

Referred to Committee on Rules for second reading.

February 9, 2021

**SB 5141** Prime Sponsor, Senator Saldaña: Implementing the recommendations of the environmental justice task force. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5141 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown; Fortunato; Sheldon and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hobbs.

Referred to Committee on Ways & Means.

February 9, 2021

**SB 5188** Prime Sponsor, Senator Kuderer: Concerning the creation of the Washington state public bank. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5188 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Frockt and Hobbs.

MINORITY recommendation: Do not pass. Signed by Senators Dozier, Ranking Member; Brown and Wilson, L.

Referred to Committee on Ways & Means.

THIRTY FIRST DAY, FEBRUARY 10, 2021

2021 REGULAR SESSION

February 9, 2021

SB 5321 Prime Sponsor, Senator Nobles: Expanding access to the college bound scholarship. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5321 be substituted therefor, and the substitute bill do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair and Liias.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holy, Ranking Member.

Referred to Committee on Ways & Means.

February 9, 2021

SB 5338 Prime Sponsor, Senator Wilson, L.: Concerning fire protection districts and education. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Lovelett and Warnick.

Referred to Committee on Rules for second reading.

February 9, 2021

SB 5341 Prime Sponsor, Senator Wilson, J.: Increasing permissible uses of existing local sales tax authority. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Lovelett; Salomon and Warnick.

Referred to Committee on Rules for second reading.

February 9, 2021

SB 5345 Prime Sponsor, Senator Brown: Establishing a statewide industrial waste coordination program. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Erickson, Ranking Member; Brown; Das; Fortunato; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

Referred to Committee on Ways & Means.

February 9, 2021

SB 5356 Prime Sponsor, Senator Short: Concerning prime contractor bidding submission requirements on public works contracts. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Lovelett; Salomon and Warnick.

Referred to Committee on Rules for second reading.

February 9, 2021

SB 5401 Prime Sponsor, Senator Nguyen: Authorizing community and technical colleges to offer bachelor degrees in computer science. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5401 be substituted therefor, and the substitute bill do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Ways & Means.

February 9, 2021

SB 5430 Prime Sponsor, Senator Mullet: Concerning the advanced college tuition payment program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 9, 2021

SB 5431 Prime Sponsor, Senator Randall: Creating the Rosa Franklin legislative internship program scholarship. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Ways & Means.

February 9, 2021

SGA 9171 ABIGAIL E. GREINER, appointed on July 1, 2020, for the term ending June 30, 2021, as Member of the Eastern Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 9, 2021

SGA 9175 NATHANIEL L. MCMILLION, appointed on July 1, 2020, for the term ending June 30, 2021, as Member of the Central Washington University Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 9, 2021

SGA 9182 KRISTINA S. POGOSIAN, appointed on July 1, 2020, for the term ending June 30, 2021, as Member of the

University of Washington Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 9, 2021

SGA 9184 ARLIEGH P. CAYANAN, appointed on July 1, 2020, for the term ending June 30, 2021, as Member of the Washington State University Board of Regents. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 9, 2021

SGA 9191 ATHMAR AL-GHANIM, appointed on August 7, 2020, for the term ending June 30, 2021, as Member of the Edmonds Community College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 9, 2021

SGA 9192 ALEJANDRO ALCANTAR, appointed on August 7, 2020, for the term ending June 30, 2021, as Member of the Washington Student Achievement Council. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 9, 2021

SGA 9201 MELINDA L. BRATSCH-HORSAGER, appointed on September 17, 2020, for the term ending June 30, 2021, as Member of The Evergreen State College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

February 9, 2021

SGA 9208 HANNAH STODDARD, appointed on September 17, 2020, for the term ending June 30, 2021, as Member of the Bellevue College Board of Trustees. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

#### REMARKS BY SENATOR LIAS

Senator Liias: Thank you for that heartfelt invocation. The Senate looks forward to bringing forward a resolution so we can all express our condolences for our fallen trooper, but we appreciate that reminder this morning, or this afternoon."

#### MOTIONS

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5401 which was designated to the Committee on Rules and was referred to the Committee on Ways & Means and Senate Bill No. 5430 which was designated to the Committee on Ways & Means and was referred to the Committee on Rules.

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

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

December 21, 2020

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

UMAIR A. SHAH, M.D., M.P.H., appointed December 21, 2020, for the term ending at the governor's pleasure, as a Director of the Department of Health - Agency Head.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9257.

January 15, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MARIKO K. DOERNER, appointed January 15, 2021, for the term ending September 30, 2025, as Member of the Skagit Valley College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9258.

January 15, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ANDREW J. DRENNEN, appointed January 15, 2021, for the term ending December 26, 2023, as Member of the Board of Pilotage Commissioners.

Sincerely,

THIRTY FIRST DAY, FEBRUARY 10, 2021

2021 REGULAR SESSION

JAY INSLEE, Governor

Referred to Committee on Transportation as Senate  
Gubernatorial Appointment No. 9259.

January 15, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment,  
subject to your confirmation.

DIANA H. PEREZ, reappointed January 15, 2021, for the  
term ending December 31, 2026, as Member of the Parks and  
Recreation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural  
Resources & Parks as Senate Gubernatorial Appointment No.  
9260.

January 15, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject  
to your confirmation.

EVANGELINA G. SHREEVE, appointed January 15, 2021,  
for the term ending June 30, 2024, as Member of the Washington  
Student Achievement Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce  
Development as Senate Gubernatorial Appointment No. 9261.

January 22, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment,  
subject to your confirmation.

JEFFREY A. CHARBONNEAU, reappointed January 22,  
2021, for the term ending June 30, 2024, as Member of the  
Washington Student Achievement Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce  
Development as Senate Gubernatorial Appointment No. 9262.

January 22, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment,  
subject to your confirmation.

FREDERICK GOLDBERG, reappointed January 22, 2021,  
for the term ending September 30, 2026, as Member of The  
Evergreen State College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce  
Development as Senate Gubernatorial Appointment No. 9263.

January 22, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject  
to your confirmation.

BRUCE A. HARRELL, appointed January 22, 2021, for the  
term ending September 30, 2026, as Member of the Western  
Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce  
Development as Senate Gubernatorial Appointment No. 9264.

January 22, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject  
to your confirmation.

STEVEN R. JACOBS, appointed February 12, 2021, for the  
term ending February 11, 2025, as Member of the Health Care  
Facilities Authority.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as  
Senate Gubernatorial Appointment No. 9265.

January 22, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject  
to your confirmation.

DARIA WILLIS, appointed January 22, 2021, for the term  
ending August 2, 2023, as Member of the Lottery Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs  
as Senate Gubernatorial Appointment No. 9266.

January 26, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject  
to your confirmation.

JEFF DAVIS, appointed January 26, 2021, for the term  
ending September 30, 2024, as Member of the South Puget Sound  
Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce  
Development as Senate Gubernatorial Appointment No. 9267.

January 26, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject  
to your confirmation.

BERTHA ORTEGA, appointed January 26, 2021, for the  
term ending September 30, 2025, as Member of the Yakima  
Valley Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce  
Development as Senate Gubernatorial Appointment No. 9268.

January 26, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HOANG UYEN T. THORSTENSEN, appointed January 26, 2021, for the term ending January 19, 2025, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9269.

January 29, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TED R. WILLHITE, appointed January 29, 2021, for the term ending December 31, 2023, as Member of the Recreation and Conservation Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9270.

## MOTIONS

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

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

## MESSAGE FROM THE HOUSE

February 5, 2021

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 5443 by Senators Mullet, Holy, Honeyford, Short, and Wilson, L.

AN ACT Relating to extending the time frame for establishing charter schools; and amending RCW 28A.710.150.

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

SB 5444 by Senators Saldaña, Hobbs, Nguyen and Nobles

AN ACT Relating to implementing a per mile charge on electric and hybrid vehicles; amending RCW 46.17.323, 46.17.324, and 42.56.330; adding a new section to chapter

46.17 RCW; adding a new section to chapter 46.08 RCW; creating a new section; repealing RCW 46.17.323; and providing an effective date.

Referred to Committee on Transportation.

SB 5445 by Senators Holy and Liias

AN ACT Relating to creating a business and occupation tax deduction for interest earned on public funds; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Business, Financial Services & Trade.

## MOTIONS

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

At 1:43 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

----

The Senate was called to order at 2:42 p.m. by President Heck.

## MOTION

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

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368, by House Committee on Appropriations (originally sponsored by Ormsby, Macri, Ramos, Callan, Gregerson, Berry, Sullivan, Leavitt, Duerr, Bergquist, Kloba, Riccelli, Ramel, Harris-Talley and Pollet)

Responding to the COVID-19 pandemic through state actions supported by federal funding.

The measure was read the second time.

## MOTION

Senator Ericksen moved that the following floor amendment no. 043 by Senator Ericksen be adopted:

On page 1, line 6, after "1." insert "The legislature determines and directs that businesses, facilities, institutions, and all other places or organizations throughout the state must be allowed to immediately and safely reopen or resume under the provisions of "phase 2" of the "healthy Washington-roadmap to recovery" plan established pursuant to governor proclamation 20-25.12, as those provisions exist on February 10, 2021."

On page 1, line 7, after "2021" insert ", and for the purpose of directing the federal funding to state actions in response to COVID-19 that maintain, recover, and reopen societal and economic functions"

On page 5, line 26, after "operations." insert "Priority for grants must be provided to businesses whose expenses are related to

THIRTY FIRST DAY, FEBRUARY 10, 2021

2021 REGULAR SESSION

reopening and resuming their business operations under the provisions of "phase 2" of the "healthy Washington-roadmap to recovery" plan pursuant to section 1 of this act."

On page 16, line 30, after "COVID-19" insert "societal and economic restrictions, recovery and reopening metrics and plans, and"

On page 16, line 32, after "funding" strike "vaccine expenditure" and insert "expenditures"

On page 17, line 1, after "COVID-19" insert "societal and economic restrictions, recovery and reopening metrics and plans, and"

On page 17, line 5, after "COVID-19" insert ", administer activities that facilitate societal and economic recovery and reopening plans,"

On page 17, line 11, after "vaccination," insert "activities that facilitate societal and economic recovery and reopening plans,"

On page 17, line 15, after "tracing" insert "and activities that facilitate societal and economic recovery and reopening plans"

On page 17, line 25, after "on a" strike "monthly" and insert "weekly"

On page 17, line 26, after "response" insert ", including proposed changes to metrics used to measure COVID-19 societal and economic restrictions, recovery and reopening plans, and the status of the state's COVID-19 vaccination distribution plan"

On page 17, line 37, after "first" strike "monthly" and insert "weekly"

On page 17, line 37, after "one" strike "month" and insert "week"

On page 17, line 38, after "section." strike "Monthly" and insert "Weekly"

Senator Ericksen spoke in favor of adoption of the amendment.

POINT OF ORDER

Senator Liias: "Mr. President, I believe that this amendment impermissibly expands the scope and object of the House Bill before us in violation of Senate Rule No. 66."

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. The bill before us appropriates 2.2 billion dollars in federal funding. It does so in a variety of ways as laid out in the bill with certain conditions on the money that's spent. Senator Ericksen's amendment speaks to the Governor's Roadmap to Recovery phase reopening the state, which while I appreciate the support for for that phase reopening, it does not, is not addressed in the underlying bill and would expand the scope of the bill beyond the appropriation of those federal relief dollars and is not appropriate for the bill before us."

REMARKS BY SENATOR SHORT

Senator Short: "Thank you Mr. President. I'm raising in disagreement of the gentleman's comments who previously spoke because as we look at the the intent and what the bill does is to get federal funding to to people who need it. You know to our educators. To our small businesses. To our tenants. To our families. And to me, the biggest thing we can do in this recovery Mr. President, and the reason that that the good gentlemen's amendment who previously spoke, is tied to that is because that is what is going to help our job creators in our family-owned businesses recover. This is the thing that is going to give them what they need, and it absolutely fits in the scope and intent of what we are doing which is trying to help people recover from

from the significant things that have happened as a result of COVID and so I would absolutely think that this fits and I would urge your consideration that it fits in the scope intent of the bill. Thank you."

MOTION

On motion of Senator Liias, further consideration of Engrossed Substitute House Bill No. 1368 was deferred, and the bill held its place on the second reading calendar.

The Vice President Pro Tempore, Senator Steve Hobbs, assumed the chair.

SECOND READING

SENATE BILL NO. 5048, by Senators Mullet and Das

Concerning reinsurance agreements.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 5048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5048.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5048 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5027, by Senators Padden, Salomon, Hunt, Lovelett, Stanford, and Wilson, C.

Concerning closed captioning on televisions in places of public accommodation.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5027 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5027.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5027 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Ericksen

SENATE BILL NO. 5027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5034, by Senators Pedersen, Padden and Mullet

Concerning nonprofit corporations.

#### MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 5034 was substituted for Senate Bill No. 5034 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 5034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5034.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5034 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5046, by Senators Conway, Keiser and King

Concerning workers' compensation claim resolution settlement agreements.

The measure was read the second time.

#### MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway, Braun and Padden spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5046.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5046 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President, Lt. Governor Heck, resumed the chair.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1368, which had been deferred earlier in the day.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368, by House Committee on Appropriations (originally sponsored by Ormsby, Macri, Ramos, Callan, Gregerson, Berry, Sullivan, Leavitt, Duerr, Bergquist, Kloba, Riccelli, Ramel, Harris-Talley and Pollet)

Responding to the COVID-19 pandemic through state actions supported by federal funding.

#### RULING BY THE PRESIDENT

President Heck: "In ruling upon the point of order raised by Senator Liias as to whether amendment number 43 impermissibly changes the scope and object of Engrossed Substitute House Bill 1368 in violation of Senate Rule 66, the President finds, and rules as follows:

The President finds that the underlying bill is purely an appropriations bill, spending federal money for state activities in

THIRTY FIRST DAY, FEBRUARY 10, 2021

2021 REGULAR SESSION

response to the COVID 19 crisis. While the measure spends money for a wide variety of purposes, the bill is narrow in that it exclusively uses appropriations to achieve its goal of COVID relief. It does not independently authorize additional state actions.

The amendment offered by Senator Ericksen would also appropriate federal money for state activities associated with COVID relief. Conditioning federal appropriations on certain activities is appropriate and would be within the scope and object of the underlying bill. However, the amendment goes beyond that. New section 1 affirmatively directs all areas of the state to move to Phase 2 of the Healthy Washington-Roadmap to Recovery Plan.

The President, therefore, finds that the amendment does change the scope and object of the bill in violation of Senate Rule 66, and Senator Liias's point is well taken."

MOTION

Senator Wagoner moved that the following floor amendment no. 044 by Senator Wagoner be adopted:

On page 2, line 23, after "(2)(a)" strike "\$30,000,000" and insert "\$23,000,000"

On page 2, line 36, after "subsection," strike "\$16,000,000" and insert "\$9,000,000"

On page 3, line 27, after "(7)(a)" strike "\$2,000,000" and insert "\$9,000,000"

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 044 by Senator Wagoner on page 2, line 23 to Engrossed Substitute House Bill No. 1368.

The motion by Senator Wagoner did not carry and floor amendment no. 044 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 045 by Senator Wagoner be adopted:

On page 4, line 6, after "up to" strike "80" and insert "100"

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 045 by Senator Wagoner on page 4, line 6 to Engrossed Substitute House Bill No. 1368.

The motion by Senator Wagoner did not carry and floor amendment no. 045 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 046 by Senator Braun be adopted:

On page 12, after line 14, insert the following:

"COVID-19 Public Health Response Nonappropriated Account—State Appropriation . . . \$200,000,000"

Adjust the total appropriation accordingly.

On page 13, after line 38, insert the following:

"(4) \$200,000,000 of the COVID-19 public health response nonappropriated account—state appropriation is provided solely for subgrants to local education agencies for vaccinations, testing,

contact tracing, and other necessary activities to facilitate the safe reopening of schools. If necessary, the superintendent and the department of health shall enter into an interagency agreement to facilitate the expenditures from the COVID-19 public health response account. The superintendent must distribute the funding based on the number of full-time equivalent students within that local education agency as a proportion of the total number of full-time equivalent students statewide."

Senator Braun spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 046 by Senator Braun on page 12, line 14 to Engrossed Substitute House Bill No. 1368.

The motion by Senator Braun did not carry and floor amendment no. 046 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 047 by Senator Warnick be adopted:

On page 12, line 14, increase the General Fund—Federal Appropriation by \$610,000

Adjust the total appropriation accordingly.

On page 12, line 18, after "(1)" insert "(a)"

On page 12, after line 25, insert the following:

"(b) Of the amount provided in (a) of this subsection, \$610,000 is provided solely for local education agencies ineligible for subgrants as authorized in section 313, the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. Allocations as subgrants to these local education agencies must be based on the average amount per pupil that eligible local education agencies will receive under (a) of this subsection."

Senator Warnick spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 047 by Senator Warnick on page 12, line 14 to Engrossed Substitute House Bill No. 1368.

The motion by Senator Warnick did not carry and floor amendment no. 047 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 048 by Senator Wilson, L. be adopted:

On page 12, line 14, increase the General Fund—Federal Appropriation by \$156,722,000

Adjust the total appropriation accordingly.

On page 12, line 18, after "(1)" strike "\$668,130,000" and insert "\$824,852,000"

On page 12, line 25, after "division M" insert "and consistent with the provisions of this section"

On page 13, after line 38, insert the following:

"(4)(a) One hundred percent of the subgrant must be allocated to any school district, charter school, or state-tribal education compact school that on the effective date of this section is open for in-person instruction for all grades.

(b) For any school district, charter school, or state-tribal education compact school that is not open or only partially open for in-person instruction, funds must be allocated as follows:

(i) Fifty percent of the subgrant must be allocated to the school district, charter school, or state-tribal education compact school

upon the receipt of the school reopening plan required by subsection (2)(a) of this section; and

(ii) The remaining 50 percent of the subgrant must be allocated to the school district, charter school, or state-tribal education compact school in proportion to the amount of in-person instruction being provided to students. The superintendent must reassess this proportion monthly, consistent with the timing of apportionment payments, and make additional allocations as necessary. This phased distribution of allocations is intended to increase funding as schools reopen or expand in-person instruction, and to reserve funding for those purposes if a school district, charter school, or state-tribal education compact school does not completely reopen for the 2020-21 school year."

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

Senators Wellman and Rolfes spoke against adoption of the amendment.

Senator Wilson, L. demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Wilson, L. on page 12, line 14, to Engrossed Substitute House Bill No. 1368.

#### ROLL CALL

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

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

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

#### MOTION

Senator Schoesler moved that the following floor amendment no. 041 by Senator Schoesler be adopted:

On page 17, line 11, after "communities," insert "promoting public partnerships with the tribes to expedite vaccine distribution,"

Senators Schoesler and Ericksen spoke in favor of adoption of the amendment.

Senator Robinson spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 041 by Senator Schoesler on page 17, line 11 to Engrossed Substitute House Bill No. 1368.

The motion by Senator Schoesler did not carry and floor amendment no. 041 was not adopted by voice vote.

#### MOTION

Senator Wilson, L. moved that the following floor amendment no. 042 by Senator Wilson, L. be adopted:

On page 17, line 12, after "accessible," insert "prioritizing scheduling vaccines for seniors and other eligible individuals by

establishing a statewide COVID-19 vaccine assistance hotline for individuals to call to schedule appointments,"

Senator Wilson, L. spoke in favor of adoption of the amendment.

Senator Robinson spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 042 by Senator Wilson, L. on page 17, line 12 to Engrossed Substitute House Bill No. 1368.

The motion by Senator Wilson, L. did not carry and floor amendment no. 042 was not adopted by voice vote.

#### MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute House Bill No. 1368 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Nobles and Kuderer spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

#### PARLIAMENTARY INQUIRY

Senator Braun: "Thank you Mr. President. So, the previous speaker made a derogatory remark towards a former President of the United States and I just have a question Mr. President. We generally have rules here about impugning the motives of folks of the floor, members of the body, but I don't know what our rules are with regard to current and former members of the federal government, elected members of the federal government?"

#### REPLY BY THE PRESIDENT

President Heck: "Thank you for your point of inquiry Senator Braun. The President would indicate that there is no specific rule regarding impugning the motives of people other than your colleagues or fellow members of the Senate. I would suggest however, that in keeping with general decorum, especially insofar as the remarks had basically nothing to do with the bill before the Senate, I would respectfully as that members refrain from such language."

Senators Cleveland, Billig and Braun spoke in favor of passage of the bill.

Senator Dozier spoke against passage of the bill.

Senators Wagoner, King and Wilson, L. spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1368.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1368 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Padden and Schoesler

THIRTY FIRST DAY, FEBRUARY 10, 2021

2021 REGULAR SESSION

## MOTION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1367, by Representatives Ormsby, Bergquist, Ramos, Callan, Gregerson, Simmons, Berry, Sullivan, Leavitt, Kloba, Macri, Ramel and Harris-Talley

Revising 2019-2021 fiscal biennium appropriations of state and federal funding for previously implemented medicaid rates and other medicaid expenditures in the developmental disabilities and long-term care programs in response to the COVID-19 pandemic.

The measure was read the second time.

## MOTION

On motion of Senator Rolfes, the rules were suspended, House Bill No. 1367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1367.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1367 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1095, by House Committee on Finance (originally sponsored by Walen, Boehnke, Ryu, Leavitt, Corry, Wicks, Tharinger, Ortiz-Self, Callan, Graham, Fey, Frame, Stokesbary, Orwall, Rule, Bergquist and Pollet)

Concerning the taxation of governmental financial assistance programs addressing the impacts of conditions giving rise to a gubernatorial or presidential emergency proclamation by creating state business and occupation tax and state public utility tax exemptions, a sales and use tax exemption for the receipt of such financial assistance, and clarifying the sales and use tax obligations for goods and services purchased by recipients of such financial assistance.

The measure was read the second time.

On motion of Senator Rolfes, the rules were suspended, Substitute House Bill No. 1095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1095.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1095 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5157, by Senators Wagoner, Dhingra and Nobles

Providing incentives to reduce involvement by persons with behavioral disorders in the criminal justice system.

## MOTIONS

On motion of Senator Wagoner, Substitute Senate Bill No. 5157 was substituted for Senate Bill No. 5157 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wagoner, the rules were suspended, Substitute Senate Bill No. 5157 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5157.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5157 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5169, by Senators Frockt, Holy, Carlyle, Das, Hunt, Kuderer, Liias, Randall, Robinson, and Wilson, C.

Concerning provider reimbursement for personal protective equipment during the state of emergency related to COVID-19.

#### MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 5169 was substituted for Senate Bill No. 5169 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 5169 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5169.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5169 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5132, by Senators Pedersen, Padden and Mullet

Concerning trusts and estates.

The measure was read the second time.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, Senate Bill No. 5132 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5132.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5132 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Frockt

SENATE BILL NO. 5132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:56 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Thursday, February 11, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**THIRTY SECOND DAY****AFTERNOON SESSION**

Senate Chamber, Olympia  
Thursday, February 11, 2021

The Senate was called to order at 12:29 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

February 10, 2021

SB 5097 Prime Sponsor, Senator Robinson: Expanding coverage of the paid family and medical leave program. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5097 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Honeyford and Schoesler.

Referred to Committee on Rules for second reading.

February 10, 2021

SB 5193 Prime Sponsor, Senator Conway: Concerning unemployment insurance claim adjudicators. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5193 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member and Braun.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

Referred to Committee on Rules for second reading.

February 10, 2021

SB 5254 Prime Sponsor, Senator Salomon: Concerning the use of protective devices and equipment during a public health emergency. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5254 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Honeyford.

Referred to Committee on Rules for second reading.

February 10, 2021

SB 5299 Prime Sponsor, Senator Wellman: Allowing the use of computer science credits for the purpose of graduation requirements. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

February 10, 2021

SB 5340 Prime Sponsor, Senator Salomon: Concerning qualifications for school board directors. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5340 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

February 10, 2021

SB 5375 Prime Sponsor, Senator Warnick: Concerning a study of the differences in low-income housing development in urban and rural locations. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5375 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

Referred to Committee on Ways & Means.

February 10, 2021

SB 5389 Prime Sponsor, Senator Wellman: Creating teaching endorsements in computer science. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Ways & Means.

February 10, 2021

SB 5399 Prime Sponsor, Senator Randall: Concerning the creation of a universal health care commission. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5399 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Holy; Padden and Rivers.

Referred to Committee on Ways & Means.

February 10, 2021

SB 5423 Prime Sponsor, Senator Rivers: Concerning telemedicine consultations. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5423 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson and Van De Wege.

Referred to Committee on Rules for second reading.

#### MOTIONS

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the Standing Committees were granted special leave to meet during the day's floor session.

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

#### MESSAGE FROM THE HOUSE

February 10, 2021

MR. PRESIDENT:  
The House has passed:

HOUSE BILL NO. 1001,  
SUBSTITUTE HOUSE BILL NO. 1088,  
and the same are herewith transmitted.

MELISSA PALMER, Chief Clerk

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 5446 by Senators Das and Keiser

AN ACT Relating to supporting warehousing and manufacturing job centers; adding new sections to chapter 82.14 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Business, Financial Services & Trade.

SB 5447 by Senator Brown

AN ACT Relating to financial products and services; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Business, Financial Services & Trade.

ESHB 1120 by House Committee on Health Care & Wellness (originally sponsored by Tharinger, Harris, Cody, Riccelli, Stonier and Macri)

AN ACT Relating to state of emergency operations impacting long-term services and supports; amending RCW 43.43.832, 43.43.837, 74.39A.056, 18.51.091, 18.51.230, 74.42.360, 74.39A.074, 74.39A.076, 74.39A.341, 18.88B.021, 70.128.230, 18.20.270, 70.128.070, 70.97.160, 18.20.110, 18.88A.030, and 18.88A.087; creating a new section; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

#### MOTIONS

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

On motion of Senator Liias, Senate Bill No. 5155 was rereferred from the Committee on Rules to the Committee on Ways & Means.

At 12:32 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Friday, February 12, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**THIRTY THIRD DAY**

---

**AFTERNOON SESSION**

---

Senate Chamber, Olympia  
Friday, February 12, 2021

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

February 10, 2021

**SB 5026** Prime Sponsor, Senator Salomon: Concerning moneys available to a port district allocated for the purchase of zero and near zero emissions cargo handling equipment. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member and Warnick.

Referred to Committee on Rules for second reading.

February 11, 2021

**SB 5066** Prime Sponsor, Senator Dhingra: Concerning a peace officer's duty to intervene. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Muzzall; Rivers; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Gildon.

Referred to Committee on Rules for second reading.

February 11, 2021

**SB 5074** Prime Sponsor, Senator Wagoner: Establishing safe station pilot programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Van De Wege.

Referred to Committee on Rules for second reading.

February 11, 2021

**SB 5127** Prime Sponsor, Senator Dhingra: Concerning courthouse facility dogs. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5127 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 11, 2021

**SB 5128** Prime Sponsor, Senator Wellman: Concerning student transportation funding during a local, state, or national emergency. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5128 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

February 11, 2021

**SB 5133** Prime Sponsor, Senator Conway: Concerning the definition of confidential employee for the purposes of state collective bargaining. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; Gildon and Muzzall.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5145 Prime Sponsor, Senator Van De Wege: Concerning the prevention of seabed mining of hard minerals. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Rolfes; Short and Stanford.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5146 Prime Sponsor, Senator Van De Wege: Authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5148 Prime Sponsor, Senator Frockt: Concerning the harassment of election officials. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5148 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5189 Prime Sponsor, Senator Fortunato: Promoting housing affordability by incentivizing the construction of American dream homes. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5189 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Lovelett and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland and Salomon.

Referred to Committee on Ways & Means.

February 11, 2021

SB 5190 Prime Sponsor, Senator Holy: Providing health care workers with presumptive benefits during a public health emergency. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5190 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Honeyford; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5191 Prime Sponsor, Senator Darneille: Regulating unfair business practices and prohibiting predatory price increases during states of emergency. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5191 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5192 Prime Sponsor, Senator Das: Supporting access to electric vehicle supply equipment. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5192 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; Cleveland; Das; Lovelett; Nguyen; Nobles; Randall; Sheldon; Wilson, C. and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member; Hawkins and Padden.

Referred to Committee on Ways & Means.

February 11, 2021

SB 5225 Prime Sponsor, Senator Hunt: Concerning direct appeals to the court of appeals of cases brought under the administrative procedure act and the land use petition act. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5230 Prime Sponsor, Senator Dozier: Concerning agreements for allocation of groundwater resulting from bureau of reclamation project operations. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5230 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Warnick, Ranking Member; Honeyford; Rolfes and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Salomon, Vice Chair and Stanford.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5251 Prime Sponsor, Senator Schoesler: Modifying tax and revenue laws in a manner that is not estimated to affect state or local tax collections, by easing compliance burdens for taxpayers, clarifying ambiguities, making technical corrections, and providing administrative efficiencies. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5251 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5255 Prime Sponsor, Senator Wellman: Concerning language understanding of documents used in dissolution proceedings. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Ways & Means.

February 10, 2021

SB 5269 Prime Sponsor, Senator Das: Including the value of increased residential building capacity in the property tax levy limit calculation. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5269 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member and Warnick.

Referred to Committee on Ways & Means.

February 11, 2021

SB 5271 Prime Sponsor, Senator Wagoner: Amending the necessary elements of proof of injury during the state of emergency declared due to the COVID-19 pandemic. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5271 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5287 Prime Sponsor, Senator Das: Concerning affordable housing incentives. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5287 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member and Warnick.

Referred to Committee on Ways & Means.

February 11, 2021

SB 5293 Prime Sponsor, Senator Nobles: Addressing mental health sentencing alternatives. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5293 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Ways & Means.

February 11, 2021

SB 5295 Prime Sponsor, Senator Carlyle: Transforming the regulation of gas and electrical companies toward multiyear rate plans and performance-based rate making. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5295 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Fortunato.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5296 Prime Sponsor, Senator Schoesler: Modifying the definition of index for the Washington state patrol retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5300 Prime Sponsor, Senator Van De Wege: Prohibiting the feeding of garbage to swine. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5322 Prime Sponsor, Senator Robinson: Prohibiting dual enrollment between school employees' benefits board and public employees' benefits board programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5329 Prime Sponsor, Senator Honeyford: Concerning the distribution of aircraft fuel tax revenue. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5329 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Ways & Means.

February 11, 2021

SB 5330 Prime Sponsor, Senator Van De Wege: Regarding commercial whale watching licenses. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5330 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Warnick, Ranking Member; Honeyford; Rolfes and Short.

MINORITY recommendation: Do not pass. Signed by Senators Salomon, Vice Chair and Stanford.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5333 Prime Sponsor, Senator Holy: Concerning void and unenforceable clauses in construction contracts related to delays caused by the COVID-19 pandemic emergency proclamations. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5333 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; King, Ranking Member; Braun; Honeyford; Robinson and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs and Saldaña.

Referred to Committee on Ways & Means.

February 11, 2021

SB 5353 Prime Sponsor, Senator Conway: Creating a partnership model that facilitates community engagement with law enforcement. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5353 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

Referred to Committee on Ways & Means.

February 11, 2021

THIRTY THIRD DAY, FEBRUARY 12, 2021

2021 REGULAR SESSION

SB 5362 Prime Sponsor, Senator McCune: Ensuring the funding of agricultural fairs. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5362 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes and Short.

MINORITY recommendation: Do not pass. Signed by Senator Stanford.

Referred to Committee on Ways & Means.

February 11, 2021

SB 5368 Prime Sponsor, Senator Short: Encouraging rural economic development. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5368 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Warnick.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5378 Prime Sponsor, Senator Das: Concerning real estate brokers and managing brokers license renewal requirements. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5378 be substituted therefor, and the substitute bill do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Frockt and Hobbs.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier, Ranking Member; Brown and Wilson, L.

Referred to Committee on Ways & Means.

February 11, 2021

SB 5380 Prime Sponsor, Senator Fortunato: Concerning the approval of building permits. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5380 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5383 Prime Sponsor, Senator Wellman: Authorizing a public utility district to provide retail telecommunications services in unserved areas under certain conditions. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5383 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Ericksen, Ranking Member; Das; Fortunato; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

Referred to Committee on Ways & Means.

February 11, 2021

SB 5384 Prime Sponsor, Senator Warnick: Concerning volunteer firefighters. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5384 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Honeyford; Robinson; Saldaña and Schoesler.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5390 Prime Sponsor, Senator Liias: Increasing housing supply through the growth management act and housing density tax incentives for local governments. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5390 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Short, Assistant Ranking Member.

Referred to Committee on Ways & Means.

February 11, 2021

SB 5396 Prime Sponsor, Senator Lovelett: Expanding the sales and use tax exemption for farmworker housing. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5396 be substituted therefor, and the substitute bill do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Short, Assistant Ranking Member and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member Gildon, Assistant Ranking Member.

Referred to Committee on Ways & Means.

February 11, 2021

SB 5404 Prime Sponsor, Senator Rivers: Addressing the impacts of pinnipeds on populations of threatened southern resident orca prey. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5404 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member and Stanford.

MINORITY recommendation: Do not pass. Signed by Senator Rolfes.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford and Short.

Referred to Committee on Ways & Means.

February 11, 2021

SB 5411 Prime Sponsor, Senator Stanford: Establishing a programmatic safe harbor agreement on forestlands for northern spotted owls. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5411 be substituted therefor, and the substitute bill do pass. Signed by Senators Salomon, Vice Chair; Warnick, Ranking Member; Rolfes and Stanford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford and Short.

MINORITY recommendation: Do not pass. Signed by Senator Van De Wege, Chair.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5417 Prime Sponsor, Senator King: Extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5417 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Robinson; Saldaña and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Referred to Committee on Ways & Means.

February 11, 2021

SB 5421 Prime Sponsor, Senator McCune: Creating a salmon fisheries dispute resolution process. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5421 be substituted therefor, and the substitute bill do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford and Short.

MINORITY recommendation: Do not pass. Signed by Senators Rolfes and Stanford.

Referred to Committee on Ways & Means.

February 11, 2021

SB 5428 Prime Sponsor, Senator Nguyen: Concerning the application of the state environmental policy act to temporary shelters and transitional encampments. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5428 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland and Lovelett.

MINORITY recommendation: Do not pass. Signed by Senators Gildon, Assistant Ranking Member; Short, Assistant Ranking Member and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Salomon.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5432 Prime Sponsor, Senator Carlyle: Concerning cybersecurity and data sharing in Washington state government. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5432 be substituted therefor, and the substitute bill do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Fortunato; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Ways & Means.

February 11, 2021

SGA 9082 JEFF A. PATNODE, reappointed on April 16, 2019, for the term ending April 15, 2024, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Wilson, C.

Referred to Committee on Rules for second reading.

February 11, 2021

SGA 9167 LORI M. RAMSDELL, appointed on April 16, 2020, for the term ending April 15, 2025, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Wilson, C.

THIRTY THIRD DAY, FEBRUARY 12, 2021

2021 REGULAR SESSION

Referred to Committee on Rules for second reading.

February 11, 2021

SGA 9185 TATEASHA M. DAVIS, appointed on July 15, 2020, for the term ending April 15, 2021, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Wilson, C.

Referred to Committee on Rules for second reading.

February 11, 2021

SGA 9230 RHONDA SALVESEN, reappointed on October 20, 2020, for the term ending September 25, 2024, as Member of the Clemency and Pardons Board. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Wilson, C.

Referred to Committee on Rules for second reading.

February 11, 2021

SGA 9231 EVELYN P. YENSON, reappointed on October 20, 2020, for the term ending September 25, 2024, as Member of the Clemency and Pardons Board. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Wilson, C.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 5368, Senate Bill No. 5380, and Senate Bill No. 5411 which were designated to the Committee on Rules and referred to the Committee on Ways & Means and Senate Bill No. 5432 which was designated to the Committee on Ways & Means and referred to the Committee of Rules.

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

INTRODUCTION AND FIRST READING

SB 5448 by Senator Nobles

AN ACT Relating to payment plans for certain vehicle fees and taxes; amending RCW 46.16A.110, 46.17.040, 82.44.060, and 46.68.010; and providing an effective date.

Referred to Committee on Transportation.

SB 5449 by Senator King

AN ACT Relating to dedicating the state sales tax on motor vehicles to transportation improvements; amending RCW

82.08.020 and 82.12.020; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 46.68 RCW; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5450 by Senator Ericksen

AN ACT Relating to prohibiting the inappropriate use of Native American names, symbols, or images as public school mascots, logos, or team names; adding a new section to chapter 28A.320 RCW; and creating a new section.

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

SB 5451 by Senators Wilson, L.

AN ACT Relating to fiscal matters; amending RCW 28C.04.535, 41.06.280, 41.45.230, 43.08.190, 43.09.475, 43.79.195, 43.101.200, 43.101.220, 43.185C.060, 43.320.110, 43.330.250, 70A.305.180, 79.64.040, 79.105.150, 86.26.007, and 43.88.058; amending 2020 c 127 s 14, 2020 c 357 ss 101, 102, 103, 104, 105, 106, 107, 108, 113, 115, 116, 117, 118, 119, 120, 121, 122, 125, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 139, 140, 141, 142, 143, 144, 147, 148, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 503, 505, 506, 507, 509, 510, 511, 513, 514, 515, 516, 517, 518, 519, 520, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 617, 612, 613, 614, 615, 616, 702, 703, 704, 706, 707, 801, and 804, 2019 c 406 s 4, 2020 c 7 s 2, and 2019 c 415 s 1 (uncodified); reenacting and amending RCW 28B.115.070, 43.155.050, 69.50.540, and 79.64.110; adding new sections to 2020 c 357 (uncodified); adding a new section to chapter 43.70 RCW; creating new sections; repealing RCW 43.70.---; repealing 2021 c . . . ss 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5452 by Senator Cleveland

AN ACT Relating to electric-assisted bicycles; and reenacting and amending RCW 46.61.710.

Referred to Committee on Transportation.

SB 5453 by Senator Schoesler

AN ACT Relating to plans 1 and 2 of the state retirement systems; amending RCW 41.26.802, 41.26.420, 41.45.0604, 41.50.110, 41.26.030, 41.26.547, 41.32.005, 41.32.010, 41.45.010, 41.45.020, 41.45.035, 41.45.050, 41.45.060, 41.45.070, 41.45.150, 6.15.020, 28A.150.410, 28A.400.391, 28A.625.150, 28B.15.380, 28B.15.520, 28B.50.874, 35.21.935, 35A.21.380, 41.04.205, 41.04.270, 41.04.350, 41.04.393, 41.04.400, 41.04.440, 41.04.445, 41.04.450, 41.04.803, 41.05.011, 41.05.320, 41.16.145, 41.18.104, 41.20.175, 41.24.400, 41.50.075, 41.33.020, 41.35.010, 41.45.203, 41.50.030, 41.50.033, 41.50.060, 41.50.080, 41.50.112, 41.50.150, 41.50.152, 41.50.255, 41.50.500, 41.50.670, 41.50.700, 41.50.790, 41.54.010, 41.54.040, and 51.32.050; reenacting and amending RCW 43.84.092 and

43.84.092; adding new sections to chapter 41.26 RCW; adding a new section to chapter 41.50 RCW; adding a new chapter to Title 41 RCW; creating a new section; recodifying RCW 41.26.090, 41.26.100, 41.26.110, 41.26.115, 41.26.120, 41.26.125, 41.26.130, 41.26.140, 41.26.150, 41.26.160, 41.26.161, 41.26.162, 41.26.164, 41.26.170, 41.26.190, 41.26.192, 41.26.194, 41.26.197, 41.26.199, 41.26.200, 41.26.211, 41.26.221, 41.26.240, 41.26.250, 41.26.260, 41.26.281, 41.26.3901, 41.26.3902, 41.32.240, 41.32.260, 41.32.263, 41.32.267, 41.32.270, 41.32.300, 41.32.310, 41.32.330, 41.32.340, 41.32.345, 41.32.350, 41.32.380, 41.32.390, 41.32.470, 41.32.480, 41.32.483, 41.32.485, 41.32.4851, 41.32.4872, 41.32.489, 41.32.4931, 41.32.4945, 41.32.497, 41.32.498, 41.32.4986, 41.32.500, 41.32.510, 41.32.520, 41.32.522, 41.32.523, 41.32.530, 41.32.540, 41.32.550, 41.32.555, 41.32.570, 41.32.581, 41.32.584, and 41.32.587; decodifying RCW 41.20.061 and 41.20.086; repealing RCW 41.26.005, 41.26.040, 41.26.075, 41.26.080, 41.26.105, 41.26.270, 41.26.3903, and 41.32.215; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

**SB 5454** by Senator Schoesler

AN ACT Relating to providing property tax relief to Washington citizens who lost their homes in the labor day fires; amending RCW 84.36.400; and creating new sections.

Referred to Committee on Ways & Means.

**SB 5455** by Senator Gildon

AN ACT Relating to retaining body worn and vehicle dashboard camera recordings; amending RCW 10.109.010, 40.14.070, and 42.56.240; adding a new section to chapter 40.14 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Law & Justice.

**HB 1001** by Representatives Maycumber, Lovick, Ryu, Boehnke, Leavitt, Lekanoff, Tharinger, Goodman, Young, Graham, Cody, Robertson and J. Johnson

AN ACT Relating to establishing a law enforcement professional development outreach grant program; creating new sections; and providing an expiration date.

Referred to Committee on Law & Justice.

**SHB 1088** by House Committee on Civil Rights & Judiciary (originally sponsored by Lovick, Goodman, Fitzgibbon, J. Johnson, Slatter, Wylie, Ramos, Bateman, Berry, Dolan, Tharinger, Simmons, Ryu, Ramel, Shewmake, Leavitt, Senn, Peterson, Gregerson, Valdez, Callan, Chopp, Duerr, Ormsby, Taylor, Lekanoff, Santos, Macri, Frame, Orwall, Berg, Pollet and Harris-Talley)

AN ACT Relating to potential impeachment disclosures; and adding a new section to chapter 10.93 RCW.

Referred to Committee on Law & Justice.

MOTIONS

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

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

MOTION

Senator Nguyen moved adoption of the following resolution:

SENATE RESOLUTION  
8609

By Senators Nguyen, Darneille, Das, Hawkins, Holy, Hunt, Kuderer, Liias, Nobles, Padden, Robinson, Saldaña, Schoesler, Stanford, Van De Wege, Wagoner, Warnick, and Wellman

WHEREAS, On this 12th day of February 2021, the people of Washington join the celebration of the Lunar New Year to distinguish Asian American joy, culture, and diversity; and

WHEREAS, The Lunar New Year begins on the first new moon of the lunisolar calendar; and

WHEREAS, This year is designated as the Year of the Ox, a zodiac sign characterized by diligence, persistence, and honesty that we hope our chamber will strive to emulate; and

WHEREAS, The celebration of the Lunar New Year exhibits Washington's commitment to preserving cultural heritage and honoring the sacrifices of our Asian American ancestors; and

WHEREAS, Washington is home to nearly nine hundred thousand Asian and Pacific Islander Americans who are an integral component of the diverse fabric of our state; and

WHEREAS, We highlight the strength of Native Hawaiians and Pacific Islanders who were disproportionately impacted by Covid-19; and

WHEREAS, We acknowledge the resilience of Asian American frontline employees, essential workers, and small businesses through the challenges of the pandemic this year; and

WHEREAS, We recognize the perseverance of Asian communities who withstood xenophobia and racism for generations and from this pandemic; and

WHEREAS, The Lunar New Year is a time to reflect on our successes and challenges from the past, to learn from those experiences, and to create new goals and objectives for the coming year; and

WHEREAS, We commend this Lunar New Year tradition of familial reunion, and hope to reflect these practices as a unified legislative body;

NOW, THEREFORE, BE IT RESOLVED, That the Senate stand in solidarity with the Asian and Pacific Islander American communities to celebrate heritage, cultural unity, and brand new beginnings through the acknowledgment of the Lunar New Year.

Senator Nguyen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8609.

The motion by Senator Nguyen carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Heck: "Happy Birthday to our incredibly competent rostrum attorney Jeannie Gorrell."

MOTION

THIRTY THIRD DAY, FEBRUARY 12, 2021

2021 REGULAR SESSION

At 12:37 p.m., on motion of Senator Lias, the Senate adjourned until 11:45 a.m. Monday, February 15, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**THIRTY SIXTH DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia  
Monday, February 15, 2021

The Senate was called to order at 11:45 a.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

February 11, 2021

**SB 5000** Prime Sponsor, Senator Hawkins: Creating a hydrogen fuel cell electric vehicle pilot sales and use tax exemption program. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5000 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Ways & Means.

February 12, 2021

**SB 5020** Prime Sponsor, Senator Keiser: Assessing a penalty on unsupported prescription drug price increases to protect the safety, health, and economic well-being of Washington residents. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5020 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holy.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Padden; Rivers and Wilson, J.

Referred to Committee on Ways & Means.

February 12, 2021

**SB 5149** Prime Sponsor, Senator Robinson: Funding foundational public health services. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5149 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

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

Referred to Committee on Ways & Means.

February 11, 2021

**SB 5275** Prime Sponsor, Senator Short: Enhancing opportunity in limited areas of more intense rural development. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5275 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Lovelett; Salomon and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Cleveland.

Referred to Committee on Rules for second reading.

February 12, 2021

**SB 5291** Prime Sponsor, Senator Conway: Concerning the report deadline for the defense community compatibility account. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

February 12, 2021

**SB 5292** Prime Sponsor, Senator Nobles: Concerning the use of parks and recreation spaces, trails, and facilities in the design of parks Rx pilot program collaboratively designed with the health care and insurance industry sectors. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5292 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

THIRTY SIXTH DAY, FEBRUARY 15, 2021

2021 REGULAR SESSION

Referred to Committee on Rules for second reading.

February 12, 2021

SB 5303 Prime Sponsor, Senator Hunt: Exempting United States food and drug administration nonpublic information from disclosure under the state public disclosure act. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

February 12, 2021

SB 5313 Prime Sponsor, Senator Liias: Concerning health insurance discrimination. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5313 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers and Wilson, J.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Ways & Means.

February 12, 2021

SB 5325 Prime Sponsor, Senator Muzzall: Concerning audio-only telemedicine. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5325 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

Referred to Committee on Ways & Means.

February 10, 2021

SB 5342 Prime Sponsor, Senator Schoesler: Concerning irrigation district elections. Reported by Committee on Housing & Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5342 be substituted therefor, and the substitute bill do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

Referred to Committee on Rules for second reading.

February 11, 2021

SB 5354 Prime Sponsor, Senator Saldaña: Addressing traffic control in large cities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

February 12, 2021

SB 5370 Prime Sponsor, Senator Keiser: Updating mental health advance directive laws. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5370 be substituted therefor, and the substitute bill do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Frockt; Nobles and Warnick.

Referred to Committee on Rules for second reading.

February 12, 2021

SB 5377 Prime Sponsor, Senator Frockt: Increasing affordability of standardized plans on the individual market. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5377 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holy and Rivers.

Referred to Committee on Ways & Means.

February 12, 2021

SB 5395 Prime Sponsor, Senator Hunt: Concerning use of state resources during periods where state employees are required to work from home. Reported by Committee on State Government & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5395 be substituted therefor, and the substitute bill do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Ways & Means.

February 12, 2021

SB 5403 Prime Sponsor, Senator Wellman: Concerning the interagency, multijurisdictional system improvement team. Reported by Committee on State Government & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5403 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

February 12, 2021

SB 5405 Prime Sponsor, Senator Hasegawa: Instructing the joint legislative audit and review committee to perform racial equity analyses. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Ways & Means.

February 12, 2021

SB 5412 Prime Sponsor, Senator Warnick: Facilitating supportive relationships with family and significant individuals within the behavioral health system. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5412 be substituted therefor, and the substitute bill do pass. Signed by Senators Wagoner, Ranking Member; Frockt; Nobles and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Dhingra, Chair.

Referred to Committee on Rules for second reading.

February 12, 2021

SB 5420 Prime Sponsor, Senator Muzzall: Concerning data reporting requirements for hospitals. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5420 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Holy; Keiser; Padden; Rivers; Robinson; Van De Wege and Wilson, J.

MINORITY recommendation: Do not pass. Signed by Senators Conway and Randall.

Referred to Committee on Ways & Means.

February 12, 2021

SB 5441 Prime Sponsor, Senator Wellman: Concerning informed consent for breast implant surgery. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5441 be substituted therefor, and the substitute bill do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

Referred to Committee on Rules for second reading.

February 12, 2021

SGA 9190 RITUJA INDAPURE, reappointed on August 3, 2020, for the term ending June 30, 2023, as Member of the Washington State Women's Commission. Reported by Committee on State Government & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

February 12, 2021

SGA 9194 VICKI L. LOWE, appointed on August 24, 2020, for the term ending June 30, 2022, as Member of the Washington State Women's Commission. Reported by Committee on State Government & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

February 12, 2021

SGA 9195 MICHELLE Y. MERRIWEATHER, reappointed on August 24, 2020, for the term ending June 30, 2023, as Member of the Washington State Women's Commission. Reported by Committee on State Government & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

February 12, 2021

SGA 9199 QUINN R. DALAN, appointed on September 8, 2020, for the term ending June 30, 2022, as Member of the Washington State Women's Commission. Reported by Committee on State Government & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

February 12, 2021

SGA 9200 ANNA M. FRANKLIN, appointed on September 8, 2020, for the term ending June 30, 2023, as Member of the Washington State Women's Commission. Reported by Committee on State Government & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

THIRTY SIXTH DAY, FEBRUARY 15, 2021

2021 REGULAR SESSION

Referred to Committee on Rules for second reading.

The Speaker has signed:

MOTIONS

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5420 which was designated to the Committee on Rules and was referred to the Committee on Ways & Means.

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

SUBSTITUTE HOUSE BILL NO. 1095,  
HOUSE BILL NO. 1367,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

February 10, 2021

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1089,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MESSAGE FROM OTHER STATE OFFICERS

The following reports were submitted to and received by the office of the Secretary of the Senate:

**Auto Theft Prevention Authority, Washington** – “*Auto Theft Prevention Authority 2020 Annual Report*”, in accordance with Engrossed Third Substitute House Bill No. 1001;

**Commerce, Department of** – “*Prevention of Youth Homelessness, January 2021 Report*”, in accordance with Engrossed Substitute Senate Bill No. 6168;

**Ecology, Department of** – “*Average Time to Complete Final Environmental Impact Statements (EIS)*”, pursuant to 43.21C.0311 RCW;

**Health Care Authority** – “*Language Access Providers Collective Bargaining Scope, February 2021 Report*”, in accordance with House Bill No. 2691;

**Health, Department of** - “*Nurse Staffing Report 2020*”, pursuant to 70.41.425 RCW; “*Recommendations for a Uniform Facility Enforcement Act, 2020 Report*”, pursuant to 43.70.800 RCW; “*Child Profile Health Promotion System, 2020 Report*”, in accordance with Engrossed Substitute Senate Bill No. 6168;

**Salmon Recovery, Governor's Office of** – “*State of Salmon in Watersheds, 2020 Executive Summary*”, pursuant to 77.85.020 RCW;

**Social & Health Services, Department of** – “*Preliminary Implementation Plan, Regarding Residential Habilitation Centers, December 2019 Report*”, in accordance with Engrossed Substitute Senate Bill No. 6419; “*Violations, Penalties and Actions Relating to Persons on Conditional Release to a Less Restrictive Placement, 2020 Report*”, pursuant to 71.09.325 RCW; “*Forensic Admissions and Evaluations - Performance Targets 2020 Third Quarter (July 1, 2020-September 30, 2020)*”, in accordance with Substitute Senate Bill No. and pursuant to 6492 10.77.068 RCW.

MOTION

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

MESSAGES FROM THE HOUSE

February 12, 2021

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1072,  
HOUSE BILL NO. 1119,  
HOUSE BILL NO. 1198,

SUBSTITUTE HOUSE BILL NO. 1279,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

February 12, 2021

MR. PRESIDENT:

MOTION

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

INTRODUCTION AND FIRST READING

SB 5456 by Senator McCune

AN ACT Relating to the crime of swarming; amending RCW 9A.84.010 and 9A.84.030; adding a new section to chapter 9A.84 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5457 by Senator Saldaña

AN ACT Relating to transportation demand management; amending RCW 46.18.285, 46.74.010, 46.74.030, 82.04.355, 82.08.0287, 82.12.0282, 82.16.047, 82.44.015, and 82.70.010; and reenacting and amending RCW 70A.15.4010.

Referred to Committee on Transportation.

SB 5458 by Senator Wagoner

AN ACT Relating to public contracts with small businesses; amending RCW 43.19.725, 43.19.727, and 39.80.040; amending 2011 c 358 s 1 (uncodified); adding a new section to chapter 39.24 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; and adding a new section to chapter 39.26 RCW.

Referred to Committee on State Government & Elections.

E2SHB 1089 by House Committee on Appropriations

(originally sponsored by Ramos, Goodman, Leavitt, Slatter, Wylie, Bateman, Berry, Dolan, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Ryu, Valdez, Callan, Kloba, Hackney, Chopp, Duerr, Ormsby, Taylor, Bronoske, Fey, Lekanoff, Santos, Macri, J. Johnson, Frame, Orwall and Pollet)

AN ACT Relating to compliance audits of requirements relating to peace officers and law enforcement agencies; adding new sections to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Law & Justice.

MOTION

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

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1095,  
HOUSE BILL NO. 1367,  
and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368.

MOTION

At 11:50 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purpose of receiving reports from the standing committees later in the day.

---

AFTERNOON SESSION

---

The Senate was called to order at 4:34 p.m. by President Heck.

MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING  
COMMITTEES

February 15, 2021

SB 5010 Prime Sponsor, Senator Das: Prohibiting the use of credit scores to determine rates for personal lines of insurance. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5010 be substituted therefor, and the substitute bill do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Hobbs and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Frockt.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5049 Prime Sponsor, Senator King: Concerning taxation of low-proof beverages. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5049 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; King, Ranking Member; Braun; Saldaña and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Stanford, Vice Chair, Commerce & Tribal Affairs and Honeyford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway, Vice Chair, Labor and Robinson.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5065 Prime Sponsor, Senator Kuderer: Safeguarding the public safety by protecting railroad workers. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5065 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Honeyford and Schoesler.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5102 Prime Sponsor, Senator Stanford: Concerning industrial insurance medical examinations. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5102 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Honeyford and Schoesler.

Referred to Committee on Ways & Means.

February 15, 2021

SB 5115 Prime Sponsor, Senator Keiser: Establishing health emergency labor standards. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5115 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member and Braun.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5130 Prime Sponsor, Senator Kuderer: Concerning employee's rights concerning personnel files and disciplinary actions. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5130 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

THIRTY SIXTH DAY, FEBRUARY 15, 2021

2021 REGULAR SESSION

February 15, 2021

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Honeyford and Schoesler.

SB 5265 Prime Sponsor, Senator Hunt: Creating a bridge year pilot program. Reported by Committee on Early Learning & K-12 Education

Referred to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5265 be substituted therefor, and the substitute bill do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

February 15, 2021

SB 5137 Prime Sponsor, Senator King: Suspending workers' compensation cost-of-living adjustments for fiscal year 2022, changing the basis of certain future adjustments to the consumer price index, and capping the rate of increase for future adjustments. Reported by Committee on Labor, Commerce & Tribal Affairs

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

MAJORITY recommendation: That Substitute Senate Bill No. 5137 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; King, Ranking Member; Braun; Honeyford and Schoesler.

Referred to Committee on Ways & Means.

February 15, 2021

MINORITY recommendation: Do not pass. Signed by Senator Stanford, Vice Chair, Commerce & Tribal Affairs.

SB 5355 Prime Sponsor, Senator Conway: Establishing wage liens. Reported by Committee on Labor, Commerce & Tribal Affairs

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway, Vice Chair, Labor; Robinson and Saldaña.

MAJORITY recommendation: That Substitute Senate Bill No. 5355 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Honeyford and Schoesler.

February 15, 2021

SB 5172 Prime Sponsor, Senator King: Concerning the retroactivity of overtime claims in exceptional cases. Reported by Committee on Labor, Commerce & Tribal Affairs

Referred to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5172 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

February 15, 2021

MINORITY recommendation: Do not pass. Signed by Senators Braun; Honeyford and Schoesler.

SB 5361 Prime Sponsor, Senator McCune: Concerning the resentencing of persons convicted of drug offenses. Reported by Committee on Law & Justice

MINORITY recommendation: That it be referred without recommendation. Signed by Senator King, Ranking Member.

MAJORITY recommendation: That Substitute Senate Bill No. 5361 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer and Salomon.

Referred to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5226 Prime Sponsor, Senator Salomon: Concerning the suspension of licenses for traffic infractions. Reported by Committee on Law & Justice

February 15, 2021

MAJORITY recommendation: That Substitute Senate Bill No. 5226 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

SB 5386 Prime Sponsor, Senator Randall: Concerning school district elections. Reported by Committee on Early Learning & K-12 Education

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Dozier; Hunt and McCune.

Referred to Committee on Ways & Means.

February 15, 2021

SB 5408 Prime Sponsor, Senator Stanford: Concerning the homestead exemption. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5408 be substituted therefor, and the substitute bill do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member and Holy.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5410 Prime Sponsor, Senator Stanford: Concerning enhanced raffle procedures. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Robinson; Saldaña and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5425 Prime Sponsor, Senator Stanford: Concerning extended benefits in the unemployment insurance system. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5425 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Honeyford; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5427 Prime Sponsor, Senator King: Concerning job search monitoring. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5427 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Honeyford.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5436 Prime Sponsor, Senator Billig: Concerning collective bargaining over the content of reports by ombuds and the selection of ombuds and their staff who oversee law enforcement personnel. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That Substitute Senate Bill No. 5436 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator King, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senators Braun; Honeyford and Schoesler.

Referred to Committee on Rules for second reading.

February 15, 2021

SJM 8004 Prime Sponsor, Senator Hasegawa: Addressing "de-risking" by financial institutions. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Frockt and Hobbs.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier, Ranking Member; Brown and Wilson, L.

Referred to Committee on Rules for second reading.

February 15, 2021

SJR 8204 Prime Sponsor, Senator Randall: Amending the Constitution to allow 55 percent of voters voting to authorize school district bonds. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Mullet and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Dozier; Hunt and McCune.

Referred to Committee on Ways & Means.

#### MOTIONS

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 5049 which was designated to the Committee on Rules and referred to the Committee on Ways & Means and Senate Bill No. 5355 which was designated

THIRTY SIXTH DAY, FEBRUARY 15, 2021

2021 REGULAR SESSION

to the Committee on Transportation and referred to the Committee on Rules.

At 4:35 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Tuesday, February 16, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**THIRTY SEVENTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
 Tuesday, February 16, 2021

The Senate was called to order at 9:05 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present with the exceptions of Senators Sheldon and Short.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Thomas Stimson, student at WSU-Vancouver and Intern to Senator McCune led the Senate in the Pledge of Allegiance.

The prayer was offered by Reverend Jeffery Spencer of Oak Harbor Lutheran Church. Reverend Spencer is a guest of Senator Muzzall.

**MOTIONS**

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

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

**INTRODUCTION AND FIRST READING**

SB 5459 by Senators Mullet, and Wilson, L.

AN ACT Relating to creating a business and occupation tax deduction for credit card processing companies; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5460 by Senator Nguyen

AN ACT Relating to implementing recommendations of the autonomous vehicle work group; amending RCW 46.92.010 and 46.37.480; and providing an effective date.

Referred to Committee on Transportation.

HB 1072 by Representatives Lekanoff, Valdez, Wylie, Simmons, Kloba, Gregerson, Santos, Macri and Pollet

AN ACT Relating to removing only one of the restrictions on the use of civil legal aid funds; and amending RCW 2.53.030.

Referred to Committee on Law & Justice.

HB 1119 by Representatives Jacobsen, Simmons, Young, Graham, Pollet, Leavitt, Dolan and Rule

AN ACT Relating to notifying students of courses with low-cost instructional materials and open educational resources at the four-year institutions of higher education; and amending RCW 28B.10.590.

Referred to Committee on Higher Education & Workforce Development.

HB 1198 by Representatives Dent and Orwall

AN ACT Relating to the state commercial aviation coordinating commission; amending 2019 c 396 ss 1-5 (uncodified); providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1279 by House Committee on Finance (originally sponsored by Rule, Ramel, Bateman, Boehnke, Shewmake, Chapman, Ryu, J. Johnson, Wicks, Senn, Hoff, Walen, Peterson, Hackney, Rude, Callan, Leavitt, Vick and Harris-Talley)

AN ACT Relating to modifying the Washington main street program tax incentive to respond to the economic impacts of the COVID-19 pandemic; amending RCW 82.73.030; adding a new section to chapter 82.73 RCW; creating a new section; repealing 2017 3rd sp.s. c 37 s 1406 (uncodified); and providing an expiration date.

Referred to Committee on Business, Financial Services & Trade.

**MOTION**

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

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Gildon announced a meeting of the Republican Caucus.

**MOTION**

At 9:11 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

----

The Senate was called to order at 10:17 a.m. by President Heck.

**MOTION**

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

**PERSONAL PRIVILEGE**

Senator King: "Thank you Mr. President. Well, as all of your aware last Thursday the Governor announced all the regions except one got to move to Phase 2. Fortunately, we had a commissioner that in Yakima, a new commissioner in Yakima, Amanda McKinney, who said these numbers don't look right. And rather than just saying that, she took it on herself and started to call the departments of the health districts, the other commissioners in the other five counties in the south-central region, and they discovered there was an error by one hospital in Walla Walla. And it was a relatively large number. And is what kept the south-central region from moving to phase 2. They've got that fixed. They've they found the error. They reported it to DOH.

THIRTY SEVENTH DAY, FEBRUARY 16, 2021

2021 REGULAR SESSION

And I want to thank the Governor and the Governor's office and DOH for their their prompt response to that. I want to thank Commissioner McKinney for her perseverance, so to speak. She ramrodded that all the way through. And then I publicly want to thank the good Senator Billig. I called him on Saturday, maybe morning I think it was, and asked him for his help to expedite the recalculation of those numbers and and talking to the Governor to see if we couldn't get that region released with everybody else. And not only did he say yes, he said 'I will do it right away and not only will I call the Governor's office I will call the Department of Health'. And I think it was like a half hour later he texted me back and said, 'I've done that'. Well, I just want to say thank you. I know that having a bipartisan effort to get to this point is very important and it's a great deal for our region and our county and all the citizens and all the businesses. So, Senator Billig, thank you very much."

SECOND READING

ENGROSSED HOUSE BILL NO. 1121, by Representatives Santos, Ybarra, Ortiz-Self, Gregerson, Paul, Stonier, Pollet, Bergquist and Harris-Talley

Concerning the emergency waiver of graduation requirements.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed House Bill No. 1121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

REMARKS BY THE PRESIDENT

President Heck: "It has been painfully brought to my attention that on more than one occasion my language may have slipped, and I referred to this Chamber incorrectly. I apologize to you in the deepest of sincerity. I also pledge to you that I am creating a fine jar, and every time I refer to the Senate as the House, I'm going to put five bucks in that fine jar. And at the end of session, I will donate it to charity. I will count upon you to remind me when I do that since I do that subconsciously. But you have a part of this deal, if anybody, especially the new House members, ever refers to me as Mr. Speaker, you gotta put five bucks into the fine jar. And let's hope that we can make a difference in some peoples lives by the end of session because of mistakes you've made not mistakes I've made."

MOTION

On motion of Senator Wagoner, Senators Sheldon and Short was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1121.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1121 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Senators Honeyford and Schoesler

Excused: Senators Sheldon and Short

ENGROSSED HOUSE BILL NO. 1121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1131, by Representatives Rude and Callan

Concerning the emergency waiver of instructional hours and days at private schools.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed House Bill No. 1131 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1131.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1131 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Sheldon and Short

ENGROSSED HOUSE BILL NO. 1131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5080, by Senators Carlyle, Frockt, Hunt, Saldaña, Wellman, and Wilson, C.

Providing flexibility in the distribution and use of local funds dedicated to facilities used for youth educational programming.

MOTIONS

On motion of Senator Carlyle, Substitute Senate Bill No. 5080 was substituted for Senate Bill No. 5080 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carlyle, the rules were suspended, Substitute Senate Bill No. 5080 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5080.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5080 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Sheldon and Short

SUBSTITUTE SENATE BILL NO. 5080, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5106, by Senators Lias, Rivers, and Wilson, C.

Concerning municipal access to local financial services.

The measure was read the second time.

#### MOTION

On motion of Senator Lias, the rules were suspended, Senate Bill No. 5106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lias and Dozier spoke in favor of passage of the bill. Senator Schoesler spoke against passage of the bill.

#### REMARKS BY THE PRESIDENT

President Heck: "The President would like to note on this occasion that it is also Senator Schoesler's birthday. Happy Birthday, Senator."

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5106.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5106 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

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

Voting nay: Senators Ericksen, Fortunato, Honeyford, McCune, Schoesler, Warnick and Wilson, J.

Excused: Senators Sheldon and Short

SENATE BILL NO. 5106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5185, by Senators Pedersen, and Wilson, C.

Concerning capacity to provide informed consent for health care decisions.

#### MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 5185 was substituted for Senate Bill No. 5185 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Padden moved that the following floor amendment no. 049 by Senator Padden be adopted:

On page 10, after line 27, insert the following:

"Sec. 5. RCW 9.02.100 and 1992 c 1 s 1 are each amended to read as follows:

The sovereign people hereby declare that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions.

Accordingly, it is the public policy of the state of Washington that:

(1) Every individual has the fundamental right to choose or refuse birth control;

(2) Every woman who has reached the age of majority under RCW 26.28.010 has the fundamental right to choose or refuse to have an abortion, except as specifically limited by RCW 9.02.100 through 9.02.170 and 9.02.900 through 9.02.902. For a pregnant minor, informed consent for abortion services may be provided by a person authorized to consent on behalf of the minor under RCW 7.70.065;

(3) Except as specifically permitted by RCW 9.02.100 through 9.02.170 and 9.02.900 through 9.02.902, the state shall not deny or interfere with a woman's fundamental right to choose or refuse to have an abortion; and

(4) The state shall not discriminate against the exercise of these rights in the regulation or provision of benefits, facilities, services, or information."

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

On page 1, line 3 of the title, after "69.50.317," insert "9.02.100,"

THIRTY SEVENTH DAY, FEBRUARY 16, 2021

2021 REGULAR SESSION

Senators Padden, Fortunato, Ericksen, Dozier, Rivers and McCune spoke in favor of adoption of the amendment.

Senators Pedersen, Kuderer, Wilson, C. and Saldaña spoke against adoption of the amendment.

REMARKS BY THE PRESIDENT

President Heck: "Senator McCune, a respectful reminder that members even when participating remotely are required to wear sport jackets. Lest my eyesight failed me I think you need to assume business attire if you would please sir."

The President declared the question before the Senate to be the adoption of floor amendment no. 049 by Senator Padden on page 10, after line 27 to Substitute Senate Bill No. 5185.

The motion by Senator Padden did not carry and floor amendment no. 049 was not adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 5185 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5185.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5185 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

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

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

Excused: Senators Sheldon and Short

SUBSTITUTE SENATE BILL NO. 5185, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5236, by Senators Warnick, Dhingra, Nguyen and Wagoner

Extending certificate of need exemptions.

MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 5236 was substituted for Senate Bill No. 5236 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 5236 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Warnick, Dhingra, Frockt, Padden and Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5236.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5236 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Sheldon and Short

SUBSTITUTE SENATE BILL NO. 5236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5017, by Senators Wellman, Honeyford, Mullet, and Wilson, C.

Clarifying school district procurement requirements for personal service contracts for construction management, value engineering, constructibility review, and building commissioning.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Senate Bill No. 5017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5017.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5017 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Sheldon and Short

SENATE BILL NO. 5017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5177, by Senators Cleveland, Dhingra, Das, Hunt, Nguyen, Pedersen, and Wilson, C.

Eliminating proof of nonmarriage as an element of a sex offense.

The measure was read the second time.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 5177 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5177.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5177 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Sheldon and Short

SENATE BILL NO. 5177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5201, by Senators Van De Wege and Das

Concerning department of natural resources' timber and land sales.

The measure was read the second time.

#### MOTION

On motion of Senator Van De Wege, the rules were suspended, Senate Bill No. 5201 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5201.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5201 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Sheldon and Short

SENATE BILL NO. 5201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5312, by Senators Mullet, Liias and Van De Wege

Facilitating transit-oriented development and increasing housing inventory.

The measure was read the second time.

#### MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 5312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5312.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5312 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

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

Voting nay: Senators Ericksen, Randall and Rolfes

Excused: Senators Sheldon and Short

SENATE BILL NO. 5312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5338, by Senators Wilson, L., Randall and Rivers

Concerning fire protection districts and education.

THIRTY SEVENTH DAY, FEBRUARY 16, 2021

2021 REGULAR SESSION

The measure was read the second time.

Excused: Senators Sheldon and Short

MOTION

On motion of Senator Wilson, L., the rules were suspended, Senate Bill No. 5338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5338.

SENATE BILL NO. 5347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. Mr. President, I understand that you'll be conveying final wishes to our fallen Trooper tomorrow and we send our thoughts with you in that difficult task."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5338 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Sheldon and Short

SENATE BILL NO. 5338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:53 a.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Wednesday, February 17, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SECOND READING

SENATE BILL NO. 5347, by Senators Padden and Pedersen

Concerning member voting methods.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5347.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5347 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

**THIRTY EIGHTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
 Wednesday, February 17, 2021

The Senate was called to order at 9:05 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Rory Murphy, a student at the University of Washington, Seattle and intern in the Office of the Lieutenant Governor, led the Senate in the Pledge of Allegiance.

The invocation was offered by Ms. Anu Arora, Executive Leadership and Empowerment Coach. Ms. Arora was a guest of Senator Dhingra.

**MOTIONS**

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

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

**MESSAGE FROM THE HOUSE**

February 12, 2021

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1199,  
 ENGROSSED HOUSE BILL NO. 1311,  
 ENGROSSED HOUSE BILL NO. 1342,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SB 5461 by Senator Wagoner

AN ACT Relating to funding forest health activities and community resiliency projects for the protection of people, homes, and the environment through issuance of state bonds; and adding a new chapter to Title 76 RCW.

Referred to Committee on Ways & Means.

**MOTIONS**

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

At 9:13 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Short announced a meeting of the Republican Caucus.

----

The Senate was called to order at 10:19 a.m. by the President Pro Tempore, Senator Karen Keiser.

**MOTION**

On motion of Senator Liias, the Senate reverted to the first order of business.

**REPORTS OF STANDING COMMITTEES**

February 15, 2021

SB 5019 Prime Sponsor, Senator Kuderer: Concerning the recording standards commission. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5045 Prime Sponsor, Senator Warnick: Establishing a state meat and poultry inspection program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5045 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5051 Prime Sponsor, Senator Pedersen: Concerning state oversight and accountability of peace officers and corrections officers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5051 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating

THIRTY EIGHTH DAY, FEBRUARY 17, 2021

2021 REGULAR SESSION

& Revenue; Carlyle; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; Conway; Gildon and Muzzall.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5054 Prime Sponsor, Senator Padden: Concerning impaired driving. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Liias.

MINORITY recommendation: Do not pass. Signed by Senators Robinson, Vice Chair, Operating & Revenue and Mullet.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5062 Prime Sponsor, Senator Carlyle: Concerning the management, oversight, and use of data. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5062 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Darneille; Dhingra; Gildon; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Conway.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5063 Prime Sponsor, Senator Honeyford: Concerning the expiration date of the invasive species council. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5082 Prime Sponsor, Senator Fortunato: Reestablishing the productivity board. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5082 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dhingra; Pedersen and Wellman.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5118 Prime Sponsor, Senator Darneille: Supporting successful reentry. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5158 Prime Sponsor, Senator Hawkins: Concerning the utility wildland fire prevention advisory committee. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member,

Operating; Honeyford, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5294 Prime Sponsor, Senator Cleveland: Concerning the creation of statewide epidemic preparedness and response guidelines for long-term care facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5315 Prime Sponsor, Senator Mullet: Concerning captive insurance. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5315 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa and Liias.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5332 Prime Sponsor, Senator Padden: Clarifying equipment requirements for wheeled all-terrain vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5332 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5352 Prime Sponsor, Senator Braun: Allowing new government employees the option of opting out of retirement system membership if the employee is age sixty or older when first hired, or when the employee's employer opts into retirement plan participation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Dhingra; Gildon; Liias; Mullet; Muzzall; Pedersen; Rivers; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Hasegawa; Hunt and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway and Keiser.

Referred to Committee on Rules for second reading.

February 15, 2021

SB 5367 Prime Sponsor, Senator Conway: Directing the department of retirement systems to create rules regarding automatic refunds of retirement contributions in the retirement systems listed in RCW 41.50.030. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 15, 2021

SGA 9258 MARIKO K. DOERNER, appointed on January 15, 2021, for the term ending September 30, 2025, as Member of the Skagit Valley College Board of Trustees. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Higher Education & Workforce Development.

## MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

SENATE BILL NO. 5140, by Senators Kuderer, Frockt, Conway, Das, Dhingra, Hasegawa, Hunt, Lovelett, Randall, Saldaña, Stanford, Wellman, and Wilson, C.

Protecting pregnancy and miscarriage-related patient care.

MOTION

On motion of Senator Kuderer, Substitute Senate Bill No. 5140 was substituted for Senate Bill No. 5140 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fortunato moved that the following floor amendment no. 074 by Senator Fortunato be adopted:

On page 1, line 17, after "care" insert "for a reasonably prudent health care provider in same or similar circumstances"

On page 2, line 2, after "care" insert "for a reasonably prudent health care provider in same or similar circumstances"

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

MOTION

On motion of Senator Randall, Senator Carlyle was excused.

MOTION

On motion of Senator Wagoner, Senators McCune, Schoesler and Sheldon were excused.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 074 by Senator Fortunato on page 1, line 17 to Substitute Senate Bill No. 5140.

The motion by Senator Fortunato did not carry and floor amendment no. 074 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 065 by Senator Rivers be adopted:

On page 1, beginning on line 19, after "to" strike "complications of pregnancy, including but not limited to health services related to"

Senator Rivers spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 065 by Senator Rivers on page 1, line 19 to Substitute Senate Bill No. 5140.

The motion by Senator Rivers did not carry and floor amendment no. 065 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 076 by Senator Padden be adopted:

On page 2, line 2, after "care" strike "or" and insert "and"

On page 2, line 3, after "presents" insert "or is reasonably foreseeable to present"

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

Senator Cleveland spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 076 by Senator Padden on page 2, line 2 to Substitute Senate Bill No. 5140.

The motion by Senator Padden did not carry and floor amendment no. 076 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 060 by Senator Padden be adopted:

On page 2, line 17, after "may" strike "not"

On page 2, line 17, after "suspend," insert "or"

On page 2, line 18, after "discipline" strike ", or otherwise discriminate against"

On page 2, line 19, after "services" strike "in compliance with this section" and insert "under this section when peer review determines one or more of these actions is necessary"

Senator Padden spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 060 by Senator Padden on page 2, line 17 to Substitute Senate Bill No. 5140.

The motion by Senator Padden did not carry and floor amendment no. 060 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 064 by Senator Warnick be adopted:

On page 2, after line 19, insert the following:

"(4) For the purposes of this section:

(a) "Miscarriage" means a pregnancy loss that occurs up to 20 weeks gestation and by spontaneous abortion.

(b) "Spontaneous abortion" means abortion occurring due to natural causes."

Senator Warnick spoke in favor of adoption of the amendment.

Senator Padden spoke on adoption of the amendment.

Senators Cleveland and Darneille spoke against adoption of the amendment.

POINT OF ORDER

Senator Short: "I disagree with the statement that the gentledady used impugning that this was political, and I would ask for it to stop."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: "Thank you for that comment and we will maintain decorum and advise that we will avoid political comments."

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 064 by Senator

Warnick on page 2, after line 19 to Substitute Senate Bill No. 5140.

The motion by Senator Warnick did not carry and floor amendment no. 064 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 073 by Senator Fortunato be adopted:

On page 2, after line 19, insert the following:

"(4) For the purposes of this section, "accepted standard of care" means safe medical care in accordance with the breadth of decisions that through informed consent can be either implemented or declined by patients and offered or withheld by health care providers. "Accepted standard of care" does not mean any specific decision when more than one possible acceptable treatment course may apply."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 073 by Senator Fortunato on page 2, after line 19 to Substitute Senate Bill No. 5140.

The motion by Senator Fortunato did not carry and floor amendment no. 073 was not adopted by voice vote.

#### MOTION

Senator Muzzall moved that the following floor amendment no. 061 by Senator Muzzall be adopted:

On page 2, beginning on line 20, strike all of section 3

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

Senators Muzzall and Padden spoke in favor of adoption of the amendment.

Senator Padden demanded a roll call.

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

Senator Cleveland spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Muzzall on page 2, line 20 to Substitute Senate Bill No. 5140.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Muzzall and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

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

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

Excused: Senator Sheldon.

#### MOTION

Senator Rivers moved that the following floor amendment no. 066 by Senator Rivers be adopted:

On page 2, beginning on line 20, after "patient" strike ", a health care provider, or an individual,"

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

Senators Kuderer and Frockt spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 066 by Senator Rivers on page 2, line 20 to Substitute Senate Bill No. 5140.

The motion by Senator Rivers did not carry and floor amendment no. 066 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 069 by Senator Wagoner be adopted:

On page 2, line 20, after "patient" strike ", a" and insert "or"

On page 2, beginning on line 20, after "provider" strike ", or an individual,"

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 069 by Senator Wagoner on page 2, line 20 to Substitute Senate Bill No. 5140.

The motion by Senator Wagoner did not carry and floor amendment no. 069 was not adopted by voice vote.

#### PARLIAMENTARY INQUIRY

Senator Padden: "Thank you Madam President. I know we're all getting used to this virtual system, but I just wanted to point out that I had pointed the request to speak at the end of the last time. And I am sure, inadvertently, you didn't see me, but they'll be some other, help from other people up there on the dais there. At the rostrum. Thank you. Thank you, Madam President."

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: "Thank you Senator Padden and I apologize but I was not notified of any request to speak further. I tried to pause but you're right, this virtual system is clunky, at best."

#### MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute Senate Bill No. 5140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.

Senator Rivers spoke against passage of the bill.

#### REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: "Thank you Senator Rivers. As I cautioned Senator Darneille earlier, I'm going to caution you as well. It isn't perhaps the best procedure to refer to the private

THIRTY EIGHTH DAY, FEBRUARY 17, 2021

2021 REGULAR SESSION

employment of other members or uh, let's just realize this is an emotional issue and things need to be circumspect. Thank you."

Senator Rivers: "Madam President, no less than five times has the good lady from the 48<sup>th</sup> mentioned her own employment."

President Pro Tempore Keiser: "Thank you Senator Rivers. I appreciate what you are saying. I would just caution everyone; this is an emotional topic. Please keep your remarks appropriate and use a little bit of circumspection on these topics."

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

Senators Warnick, Short, and Fortunato spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5140.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5140 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5229, by Senators Randall, Das, Keiser, Lovelett, Nobles, Wilson, C., Dhingra, Hasegawa, Kuderer, Nguyen and Stanford

Concerning health equity continuing education for health care professionals.

MOTIONS

On motion of Senator Randall, Substitute Senate Bill No. 5229 was substituted for Senate Bill No. 5229 and the substitute bill was placed on the second reading and read the second time.

Senator Randall moved that the following floor amendment no. 063 by Senator Randall be adopted:

On page 2, line 5, after "January 1," strike "2023" and insert "2024"

Senator Randall spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 063 by Senator Randall on page 2, line 5 to Substitute Senate Bill No. 5229.

The motion by Senator Randall carried and floor amendment no. 063 was adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 072 by Senator Ericksen be adopted:

On page 2, line 15, after "(3)" insert "A licensee of a health care profession subject to this section is not required to comply with the requirements of this section, and may not be subject to disciplinary action, including a suspension, restriction, or limitation of his or her license, for failure to comply.

(4)"

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

Senator Ericksen spoke in favor of adoption of the amendment.

Senators Cleveland and Randall spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 072 by Senator Ericksen on page 2, line 15 to Substitute Senate Bill No. 5229.

The motion by Senator Ericksen did not carry and floor amendment no. 072 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 062 by Senator Holy be adopted:

On page 2, line 22, after "licensees" insert ", and no course shall be more expensive than the most expensive continuing education course for that profession"

Senator Holy spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 062 by Senator Holy on page 2, line 22 to Substitute Senate Bill No. 5229.

The motion by Senator Holy did not carry and floor amendment no. 062 was not adopted by voice vote.

MOTION

Senator Wilson, J. moved that the following floor amendment no. 075 by Senator Wilson, J. be adopted:

On page 3, line 2, after "ability," insert "and"

On page 3, beginning on line 2, after "socioeconomic status" strike ", and other categories of identity"

Senator Wilson, J. spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 075 by Senator Wilson, J. on page 3, line 2 to Substitute Senate Bill No. 5229.

The motion by Senator Wilson, J. did not carry, and floor amendment no. 075 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 067 by Senator Rivers be adopted:

On page 3, line 29, after "this section." insert "The Washington medical commission must be the body to review and approve courses for physicians licensed under chapter 18.71 RCW."

Senator Rivers spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 067 by Senator Rivers on page 3, line 29 to Substitute Senate Bill No. 5229.

The motion by Senator Rivers failed and floor amendment no. 067 was not adopted by voice vote.

#### MOTION

On motion of Senator Randall, the rules were suspended, Engrossed Substitute Senate Bill No. 5229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Padden spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5229.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5229 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

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

Voting nay: Senators Brown, Dozier, Ericksen, Fortunato, Hawkins, Honeyford, McCune, Padden, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:01 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Thursday, February 18, 2021.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**THIRTY NINTH DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia  
Thursday, February 18, 2021

The Senate was called to order at 9:06 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Kylie Berghaus, a student at Washington State University-Vancouver, led the Senate in the Pledge of Allegiance. Miss Berghaus is an intern for Senator Rivers.

The prayer was offered by Reverend Dr. Troy Lynn Carr of Grace United Methodist Church, Seattle. Reverend Dr. Carr is a guest of Senator Saldaña.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

February 16, 2021

**SB 5031** Prime Sponsor, Senator Honeyford: Concerning a community aviation revitalization loan program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 16, 2021

**SB 5096** Prime Sponsor, Senator Robinson: Concerning an excise tax on gains from the sale or exchange of certain capital assets. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5096 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member,

Capital; Gildon; Mullet; Muzzall; Rivers; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Van De Wege.

Referred to Committee on Rules for second reading.

February 16, 2021

**SB 5151** Prime Sponsor, Senator Wilson, C.: Concerning foster care and child care licensing by the department of children, youth, and families. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5151 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 16, 2021

**SB 5175** Prime Sponsor, Senator Nguyen: Concerning the authority of the community economic revitalization board. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carlyle.

Referred to Committee on Rules for second reading.

February 16, 2021

**SB 5183** Prime Sponsor, Senator Nobles: Concerning victims of nonfatal strangulation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5183 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating

& Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 16, 2021

SB 5357 Prime Sponsor, Senator Honeyford: Establishing and making appropriations for the capital broadband investment acceleration program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5357 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Conway; Darneille; Dhingra; Gildon; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle and Hasegawa.

Referred to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

#### MESSAGE FROM THE HOUSE

February 17, 2021

MR. PRESIDENT:  
The Speaker has signed:

ENGROSSED HOUSE BILL NO. 1121,  
ENGROSSED HOUSE BILL NO. 1131,  
and the same are herewith transmitted.  
BERNARD DEAN, Chief Clerk

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 5462 by Senator Honeyford

AN ACT Relating to claims due to a breach of the security of a state database or information technology system; adding new sections to chapter 4.92 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Environment, Energy & Technology.

EHB 1199 by Representatives Corry, Chapman, Davis, Dent and Eslick

AN ACT Relating to providing compensation to department of natural resources lessees whose leases are terminated for reasons other than default; and amending RCW 79.13.420.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

EHB 1311 by Representatives Bronoske, Ryu, Simmons, Leavitt, Sells, Berry, Cody, Ortiz-Self, Chopp, Davis, Bateman, Lovick, Callan, Pollet, Macri and Peterson

AN ACT Relating to authorizing the issuance of substance use disorder professional certifications to persons participating in apprenticeship programs; amending RCW 18.205.095 and 18.205.090; and creating a new section.

Referred to Committee on Health & Long Term Care.

EHB 1342 by Representatives Berg, Gregerson, Berry, Wicks, Chopp, Valdez, Morgan, Sells, Fitzgibbon, Orwall, Santos, Ryu, Peterson, Rude, Maycumber, Shewmake, Stokesbary, Ormsby, Lovick, Stonier, Bergquist, Bateman, Lekanoff, Callan, Frame, Riccelli, Pollet and Harris-Talley

AN ACT Relating to eliminating lunch copays for students who qualify for reduced-price lunches; amending RCW 28A.235.160; and creating a new section.

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

#### MOTION

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

#### SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED HOUSE BILL NO. 1121  
and ENGROSSED HOUSE BILL NO. 1131.

#### MOTION

At 9:14 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

----

The Senate was called to order at 10:56 a.m. by President Heck.

#### MOTION

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

#### SECOND READING

THIRTY NINTH DAY, FEBRUARY 18, 2021

2021 REGULAR SESSION

SENATE BILL NO. 5273, by Senators Salomon, Rolfes, Pedersen, Das, Lovelett and Nobles

The President declared the question before the Senate to be the adoption of floor amendment no. 068 by Senator Rivers on page 2, line 17 to Substitute Senate Bill No. 5273.

The motion by Senator Rivers did not carry and floor amendment no. 068 was not adopted by voice vote.

Concerning the replacement of shoreline armoring.

MOTION

On motion of Senator Salomon, Substitute Senate Bill No. 5273 was substituted for Senate Bill No. 5273 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wagoner moved that the following floor amendment no. 070 by Senator Wagoner be adopted:

MOTION

Senator Honeyford moved that the following floor amendment no. 071 by Senator Honeyford be adopted:

On page 2, line 17, after "analysis." insert "If after an alternative's analysis is complete, an alternative is shown to cost more than twice that of any other alternative, that alternative is not feasible."

On page 2, beginning on line 8, after "must" strike all material through "life" on line 10 and insert "complete an alternative's analysis and use the bank protection alternative that is determined to have the least impact on fish life while still providing adequate bank protection"

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

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Salomon spoke against adoption of the amendment.

Senator Salomon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 070 by Senator Wagoner on page 2, line 17 to Substitute Senate Bill No. 5273.

The President declared the question before the Senate to be the adoption of floor amendment no. 071 by Senator Honeyford on page 2, line 8 to Substitute Senate Bill No. 5273.

The motion by Senator Wagoner did not carry and floor amendment no. 070 was not adopted by voice vote.

The motion by Senator Honeyford did not carry and floor amendment no. 071 was not adopted by voice vote.

MOTION

MOTION

Senator Fortunato moved that the following floor amendment no. 058 by Senator Fortunato be adopted:

Senator Warnick moved that the following floor amendment no. 059 by Senator Warnick be adopted:

On page 2, line 10, after "fish life." insert "When considering the least impacting alternative, the department must recognize that existing hard armor structures have less impact than new structures."

On page 2, after line 31, insert the following:  
 "(c) For the purposes of this subsection, "feasible" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes."

Senators Fortunato, Short and Dozier spoke in favor of adoption of the amendment.

Senators Warnick, Short, Brown, Muzzall and Dozier spoke in favor of adoption of the amendment.

Senators Salomon and Van De Wege spoke against adoption of the amendment.

Senators Salomon and Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 058 by Senator Fortunato on page 2, line 10 to Substitute Senate Bill No. 5273.

The President declared the question before the Senate to be the adoption of floor amendment no. 059 by Senator Warnick on page 2, line 31 to Substitute Senate Bill No. 5273.

The motion by Senator Fortunato did not carry and floor amendment no. 058 was not adopted by voice vote.

The motion by Senator Warnick did not carry and floor amendment no. 059 was not adopted by voice vote.

MOTION

MOTION

Senator Rivers moved that the following floor amendment no. 068 by Senator Rivers be adopted:

On motion of Senator Salomon, the rules were suspended, Substitute Senate Bill No. 5273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On page 2, line 17, after "analysis." insert "The department must consider the determination regarding feasibility of a qualified engineer hired by the landowner to be definitive."

Senators Salomon, Lovelett and Van De Wege spoke in favor of passage of the bill.

Senators Rivers and Dozier spoke in favor of adoption of the amendment.

Senators Wagoner, Sheldon, Honeyford, Wilson, J., Padden, Fortunato, Muzzall, Braun and McCune spoke against passage of the bill.

Senator Salomon spoke against adoption of the amendment.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5273.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5273 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5055, by Senators Nguyen, Saldaña, Billig, Darneille, Das, Hunt, Keiser, Kuderer, Liias, Lovelett, Nobles, Stanford, and Wilson, C.

Concerning law enforcement personnel collective bargaining.

#### MOTIONS

On motion of Senator Nguyen, Substitute Senate Bill No. 5055 was substituted for Senate Bill No. 5055 and the substitute bill was placed on the second reading and read the second time.

Revised for 1st Substitute: Establishing a statewide roster for arbitrating law enforcement personnel disciplinary grievances and publishing their decisions.

On motion of Senator Nguyen, the rules were suspended, Substitute Senate Bill No. 5055 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen, King and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5055.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5055 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

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

Voting nay: Senators Brown, Ericksen, Fortunato, Honeyford, Rivers, Schoesler, Van De Wege and Wagoner

SUBSTITUTE SENATE BILL NO. 5055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5181, by Senators Honeyford and King

Providing school districts serving low-income communities with flexibility in financing their facilities.

#### MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5181 was substituted for Senate Bill No. 5181 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5181.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5181 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5341, by Senators Wilson, J., and Wilson, L.

Increasing permissible uses of existing local sales tax authority.

The measure was read the second time.

#### MOTION

On motion of Senator Wilson, J., the rules were suspended, Senate Bill No. 5341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, J., Kuderer, and Wilson, C. spoke in favor of passage of the bill.

Senators Short, Rivers, Braun, Wagoner, Lovelett, Brown, Wellman, and Rolfes spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5341.

#### PERSONAL PRIVILEGE

THIRTY NINTH DAY, FEBRUARY 18, 2021

2021 REGULAR SESSION

Senator Wilson, J.: "Thank you. Being the new person, I hail of course from that awestruck and amazing district that consists of five communities or counties that I represent in the beautiful corner of our state where the Pacific Ocean meets the mighty, mighty Columbia River. And in between though, we are stashed with probably the best people I have ever come to know and until I show up here in the Senate. I'm inspired by the level of compassion and the overall intelligence of my new colleagues. Your patience has been pleaded for. I'll use this as long as you will tolerate me to get away with this and I hope you endure that I am here to help all of us come together to flatten any curve we so need to do. Thank you, Mr. President."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5341 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5284, by Senators Randall, Billig, Carlyle, Das, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Salomon, Stanford, Wellman, and Wilson, C.

Eliminating subminimum wage certificates for persons with disabilities.

MOTION

On motion of Senator Randall, Substitute Senate Bill No. 5284 was substituted for Senate Bill No. 5284 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Short moved that the following floor amendment no. 080 by Senator Short be adopted:

On page 2, line 28, after "July 31," strike "2023" and insert "2025"

Senator Short spoke in favor of adoption of the amendment. Senator Randall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 080 by Senator Short on page 2, line 28 to Substitute Senate Bill No. 5284.

The motion by Senator Short did not carry and floor amendment no. 080 was not adopted by voice vote.

MOTION

Senator Randall moved that the following floor amendment no. 078 by Senator Randall be adopted:

On page 3, beginning on line 24, after "(1)" strike all material through "The" on line 26 and insert "To the extent consistent with federal law and federal funding requirements, the"

On page 3, after line 31, insert the following:

"(2) Subject to the availability of amounts appropriated for this specific purpose, the department must work with contracted providers to expand employment and day services to individuals leaving special certificate employment, including but not limited to providing individual technical assistance and individual supported employment services to individuals leaving special certificate employment.

(3) Prior to the expiration date of the individual's special certificate, the department must provide written and verbal notification to the individual and their legal representatives informing them of all available waiver services and the processes for the individual to identify, transition to, and request any of the available waiver services."

Senator Randall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 078 by Senator Randall on page 3, line 24 to Substitute Senate Bill No. 5284.

The motion by Senator Randall carried and floor amendment no. 078 was adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 079 by Senator Fortunato be adopted:

On page 4, at the beginning of line 7, strike "and"

On page 4, line 15, after "provided" insert ";" and

(d) Any reduction in waiver service hours for individuals who leave special certificate employment on or after the effective date of this section"

Senators Fortunato, Keiser and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 079 by Senator Fortunato on page 4, line 7 to Substitute Senate Bill No. 5284.

The motion by Senator Fortunato carried and floor amendment no. 079 was adopted by voice vote.

MOTION

On motion of Senator Randall, the rules were suspended, Engrossed Substitute Senate Bill No. 5284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Braun and Hobbs spoke in favor of passage of the bill.

Senator Brown spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5284.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5284 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

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

Voting nay: Senators Brown, Dozier, Ericksen, Honeyford, Padden, Schoesler and Short

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

ENGROSSED SUBSTITUTE SENATE BILL NO. 5284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5423, by Senators Rivers, Cleveland and Holy

Concerning telemedicine consultations.

#### MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 5423 was substituted for Senate Bill No. 5423 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 5423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5423.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5423 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Liias and without objection, Senate Bill No. 5251 was moved from the Consent Calendar to the 2<sup>nd</sup> Reading Calendar.

At 12:40 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 a.m. Friday, February 19, 2021.

**FORTIETH DAY**

---

**AFTERNOON SESSION**

---

Senate Chamber, Olympia  
Friday, February 19, 2021

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Nisei Veterans Committee presented the Colors. Seattle Buddhist Church's Boy Scout Troop 252 led the Senate in the Pledge of Allegiance.

Reverend Kenneth Miyake of Seattle offered the prayer. Reverend Miyake is the father of Representative Sharon Tomiko Santos.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

February 17, 2021

SB 5004 Prime Sponsor, Senator Keiser: Providing a tax exemption for medical marijuana patients. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5004 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun and Gildon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brown, Assistant Ranking Member, Operating.

Referred to Committee on Rules for second reading.

February 17, 2021

SB 5052 Prime Sponsor, Senator Keiser: Concerning the creation of health equity zones. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5052 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Gildon;

Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Muzzall and Rivers.

Referred to Committee on Rules for second reading.

February 17, 2021

SB 5068 Prime Sponsor, Senator Randall: Improving maternal health outcomes by extending coverage during the postpartum period. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5068 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 17, 2021

SB 5119 Prime Sponsor, Senator Darneille: Concerning individuals in custody. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 17, 2021

SB 5211 Prime Sponsor, Senator Frockt: Authorizing tax increment financing for local governments. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5211 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

February 18, 2021

SB 5331 Prime Sponsor, Senator Gildon: Establishing an early childhood court program for young children and their families involved or at risk of becoming involved in Washington's child welfare system. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5331 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 18, 2021

SB 5345 Prime Sponsor, Senator Brown: Establishing a statewide industrial waste coordination program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 18, 2021

SB 5375 Prime Sponsor, Senator Warnick: Concerning a study of the differences in low-income housing development in urban and rural locations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital;

Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 18, 2021

SB 5431 Prime Sponsor, Senator Randall: Creating the Rosa Franklin legislative internship program scholarship. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 18, 2021

SGA 9173 KELLY FUKAI, appointed on July 1, 2020, for the term ending June 30, 2026, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

## MOTION

Senator Hasegawa moved adoption of the following resolution:

## SENATE RESOLUTION

8607

By Senators Hasegawa and Hobbs

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the United States military to forcibly remove and incarcerate more than 120,000 persons of Japanese ancestry from the West Coast, including 12,000 Japanese American residents of Washington State; and

WHEREAS, The first civilian evacuation order gave Japanese Americans from Bainbridge Island less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family and report to hastily constructed detention centers like

FORTIETH DAY, FEBRUARY 19, 2021

2021 REGULAR SESSION

Camp Harmony on the grounds of the Washington State fair in Puyallup; and

WHEREAS, This drastic course of action allegedly aimed to prevent acts of espionage and sabotage by Japanese Americans who were deemed untrustworthy and disloyal to the United States; and

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese Americans, many of whom reported for military duty from the concentration camps surrounded by barbed wire in which they and their families were detained; and

WHEREAS, More than 12,000 volunteers responded to questions about their loyalty and patriotism by amassing a battle record unparalleled in United States military history with a casualty rate of 314% and earning a collective 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 145 Soldier's Medals, 9,486 Purple Hearts, 16 decorations from France and Italy, and, in 2010, the Congressional Gold Medal; and

WHEREAS, Equally loyal and patriotic Japanese Americans fought to protect our constitutional rights and liberties through dissent, like University of Washington student and Auburn native Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and refusing to evacuate when ordered; and

WHEREAS, In 1982, the Congressional commission on wartime relocation and internment of civilians found "no military or security reason for the internment" of persons of Japanese ancestry, but determined the cause of the incarceration as "racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Through this travesty of justice, Japanese Americans suffered immense economic loss of property and assets, immeasurable physical and psychological harm, and were deprived of their constitutional liberties without due process of law; and

WHEREAS, In 1979, Washington State Congressman Mike Lowry introduced H.R. 5977 to provide reparations and an apology to the Japanese American incarcerated, thus initiating a ten-year legislative quest that ended when President Ronald Reagan signed the Civil Liberties Act of 1988; and

WHEREAS, Throughout Washington State, the last remaining survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps live their golden years in quiet contrast to their extraordinary acts of conscience and valor while all of America continues to benefit from their heroic patriotism;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate pause to acknowledge the seventy-ninth anniversary of the signing of Executive Order 9066; to recognize and remember Japanese American veterans, incarcerated, and civil rights activists from the State of Washington, and to honor the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Nisei Veterans Committee, Densho, the Japanese American Citizens League, the Japanese Cultural and Community Center of Washington State, and the Wing Luke Museum of the Asian Pacific American Experience.

Senators Hasegawa, Short, Hobbs, Muzzall, Saldaña and Wagoner spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8607.

The motion by Senator Hasegawa carried and the resolution was adopted by voice vote.

#### MOTIONS

Senator Liias moved that all members names be added to Senate Resolution No. 8607.

At 1:10 p.m., on motion of Senator Liias, the Senate adjourned until 11:45 a.m. Monday, February 22, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FORTY THIRD DAY, FEBRUARY 22, 2021

**FORTY THIRD DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia  
Monday, February 22, 2021

The Senate was called to order at 11:47 a.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

February 18, 2021

**SB 5022** Prime Sponsor, Senator Das: Concerning the management of certain materials to support recycling and waste and litter reduction. Reported by Committee on Ways & Means

**MAJORITY** recommendation: That Second Substitute Senate Bill No. 5022 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

**MINORITY** recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 19, 2021

**SB 5036** Prime Sponsor, Senator Dhingra: Concerning conditional commutation by the clemency and pardons board. Reported by Committee on Ways & Means

**MAJORITY** recommendation: That Second Substitute Senate Bill No. 5036 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

**MINORITY** recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 19, 2021

**SB 5141** Prime Sponsor, Senator Saldaña: Implementing the recommendations of the environmental justice task force. Reported by Committee on Ways & Means

**MAJORITY** recommendation: That Second Substitute Senate Bill No. 5141 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Wellman.

**MINORITY** recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Mullet; Muzzall; Rivers; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 19, 2021

**SB 5160** Prime Sponsor, Senator Kuderer: Addressing landlord-tenant relations by providing certain tenant protections during and after public health emergencies, providing for legal representation in eviction cases, and authorizing landlord access to state rental assistance programs. Reported by Committee on Ways & Means

**MAJORITY** recommendation: That Second Substitute Senate Bill No. 5160 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Keiser; Liias; Mullet; Pedersen and Van De Wege.

**MINORITY** recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Hunt and Rivers.

**MINORITY** recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Muzzall; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 19, 2021

**SB 5163** Prime Sponsor, Senator Rolfes: Concerning the placement and treatment of conditionally released sexually violent predators. Reported by Committee on Ways & Means

**MAJORITY** recommendation: That Second Substitute Senate Bill No. 5163 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating

FORTY THIRD DAY, FEBRUARY 22, 2021

2021 REGULAR SESSION

& Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Muzzall; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Gildon.

Referred to Committee on Rules for second reading.

February 18, 2021

SB 5174 Prime Sponsor, Senator Wilson, J.: Providing for the recycling of wind turbine blades. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Rivers; Van De Wege; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Honeyford, Assistant Ranking Member, Capital; Liias; Muzzall and Wagoner.

Referred to Committee on Rules for second reading.

February 18, 2021

SB 5214 Prime Sponsor, Senator Nguyen: Concerning economic assistance programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5214 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Mullet; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 19, 2021

SB 5227 Prime Sponsor, Senator Randall: Requiring diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5227 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; Gildon; Muzzall and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital and Wagoner.

Referred to Committee on Rules for second reading.

February 19, 2021

SB 5228 Prime Sponsor, Senator Randall: Addressing disproportionate health outcomes by building a foundation of equity in medical training. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; Carlyle; Gildon and Muzzall.

Referred to Committee on Rules for second reading.

February 18, 2021

SB 5237 Prime Sponsor, Senator Wilson, C.: Expanding accessible, affordable child care and early childhood development programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5237 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member,

Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 19, 2021

SB 5245 Prime Sponsor, Senator Brown: Concerning the safety of crime victims. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 19, 2021

SB 5258 Prime Sponsor, Senator Cleveland: Concerning consumer directed employers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5258 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege; Wagoner and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Muzzall and Warnick.

Referred to Committee on Rules for second reading.

February 19, 2021

SB 5268 Prime Sponsor, Senator Keiser: Transforming services for individuals with intellectual and developmental disabilities by increasing the capabilities of community residential settings and redesigning the long-term nature of intermediate care facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 19, 2021

SB 5304 Prime Sponsor, Senator Wilson, C.: Providing reentry services to persons releasing from state and local institutions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5304 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Wagoner.

Referred to Committee on Rules for second reading.

February 19, 2021

SB 5321 Prime Sponsor, Senator Nobles: Expanding access to the college bound scholarship. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Muzzall and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Gildon; Mullet and Wagoner.

Referred to Committee on Rules for second reading.

February 18, 2021

SB 5327 Prime Sponsor, Senator Brown: Creating a confidential youth safety and well-being tip line. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5327 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 19, 2021

SB 5328 Prime Sponsor, Senator Lovelett: Concerning clubhouses for persons with mental illness. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 18, 2021

**SB 5381** Prime Sponsor, Senator Hobbs: Addressing fish passage project permit streamlining. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5381 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

February 19, 2021

**SB 5401** Prime Sponsor, Senator Nguyen: Authorizing community and technical colleges to offer bachelor degrees in computer science. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

MESSAGE FROM OTHER STATE OFFICERS

The following reports were submitted to and received by the office of the Secretary of the Senate:

**Commerce, Department of** – “*Skilled Worker Outreach, Recruitment and Career Awareness Grant Program, 2020 Report*”, pursuant to 43.329.050 RCW; “*Motion Picture Competitiveness Program, 2020 Report*”, pursuant to 43.365.040 RCW;

**Enterprise Services, Department of** – “*Biodiesel Use by Washington State Agency, January - December 2019*”, pursuant to 43.19.646 RCW; “*Consolidated Print Management Strategy Status, July 1, 2019 - June 30, 2020*”, pursuant to 39.26.010 RCW;

**Health Care Authority** – “*Operation of Community Behavioral Health Service Delivery System*”, pursuant to 71.24.420 RCW; “*Medicaid Transformation Project (MTP) Demonstration, Quarterly Report April 1 - June 30, 2020*”; in accordance with Substitute Senate Bill No. 5883; “*Medicaid Transformation Project (MTP) Demonstration, Quarterly Report July 1 - September 30, 2020*”; in accordance with Substitute Senate Bill No. 5883;

**Transportation, Department of** – “*Tort Judgments and Settlements Pertaining to WSF and non-WSF Operations, FY21, Quarter 2*”, in accordance with Engrossed Substitute House Bill No. 1160; “*Diesel Fuel Price Hedging, Fiscal Year 2020*”, pursuant to 47.60.830 RCW.

MOTION

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

INTRODUCTION AND FIRST READING

**SB 5463** by Senators Wilson, L.

AN ACT Relating to exempting a portion of the valuation of residential property from property taxation; amending RCW 84.48.010 and 84.69.020; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.52 RCW; and providing a contingent effective date.

Referred to Committee on Ways & Means.

MOTIONS

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

At 11:50 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purpose of receiving bill reports for the fiscal committees later in the day.

---

EVENING SESSION

---

The Senate was called to order at 7:44 p.m. by President Heck.

MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 22, 2021

**SB 5000** Prime Sponsor, Senator Hawkins: Creating a hydrogen fuel cell electric vehicle pilot sales and use tax exemption program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5000 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra;

Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5040 Prime Sponsor, Senator Fortunato: Enhancing litter control along state highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5043 Prime Sponsor, Senator Salomon: Providing housing to school district employees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Van De Wege; Wagoner and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Honeyford, Assistant Ranking Member, Capital; Braun; Carlyle; Gildon; Mullet; Muzzall; Rivers and Warnick.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5071 Prime Sponsor, Senator Dhingra: Creating transition teams to assist specified persons under civil commitment. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5071 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5085 Prime Sponsor, Senator Rolfes: Modifying certain alternative fuel vehicles fees. Reported by Committee on Transportation

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

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5147 Prime Sponsor, Senator Hawkins: Exploring alternative school calendars. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5147 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5155 Prime Sponsor, Senator Kuderer: Concerning prejudgment interest. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5155 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Mullet; Muzzall; Rivers and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5159 Prime Sponsor, Senator Warnick: Concerning payments in lieu of real property taxes by the department of the fish and wildlife. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair, Capital; Wilson, L., Ranking

FORTY THIRD DAY, FEBRUARY 22, 2021

2021 REGULAR SESSION

Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Hasegawa and Rivers.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5188 Prime Sponsor, Senator Kuderer: Concerning the creation of the Washington state public bank. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5188 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Robinson, Vice Chair, Operating & Revenue.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5194 Prime Sponsor, Senator Liias: Providing for equity and access in the community and technical colleges. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5194 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; Carlyle; Mullet; Muzzall and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Gildon; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5195 Prime Sponsor, Senator Liias: Concerning prescribing opioid overdose reversal medication. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5195 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Honeyford, Assistant Ranking Member, Capital; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Braun and Carlyle.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5203 Prime Sponsor, Senator Van De Wege: Producing, distributing, and purchasing generic prescription drugs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon; Muzzall; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5220 Prime Sponsor, Senator Van De Wege: Concerning the taxation of salmon recovery grants by updating the state business and occupation tax deduction for these grants, creating a sales and use tax exemption for grant proceeds received by recipients of these grants, and clarifying the sales and use tax obligations for goods and services purchased by recipients of these grants. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5232 Prime Sponsor, Senator King: Limiting bonding toll revenues on certain state highway facilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; King, Ranking Member; Cleveland; Fortunato; Hawkins; Padden; Randall; Sheldon and Wilson, J.

MINORITY recommendation: Do not pass. Signed by Senators Das and Nobles.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Saldaña, Vice Chair; Lovelett; Nguyen and Wilson, C.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5241 Prime Sponsor, Senator Dhingra: Promoting economic inclusion. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5241 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital and Rivers.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5242 Prime Sponsor, Senator Liias: Supporting media literacy and digital citizenship. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5249 Prime Sponsor, Senator Wellman: Supporting mastery-based learning. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Honeyford, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler, Assistant Ranking Member, Capital and Rivers.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5253 Prime Sponsor, Senator Liias: Implementing the recommendations of the pollinator health task force. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5253 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Honeyford, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5259 Prime Sponsor, Senator Nobles: Concerning law enforcement data collection. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5259 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5265 Prime Sponsor, Senator Hunt: Creating a bridge year pilot program. Reported by Committee on Ways & Means

FORTY THIRD DAY, FEBRUARY 22, 2021

2021 REGULAR SESSION

February 22, 2021

MAJORITY recommendation: That Second Substitute Senate Bill No. 5265 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital Schoesler, Assistant Ranking Member, Capital.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun and Warnick.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5287 Prime Sponsor, Senator Das: Concerning affordable housing incentives. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5287 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Braun; Carlyle; Dhingra; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Conway; Darneille; Gildon; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital and Hasegawa.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5293 Prime Sponsor, Senator Nobles: Addressing mental health sentencing alternatives. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5293 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

SB 5313 Prime Sponsor, Senator Liias: Concerning health insurance discrimination. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5313 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Rivers; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Muzzall.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5317 Prime Sponsor, Senator Warnick: Concerning pesticide registration and pesticide licensing fees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Braun; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital and Gildon.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5325 Prime Sponsor, Senator Muzzall: Concerning audio-only telemedicine. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5326 Prime Sponsor, Senator Robinson: Concerning health and pension benefits for school bus drivers employed by private nongovernmental entities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5326 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Mullet; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5329 Prime Sponsor, Senator Honeyford: Concerning the distribution of aircraft fuel tax revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Conway; Dhingra; Gildon; Hunt; Keiser; Mullet; Muzzall; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Robinson, Vice Chair, Operating & Revenue; Carlyle; Liias and Wellman.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5333 Prime Sponsor, Senator Holy: Concerning void and unenforceable clauses in construction contracts related to delays caused by the COVID-19 pandemic emergency proclamations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Gildon; Keiser; Mullet; Muzzall; Rivers; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Darneille; Dhingra; Hasegawa; Hunt; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Conway; Liias and Pedersen.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5337 Prime Sponsor, Senator Wilson, L.: Concerning property tax relief for senior citizens and service-connected disabled veterans. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5337 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Hasegawa; Keiser; Mullet; Muzzall; Rivers; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille and Liias.

MINORITY recommendation: Do not pass. Signed by Senators Dhingra; Hunt; Pedersen and Van De Wege.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5353 Prime Sponsor, Senator Conway: Creating a partnership model that facilitates community engagement with law enforcement. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5362 Prime Sponsor, Senator McCune: Ensuring the funding of agricultural fairs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5362 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Conway; Dhingra; Gildon; Hunt; Keiser; Mullet; Muzzall; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle; Darneille and Liias.

FORTY THIRD DAY, FEBRUARY 22, 2021

2021 REGULAR SESSION

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5368 Prime Sponsor, Senator Short: Encouraging rural economic development. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5368 be substituted therefor, and the second substitute bill do pass. Signed by Senators Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Hunt; Liias; Mullet; Muzzall; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Darneille and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Carlyle; Conway; Dhingra; Hasegawa and Keiser.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5377 Prime Sponsor, Senator Frockt: Increasing affordability of standardized plans on the individual market. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5377 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun and Gildon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5378 Prime Sponsor, Senator Das: Concerning real estate brokers and managing brokers license renewal requirements. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Rivers and Warnick.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5383 Prime Sponsor, Senator Wellman: Authorizing a public utility district to provide retail telecommunications services in unserved areas under certain conditions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5383 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5395 Prime Sponsor, Senator Hunt: Concerning use of state resources during periods where state employees are required to work from home. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5395 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5396 Prime Sponsor, Senator Lovelett: Expanding the sales and use tax exemption for farmworker housing. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5396 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hunt;

Keiser; Liias; Mullet; Pedersen; Van De Wege; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Gildon; Hasegawa; Muzzall and Rivers.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5399 Prime Sponsor, Senator Randall: Concerning the creation of a universal health care commission. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5399 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Mullet; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5405 Prime Sponsor, Senator Hasegawa: Instructing the joint legislative audit and review committee to perform racial equity analyses. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5405 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Rivers and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5406 Prime Sponsor, Senator Hawkins: Providing compensation for tow truck operators for keeping the public roadways clear. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5406 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5417 Prime Sponsor, Senator King: Extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Schoesler, Assistant Ranking Member, Capital; Braun; Conway; Dhingra; Gildon; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Carlyle; Hasegawa; Rivers; Wagoner and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Darneille and Van De Wege.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5420 Prime Sponsor, Senator Muzzall: Concerning data reporting requirements for hospitals. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5420 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Braun; Carlyle; Dhingra; Gildon; Hasegawa; Hunt; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Conway and Darneille.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler, Assistant Ranking Member, Capital and Keiser.

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5439 Prime Sponsor, Senator Saldaña: Facilitating the coordinated installation of broadband along state highways. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5439 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice

FORTY THIRD DAY, FEBRUARY 22, 2021

2021 REGULAR SESSION

Chair; Cleveland; Das; Fortunato; Lovelett; Nguyen; Nobles; Randall; Sheldon; Wilson, J. and Wilson, C.

pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member; Hawkins and Padden.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 22, 2021

February 22, 2021

SB 5448 Prime Sponsor, Senator Nobles: Concerning payment plans for certain vehicle fees and taxes. Reported by Committee on Transportation

SGA 9251 MICHAEL ANTHONY, appointed on January 8, 2021, for the term ending December 26, 2023, as Member of the Board of Pilotage Commissioners. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Hawkins; Lovelett; Nguyen; Nobles; Randall; Sheldon and Wilson, C.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato; Padden and Wilson, J.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 22, 2021

February 22, 2021

SB 5452 Prime Sponsor, Senator Cleveland: Concerning electric-assisted bicycles. Reported by Committee on Transportation

SGA 9259 ANDREW J. DRENNEN, appointed on January 15, 2021, for the term ending December 26, 2023, as Member of the Board of Pilotage Commissioners. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5452 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

At 7:45 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Tuesday, February 23, 2021.

February 22, 2021

SB 5454 Prime Sponsor, Senator Schoesler: Providing property tax relief to Washington citizens who lost their homes in the labor day fires. Reported by Committee on Ways & Means

DENNY HECK, President of the Senate

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

BRAD HENDRICKSON, Secretary of the Senate

Referred to Committee on Rules for second reading.

February 22, 2021

SB 5460 Prime Sponsor, Senator Nguyen: Implementing recommendations of the autonomous vehicle work group. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5460 be substituted therefor, and the substitute bill do

**FORTY FOURTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Tuesday, February 23, 2021

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding.

The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Rycki Cruz, student at Seattle Pacific University, led the Senate in the Pledge of Allegiance.

The prayer was offered by Pastor Mark Welch of Seventh-Day Adventist Church, Olympia.

**MOTIONS**

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

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

**INTRODUCTION AND FIRST READING**

SB 5464 by Senators Wilson, L., Braun, Brown, Dozier, Muzzall, Padden, Wagoner, and Wilson, J.

AN ACT Relating to requiring the option of in-person learning unless prohibited by the governor, secretary of health, or a local health officer; amending RCW 28A.335.030; creating a new section; and declaring an emergency.

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

SB 5465 by Senators Padden, and Wilson, J.

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

Referred to Committee on Transportation.

SJR 8206 by Senators Wilson, L. and Brown

Amending the state Constitution to provide a homestead property tax exemption.

Referred to Committee on Ways & Means.

**MOTIONS**

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

At 10:07 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Short announced a meeting of the Republican Caucus.

**AFTERNOON SESSION**

The Senate was called to order at 12:10 p.m. by President Heck.

**MOTION**

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

**SECOND READING**

SENATE BILL NO. 5322, by Senators Robinson, and Wilson, C.

Prohibiting dual enrollment between school employees' benefits board and public employees' benefits board programs.

The measure was read the second time.

**MOTION**

On motion of Senator Robinson, the rules were suspended, Senate Bill No. 5322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Robinson and Wilson, L. spoke in favor of passage of the bill.

The President excused Senator Ericksen.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5322.

**ROLL CALL**

The Secretary called the roll on the final passage of Senate Bill No. 5322 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Ericksen

SENATE BILL NO. 5322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**PERSONAL PRIVILEGE**

Senator Robinson: "Since this is the first bill that I have passed in the Senate, I want to take a moment to thank everyone for the warm welcome to this side of the rotunda and let you all know that I hear that it's the Senate tradition and that when you pass your first bill you give everyone a gift and there is an art

FORTY FOURTH DAY, FEBRUARY 23, 2021

2021 REGULAR SESSION

center in downtown Everett called The Schack Art Center that includes glass hot shop and so you all that will be receiving a hand blown glass float from the Schack Art Center delivered to your office in the next few weeks.”

PERSONAL PRIVILEGE

REPLY BY THE PRESIDENT

President Heck: “Thank you Senator Robinson. Congratulations and just to remind you that tradition includes the President of the Senate as well.”

PERSONAL PRIVILEGE

Senator Liias: “Thank you Mr. President. It was sad to lose Senator McCoy last interim, but it was with great joy that we welcome Senator Robinson to our midst and to those who are not with us on the Senate floor Senator Robinson is literally sitting in the very last row in extra seating that's been added which I think is probably where she sat in every classroom she ever participated in when she was in school in the proverbial back row and Mr. President I have had the pleasure to work with Senator Robinson since before she was elected to the legislature June was an incredible advocate for those in our community that don't have a place to call home and we met through our shared passion for affordable housing so when she joined the legislature it's been wonderful to partner with her on affordable housing issues but also to pass our state's landmark Paid Family Medical Leave Act It was a delight to work with her there as well I know that she brings a tremendous amount of compassion but more importantly than that a calm and quiet reserve which our caucus can always use in these difficult debates and I know that she despite the calm quiet reserve is a little bit nervous to join us in the Senate was a little bit nervous even during that first speech I could detect so I hope we will all extend her a warm welcome and Mr President I think you deserve gifts as long as you refer to us as the Senate you deserve a gift so as long as we can keep to that part of the agreement I'm in full agreement.”

REPLY BY THE PRESIDENT

President Heck: “Point well taken for the record I'm only down five bucks. I stand corrected I am down ten dollars.”

PERSONAL PRIVILEGE

Senator Billig: “Thank you Mr. President, I assure you it does not. I also wanted to welcome Senator Robinson. I wanted to congratulate her on her first speech because I was going to vote against this bill. It's about dual enrollment and I thought it was about Jules and I thought it was really inappropriate to be considering that on the Senate floor and her speech really explained it she did a great job I think of bodes well for her future on the Senate floor.

But seriously I am so glad that Senator Robinson has joined us here in the Senate I've gotten to know her over the years and while she was serving in the other body and she was a budget negotiator for the other body and she did a great job in that role and I feel like not only do we have a passionate advocate for working people and for environmental causes and for all of the issues Senator Liias had mentioned that she's been such an advocate for public health but we also have somebody who is really an expert on our state budget and who is really a capable and productive and effective negotiator as well so she's a terrific addition to the Senate overall and particularly to the budget team and I welcome her and look forward to continuing to work with her thank you

Senator Hawkins: “I would just also like to congratulate Senator Robinson. I think Senator Liias and Senator Billig said it really well, but I have the pleasure of serving with Senator Robinson in the House, and I'm really excited that she is now over here in the Senate. She is a very thoughtful legislator and I enjoyed working with her over there and look forward to continuing to work with her over here and like to congratulate her on her passage of the first of probably many many Robinson sponsored senate bills. Thank you, Mr. President.”

PERSONAL PRIVILEGE

Senator Saldaña: “Thank you Mr. President. I too rise a little disconcerted by the bill that was before us and because it really is about making sure that people have choice and it felt like maybe we're taking away a choice from folks. But I know that really it might lie under her maybe a commitment to no double dipping because as a public health advocate you want to make sure that people are getting coverage that they're getting care and that there's no double dipping whether that's about health care or about sharing chips and salsa so which I look forward to one day being able to do that again with the people with and the good members and colleagues here including Senator Robinson and just and a note when I first came to the legislative community and family I was in the minority but was able to do some of the cross negotiations as we got later into session and one of those was on was with Senator Robinson and I really appreciated her graciousness. how she showed up in negotiations and as both a legislator and as a woman really saw in her own something some aspects and that I wanted to emulate as a legislator showing up with graciousness but showing up fierce showing up with clear interests and ability to hold bottom lines and were all qualities that I saw in Senator Robinson and continue to see her both as a mentor and as a colleague so thank you so much Senator Robinson for joining us.”

SECOND READING

SENATE BILL NO. 5225, by Senators Hunt, Padden and Pedersen

Concerning direct appeals to the court of appeals of cases brought under the administrative procedure act and the land use petition act.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Senate Bill No. 5225 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5225.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5225 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato,

Froct, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5271, by Senators Wagoner, Pedersen and Dhingra

Amending the necessary elements of proof of injury during the state of emergency declared due to the COVID-19 pandemic.

#### MOTIONS

On motion of Senator Wagoner, Substitute Senate Bill No. 5271 was substituted for Substitute Senate Bill No. 5271 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wagoner, the rules were suspended, Substitute Senate Bill No. 5271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5271.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5271 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5146, by Senator Van De Wege

Authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds.

The measure was read the second time.

#### MOTION

On motion of Senator Van De Wege, the rules were suspended, Senate Bill No. 5146 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5146.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5146 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:39 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

---

The Senate was called to order at 2:01 p.m. by President Heck.

#### SECOND READING

SENATE BILL NO. 5021, by Senators Hunt, Conway, Saldaña, and Wilson, C.

Concerning the effect of expenditure reduction efforts on retirement benefits for public employees, including those participating in the shared work program.

The measure was read the second time.

#### MOTION

On motion of Senator Hunt, the rules were suspended, Senate Bill No. 5021 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

Senators Schoesler and Wilson, L. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5021.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5021 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

FORTY FOURTH DAY, FEBRUARY 23, 2021

2021 REGULAR SESSION

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

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

SENATE BILL NO. 5021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5030, by Senators Mullet, Wellman, Conway, Darneille, Hasegawa, Kuderer, Lias, Lovelett, Nguyen, Rivers, Salomon, and Wilson, C.

Developing comprehensive school counseling programs.

## MOTIONS

On motion of Senator Mullet, Substitute Senate Bill No. 5030 was substituted for Senate Bill No. 5030 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Substitute Senate Bill No. 5030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5030.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5030 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Saldaña

SUBSTITUTE SENATE BILL NO. 5030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5066, by Senators Dhingra, Das, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Saldaña, Salomon, Stanford, and Wilson, C.

Concerning a peace officer's duty to intervene.

## MOTION

On motion of Senator Dhingra, Substitute Senate Bill No. 5066 was substituted for Senate Bill No. 5066 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Short moved that the following floor amendment no. 089 by Senator Short be adopted:

On page 1, line 7, after "another" insert "identifiable on-duty"

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

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 089 by Senator Short on page 1, line 7 to Substitute Senate Bill No. 5066.

The motion by Senator Short did not carry and floor amendment no. 089 was not adopted by voice vote.

## MOTION

Senator Wilson, J. moved that the following floor amendment no. 090 by Senator Wilson, J. be adopted:

On page 1, line 7, after "on-duty" insert "Washington"

On page 1, at the beginning of line 8, insert "Washington"

On page 1, line 15, after "on-duty" insert "Washington"

On page 1, line 16, after "another" insert "Washington"

On page 1, line 17, after "another" insert "Washington"

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

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 090 by Senator Wilson, J. on page 1, line 7 to Substitute Senate Bill No. 5066.

The motion by Senator Wilson, J. did not carry and floor amendment no. 090 was not adopted by voice vote.

## MOTION

Senator McCune moved that the following floor amendment no. 095 by Senator McCune be adopted:

On page 2, line 2, after "intervening" insert "in good faith"

On page 2, line 4, after "wrongdoing" insert "in good faith"

Senators McCune and Rivers spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

## MOTION

On motion of Senator Randall, Senator Hasegawa was excused.

The President declared the question before the Senate to be the adoption of floor amendment no. 095 by Senator McCune on page 2, line 2 to Substitute Senate Bill No. 5066.

The motion by Senator McCune did not carry and floor amendment no. 095 was not adopted by voice vote.

## MOTION

Senator Padden moved that the following floor amendment no. 091 by Senator Padden be adopted:

On page 2, line 12, after "means" strike all material through "agency" on line 13 and insert "force that is clearly beyond that which is objectively reasonable under the circumstances"

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

Senator Pedersen spoke against adoption of the amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 2, line 12 to Substitute Senate Bill No. 5066.

## ROLL CALL

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

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

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

## MOTION

Senator Fortunato moved that the following floor amendment no. 092 by Senator Fortunato be adopted:

On page 2, line 14, after "that" strike all material through "violation" on line 16 and insert ":

(i) Knowingly violates clearly established rights of any person while on duty; or

(ii) Constitutes a criminal act, whether on duty or off duty"

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 092 by Senator Fortunato on page 2, line 14 to Substitute Senate Bill No. 5066.

The motion by Senator Fortunato did not carry and floor amendment no. 092 was not adopted by voice vote.

## MOTION

Senator Short moved that the following floor amendment no. 093 by Senator Short be adopted:

On page 2, line 19, after "By" strike "December 1, 2021" and insert "June 1, 2022"

On page 2, line 25, after "By" strike "June 1, 2022" and insert "December 1, 2022"

On page 2, line 31, after "By" strike "January 31, 2022" and insert "June 1, 2023"

On page 2, line 34, after "by" strike "December 31, 2023" and insert "June 1, 2024"

Senator Short spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 093 by Senator Short on page 2, line 19 to Substitute Senate Bill No. 5066.

The motion by Senator Short did not carry and floor amendment no. 093 was not adopted by voice vote.

## MOTION

Senator Holy moved that the following floor amendment no. 100 by Senator Holy be adopted:

On page 2, after line 34, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 41.56 RCW to read as follows:

Notwithstanding any provisions of this chapter, the provisions of chapter . . ., Laws of 2021 (this act) and the implementation thereof do not constitute personnel matters, working conditions, or any other change that requires collective bargaining.

**NEW SECTION. Sec. 4.** To the extent that any provision of this act conflicts with any local regulation, ordinance, collective bargaining agreement, memorandum of understanding, policy, or practice, the provisions of this act prevail and the conflicting provisions are null and void. If the application of this section to a collective bargaining agreement in effect on the effective date of this section would result in impairing contractual obligations under that agreement, then the existing collective bargaining agreement prevails until such time as the agreement expires, renews, or is amended."

On page 1, line 2 of the title, after "10.93 RCW;" strike all material through "RCW" on line 3 and insert "adding a new section to chapter 43.101 RCW; adding a new section to chapter 41.56 RCW; and creating a new section"

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

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 100 by Senator Holy on page 2, line 34 to Substitute Senate Bill No. 5066.

The motion by Senator Holy did not carry and floor amendment no. 100 was not adopted by voice vote.

## MOTION

Senator Wagoner moved that the following striking floor amendment no. 097 by Senator Wagoner be adopted:

Strike everything after the enacting clause and insert the following:

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

(1) Any identifiable on-duty Washington peace officer who witnesses another on-duty Washington peace officer engaging or attempting to engage in the excessive use of force against another person shall intervene when in a position to do so to end the excessive use of force or attempted excessive use of force, or to prevent the further use of excessive force. A peace officer shall also render aid at the earliest safe opportunity in accordance with RCW 36.28A.445, to any person injured as a result of the use of force.

FORTY FOURTH DAY, FEBRUARY 23, 2021

2021 REGULAR SESSION

(2) Any identifiable on-duty Washington peace officer who observes any wrongdoing committed by another Washington peace officer, or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to the officer's supervisor or other supervisory peace officer in accordance with the peace officer's employing agency's policies and procedures for reporting such acts committed by a peace officer.

(3) A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer for intervening in good faith as required by subsection (1) of this section or for reporting wrongdoing in good faith.

(4) A law enforcement agency shall send notice to the criminal justice training commission of any disciplinary decision resulting from a peace officer's failure to intervene or failure to report wrongdoing as required by this section to determine whether the officer's conduct may be grounds for suspension or revocation of certification under RCW 43.101.105.

(5) For purposes of this section:

(a) "Excessive force" means force that is clearly beyond that which is objectively reasonable under the circumstances.

(b) "Wrongdoing" means conduct that:

(i) Knowingly violates clearly established rights of any person while on duty; or

(ii) Constitutes a criminal act, whether on duty or off duty.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.101 RCW to read as follows:

(1) By December 1, 2021, the Washington state criminal justice training commission, the Washington state patrol, the Washington association of sheriffs and police chiefs, and organizations representing state and local law enforcement officers shall develop a written model policy on the duty to intervene, consistent with the provisions of section 1 of this act.

(2) By June 1, 2022, every Washington law enforcement agency shall adopt and implement a written duty to intervene policy. The policy adopted may be the model policy developed under subsection (1) of this section. However, any policy adopted must, at a minimum, be consistent with the provisions of section 1 of this act.

(3) By January 31, 2022, the commission shall incorporate training on the duty to intervene in the basic law enforcement training curriculum. Existing peace officers must receive training on the duty to intervene by December 31, 2023.

**NEW SECTION. Sec. 3.** A new section is added to chapter 41.56 RCW to read as follows:

Notwithstanding any provisions of this chapter, the provisions of chapter . . . , Laws of 2021 (this act) and the implementation thereof do not constitute personnel matters, working conditions, or any other change that requires collective bargaining.

**NEW SECTION. Sec. 4.** To the extent that any provision of this act conflicts with any local regulation, ordinance, collective bargaining agreement, memorandum of understanding, policy, or practice, the provisions of this act prevail and the conflicting provisions are null and void. If the application of this section to a collective bargaining agreement in effect on the effective date of this section would result in impairing contractual obligations under that agreement, then the existing collective bargaining agreement prevails until such time as the agreement expires, renews, or is amended."

On page 1, line 1 of the title, after "intervene;" strike the remainder of the title and insert "adding a new section to chapter 10.93 RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 41.56 RCW; and creating a new section."

Senators Wagoner, Short, Gildon and Fortunato spoke in favor of adoption of the striking amendment.

Senator Pedersen spoke against adoption of the striking amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Wagoner to Substitute Senate Bill No. 5066.

#### ROLL CALL

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

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

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

#### MOTION

Senator Holy moved that the following striking floor amendment no. 101 by Senator Holy be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The criminal justice training commission shall convene a work group to make recommendations regarding when a peace officer must intervene or report wrongdoing observed by another peace officer.

(2) The work group must include:

(a) One representative from the superior court judges association;

(b) One representative from the Washington association of prosecuting attorneys;

(c) Two community members with experience in police accountability;

(d) One member who is a police chief or sheriff;

(e) One member who is a law enforcement officer; and

(f) One member of the defense bar.

(3)(a) The work group shall make recommendations regarding:

(i) Elements that should be included in a model policy regarding a peace officer's duty to intervene; and

(ii) Other instances in which a peace officer should be required to report conduct of another officer.

(b) In making its recommendations, the work group must consider:

(i) The status of the reporting officer and status of the officer being reported;

(ii) The definition of wrongdoing that should be reported by peace officers;

(iii) The impact of reporting or failure to report on a peace officer's certification; and

(iv) The relation of these issues to collective bargaining.

(4) The work group must report its recommendations to the governor and the appropriate committees of the legislature no later than December 1, 2021.

- (5) The work group must operate within existing funds.  
 (6) This section expires June 30, 2022."

On page 1, line 1, of the title, after "intervene;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

Senators Holy, Rivers, Wilson, J. and Padden spoke in favor of adoption of the striking amendment.

Senators Dhingra and Salomon spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 101 by Senator Holy to Substitute Senate Bill No. 5066.

The motion by Senator Holy did not carry and striking floor amendment no. 101 was not adopted by voice vote.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute Senate Bill No. 5066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Wilson, L., Holy, Fortunato and McCune spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5066.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5066 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5384, by Senators Warnick, Short, and Wilson, L.

Concerning volunteer firefighters.

#### MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 5384 was substituted for Senate Bill No. 5384 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 5384 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.  
 Senator Keiser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5384.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5384 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5384, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5303, by Senator Hunt

Exempting United States food and drug administration nonpublic information from disclosure under the state public disclosure act.

The measure was read the second time.

#### MOTION

On motion of Senator Hunt, the rules were suspended, Senate Bill No. 5303 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5303.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5303 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

FORTY FOURTH DAY, FEBRUARY 23, 2021

2021 REGULAR SESSION

SENATE BILL NO. 5115, by Senators Keiser, Liias, Conway, Kuderer, Lovelett, Nguyen, Salomon, Stanford, and Wilson, C.

On page 7, beginning on line 18, after "were" strike all material through "as" on line 19 and insert "within close proximity for more than 15 minutes of"

Establishing health emergency labor standards.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5115 was substituted for Senate Bill No. 5115 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator King moved that the following floor amendment no. 102 by Senator King be adopted:

On page 1, at the beginning of line 20, strike "clear and convincing" and insert "a preponderance of the"

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 102 by Senator King on page 1, line 20 to Substitute Senate Bill No. 5115.

The motion by Senator King carried and floor amendment no. 102 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator King and without objection, floor amendment no. 103 by Senator King on page 3, line 30 to Substitute Senate Bill No. 5115 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator King and without objection, floor amendment no. 104 by Senator King on page 3, line 33 to Substitute Senate Bill No. 5115 was withdrawn.

MOTION

Senator King moved that the following floor amendment no. 105 by Senator King be adopted:

On page 6, line 8, after "that" strike "five percent" and insert "10"

On page 6, beginning on line 13, strike all of subsection (1)(b) Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 6, line 26, after "The" strike all material through "(b)" and insert "report required in (a)"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 105 by Senator King on page 6, line 8 to Substitute Senate Bill No. 5115.

The motion by Senator King carried and floor amendment no. 105 was adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 106 by Senator King be adopted:

POINT OF INQUIRY

Senator King: "Thank you. Thank you, Mr. President. Senator Keiser, under this amendment, the written notice to employees, my understanding is that it would be construed as maybe posting it on an informational board, texting or emailing. Is that a fair assumption?"

Senator Keiser: "Senator King, as we discussed earlier, yes, notification to employees could take many forms. It could take posting on the workplace bulletin board, it could take a text, or a direct email. It does not have to be a personal letter. And as we discussed I hope that that suffices and there's no need for this amendment."

WITHDRAWAL OF AMENDMENT

On motion of Senator King and without objection, floor amendment no. 106 by Senator King on page 7, line 18 to Substitute Senate Bill No. 5115 was withdrawn.

MOTION

Senator King moved that the following floor amendment no. 107 by Senator King be adopted:

On page 9, after line 4, insert the following:

"NEW SECTION. Sec. 6. This act expires upon the expiration or termination of proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19."

On page 1, line 3 of the title, after "section;" insert "providing a contingent expiration date;"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 107 by Senator King on page 9, line 4 to Substitute Senate Bill No. 5115.

The motion by Senator King carried and floor amendment no. 107 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, King, Mullet and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5115.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5115 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Wagoner

ENGROSSED SUBSTITUTE SENATE BILL NO. 5115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5292, by Senators Nobles, Cleveland, Das, Keiser, Lovelett, Nguyen, Randall, Salomon, Stanford, Van De Wege, and Wilson, C.

Concerning the use of parks and recreation spaces, trails, and facilities in the design of parks Rx pilot program collaboratively designed with the health care and insurance industry sectors.

#### MOTIONS

On motion of Senator Nobles, Substitute Senate Bill No. 5292 was substituted for Senate Bill No. 5292 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nobles, the rules were suspended, Substitute Senate Bill No. 5292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nobles, Lovelett, Rivers, Ericksen and Cleveland spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

#### REMARKS BY THE PRESIDENT

President Heck: "Thank you Senator. However apropos to the subject at hand your attire was, I would remind you of the rules of decorum in the Senate and the requirement to wear a sports jacket. Bolo ties accepted."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5292.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5292 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Braun, Padden and Schoesler

SUBSTITUTE SENATE BILL NO. 5292, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5354, by Senators Saldaña, King and Nguyen

Addressing traffic control in large cities.

The measure was read the second time.

#### MOTION

On motion of Senator Saldaña, the rules were suspended, Senate Bill No. 5354 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Saldaña spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Senator Honeyford: "Thank you. I know that the University Presbyterian Church has to hire police officer to direct traffic coming out of their parking garages in midblock. Would this then free them from that requirement?"

Senator Saldaña: "Thank you, Senator Honeyford. My understanding is this would allow for someone besides a police officer, it would still have to meet the standards of a traffic plan of the local jurisdiction. So, whether that is the City of Seattle or another, but it would allow for a regular civilian flagger to be able to do that work. And it seems like, without having conferred with our counsel, but it seems like, it seems like that is exactly the type of situation that would no longer need a badged officer but could be a flagger. So, I'm about 90% sure that the answer is yes."

Senators King, Hobbs, Dozier, and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5354.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5354 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Ericksen, Rivers and Wagoner

SENATE BILL NO. 5354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5179, by Senators Liias, Rivers, Das, Randall, and Wilson, C.

Concerning blood donation.

The motion by Senator Short carried and floor amendment no. 087 was adopted by voice vote.

MOTIONS

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5179 was substituted for Senate Bill No. 5179 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Short, the rules were suspended, Engrossed Senate Bill No. 5356 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Liias, Muzzall, Braun and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5356.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5179.

ROLL CALL

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5356 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

ENGROSSED SENATE BILL NO. 5356, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Voting nay: Senator Rolfes

SUBSTITUTE SENATE BILL NO. 5179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

SECOND READING

At 4:42 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

SENATE BILL NO. 5356, by Senators Short, Kuderer and Conway

Senator Hasegawa announced a meeting of the Democratic Caucus.

Concerning prime contractor bidding submission requirements on public works contracts.

—————  
EVENING SESSION  
—————

The measure was read the second time.

The Senate was called to order at 6:21 p.m. by President Heck.

MOTION

REMARKS BY THE PRESIDENT

Senator Short moved that the following floor amendment no. 087 by Senator Short be adopted:

President Heck: "Before we begin, two general purpose announcements. The first of which is Leg-Tech has alerted us that you may need to click refresh in your browser to refresh FAR voting. After refreshing, if you do not see the request to speak button, please click the login button in the top-right of the screen. And of course, as always, if you still have an issue with FAR voting, please contact Leg-Tech. Secondly, we had this conversation earlier that we have attempted with outstanding staff support, in the cooperation of almost all of you, to have this hybrid system of in person and remote participation simulate to the highest degree possible the same thing as though you were here. So, I remind you one more time that in order to be able to vote you must be seen. Staff up here can see whether or not you're on camera. You can not, you are prohibited from voting off camera. If we do not see you, and I am alerted by staff, your vote will not count."

On page 2, line 37, after "apply" insert "to design-build requests for proposals under RCW 39.10.330, to general contractor/construction manager requests for proposals under RCW 39.10.350, or"

On page 3, line 6, after "2020" insert ", and a second report by November 1, 2022"

On page 3, line 6, after "The" strike "report" and insert "reports"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 087 by Senator Short on page 2, line 37 to Senate Bill No. 5356.

SECOND READING

## ROLL CALL

SENATE BILL NO. 5127, by Senators Dhingra, Padden, Kuderer, Nguyen, Short, Wagoner, Warnick, and Wilson, C.

Concerning courthouse facility dogs.

## MOTIONS

On motion of Senator Dhingra, Substitute Senate Bill No. 5127 was substituted for Senate Bill No. 5127 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Substitute Senate Bill No. 5127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra, Padden and Wilson, J. spoke in favor of passage of the bill.

## MOTION

On motion of Senator Wagoner, Senator Sheldon was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5127.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5127 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Sheldon

SUBSTITUTE SENATE BILL NO. 5127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5296, by Senators Schoesler, Conway, Dozier, Muzzall, Rivers, Van De Wege and Warnick

Modifying the definition of index for the Washington state patrol retirement system.

The measure was read the second time.

## MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5296 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5296.

The Secretary called the roll on the final passage of Senate Bill No. 5296 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Sheldon

SENATE BILL NO. 5296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5300, by Senators Van De Wege, Das, Hunt, Randall, and Wilson, C.

Prohibiting the feeding of garbage to swine.

The measure was read the second time.

## MOTION

On motion of Senator Van De Wege, the rules were suspended, Senate Bill No. 5300 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Warnick and Muzzall spoke in favor of passage of the bill.

Senator Fortunato spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5300.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5300 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Sheldon

SENATE BILL NO. 5300, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5101, by Senators Stanford, Conway, Dhingra, Hasegawa, Hunt, Nguyen, Randall, Saldaña, Wagoner, and Wilson, C.

FORTY FOURTH DAY, FEBRUARY 23, 2021

2021 REGULAR SESSION

Establishing tribal representation on the emergency management council.

Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Sheldon

The measure was read the second time.

SENATE BILL NO. 5018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Stanford, the rules were suspended, Senate Bill No. 5101 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SECOND READING

Senator Stanford spoke in favor of passage of the bill.

SENATE BILL NO. 5026, by Senators Salomon, Cleveland, Conway, Das, Hasegawa, Hunt, Keiser, Lovelett, Nguyen, Nobles and Randall

The President declared the question before the Senate to be the final passage of Senate Bill No. 5101.

Concerning moneys available to a port district allocated for the purchase of zero and near zero emissions cargo handling equipment.

ROLL CALL

The measure was read the second time.

The Secretary called the roll on the final passage of Senate Bill No. 5101 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

MOTION

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

Senator Van De Wege moved that the following floor amendment no. 056 by Senator Van De Wege be adopted:

Excused: Senator Sheldon

On page 1, after line 19, insert the following:

"(4) This section expires December 31, 2031."

On page 1, line 3 of the title, after "equipment;" strike the remainder of the title and insert "adding a new chapter to Title 53 RCW; and providing an expiration date."

SENATE BILL NO. 5101, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

The President declared the question before the Senate to be the adoption of floor amendment no. 056 by Senator Van De Wege on page 1, line 19 to Senate Bill No. 5026.

SENATE BILL NO. 5018, by Senators Rivers, Cleveland, Dhingra, Lovelett, Short, and Wilson, C.

The motion by Senator Van De Wege carried and floor amendment no. 056 was adopted by voice vote.

Concerning acupuncture and Eastern medicine.

MOTION

The measure was read the second time.

On motion of Senator Salomon, the rules were suspended, Engrossed Senate Bill No. 5026 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Rivers, the rules were suspended, Senate Bill No. 5018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Salomon, Short, Nobles, King, Cleveland and Wilson, J. spoke in favor of passage of the bill.

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

Senators Braun and Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5018.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5026.

ROLL CALL

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5018 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5026 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

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

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Gildon, Hasegawa, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Short, Stanford, Van De Wege, Warnick, Wilson, C. and Wilson, J.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Hawkins, Honeyford, McCune, Muzzall, Padden, Schoesler, Wagoner, Wellman and Wilson, L.

Excused: Senator Sheldon

ENGROSSED SENATE BILL NO. 5026, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5131, by Senator Holy

Concerning county clerks duties related to recall petitions.

The measure was read the second time.

#### MOTION

On motion of Senator Holy, the rules were suspended, Senate Bill No. 5131 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holy, Hunt and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5131.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5131 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Sheldon

SENATE BILL NO. 5131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 7:06 p.m., on motion of Senator Lias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, February 24, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**FORTY FIFTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Wednesday, February 24, 2021

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Mykhail Lembke led the Senate in the Pledge of Allegiance. Mr. Lembke is a student at the University of Washington-Seattle and an intern for the Democratic Caucus.

The prayer was offered by Reverend Dr. Tammy Stampfli of the United Churches of Olympia.

**MOTIONS**

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

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

**MESSAGES FROM THE HOUSE**

February 23, 2021

MR. PRESIDENT:  
The House has passed:

- HOUSE BILL NO. 1009,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1050,
- ENGROSSED HOUSE BILL NO. 1090,
- SUBSTITUTE HOUSE BILL NO. 1193,
- SUBSTITUTE HOUSE BILL NO. 1206,
- SUBSTITUTE HOUSE BILL NO. 1218,
- SUBSTITUTE HOUSE BILL NO. 1221,
- ENGROSSED HOUSE BILL NO. 1251,
- SUBSTITUTE HOUSE BILL NO. 1276,
- SUBSTITUTE HOUSE BILL NO. 1302,
- SUBSTITUTE HOUSE BILL NO. 1323,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1336,
- SUBSTITUTE HOUSE BILL NO. 1356,
- HOUSE BILL NO. 1378,
- HOUSE BILL NO. 1469,
- HOUSE BILL NO. 1478,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

February 23, 2021

MR. PRESIDENT:  
The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272,  
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SB 5466 by Senator Fortunato

AN ACT Relating to sales tax revenues of transportation projects being used for transportation purposes; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways & Means.

SJR 8207 by Senator Fortunato

Amending the state Constitution so that state revenue collected from a road usage charge, vehicle miles traveled fee, or other similar type of comparable charge, must be used exclusively for highway purposes.

Referred to Committee on Transportation.

SJR 8208 by Senator Fortunato

Amending the state Constitution so that certain sales and use tax revenue collected from new and used car purchases are used for highway purposes.

Referred to Committee on Ways & Means.

**MOTIONS**

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

At 10:06 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

----

The Senate was called to order at 11:16 a.m. by President Heck.

**SIGNED BY THE PRESIDENT**

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272.

**MOTION**

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

**SECOND READING**

SENATE BILL NO. 5432, by Senators Carlyle, Nguyen, Conway, Das, Dhingra, Keiser, Liias, Nobles and Randall

Concerning cybersecurity and data sharing in Washington state government.

**MOTIONS**

On motion of Senator Carlyle, Substitute Senate Bill No. 5432 was substituted for Senate Bill No. 5432 and the substitute bill was placed on the second reading and read the second time.

Senator Carlyle moved that the following floor amendment no. 084 by Senator Carlyle be adopted:

On page 2, line 4, after "respond to" strike "levels of"

On page 5, beginning on line 3, after "facilitate" strike all material through "requirements" on line 5 and insert "any necessary incident response measures that need to be taken to protect the enterprise"

On page 5, line 8, after "incidents" strike "to the extent permitted by other state and federal requirements"

On page 5, line 26, after "agency" strike "sharing" and insert "shares"

On page 5, line 27, after "with" strike "another agency" and insert "a contractor"

On page 5, line 31, after "this" strike "chapter" and insert "section"

On page 6, line 3, after "this" strike "chapter" and insert "section"

Senator Carlyle spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 084 by Senator Carlyle on page 2, line 4 to Substitute Senate Bill No. 5432.

The motion by Senator Carlyle carried and floor amendment no. 084 was adopted by voice vote.

#### MOTION

Senator Wilson, L. moved that the following floor amendment no. 125 by Senator Wilson, L. be adopted:

On page 6, after line 4, insert the following:

**NEW SECTION. Sec. 7.** (1) The office of financial management shall contract for an independent security evaluation audit of state agency information technology in the state of Washington. The independent third party must audit the security and protection of digital assets for the state of Washington to test and assess the overall security posture including, but not limited to, cybersecurity.

(2) The audit must, at a minimum:

(a) Define threats, and include recommendations to mitigate the threats to include real-time security assessments of applications, systems, and networks to identify and assess risks and determine if they could be exploited by bad actors;

(b) Review security protocols and identify flaws in both physical and digital systems, to include data transfers;

(c) Assess the current security performance of existing security structures, to include penetration testing;

(d) Prioritize and complete risk scoring of identified threats and risks; and

(e) Formulate security solutions with estimated costs, to include what can be achieved in the short term, or less than 12 months, and what can be achieved in the mid to long term.

(3) The independent audit team must include the chair and ranking member of the senate environment, energy, and technology committee and two members of the house of representatives in executive briefings throughout the audit, and the four members must be updated, at least monthly, on the progress of the audit.

(4) The security evaluation audit report must be submitted to the fiscal committees of the legislature by August 31, 2022.

(5) Reports shared and submitted by the independent audit team, the office of financial management, and the office of cybersecurity to the members identified in subsections (3) and (4) of this section are exempt from disclosure under chapter 42.56 RCW.

**NEW SECTION. Sec. 8.** A new section is added to chapter 42.56 RCW to read as follows:

Reports shared and submitted by the independent audit team, the office of financial management, and the office of cybersecurity to the members identified in section 7 (3) and (4) of this act in accordance with the requirements in section 7 of this act are exempt from disclosure under this chapter."

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

On page 1, line 3 of the title, after "39.34 RCW; adding" strike "a new section" and insert "new sections"

On page 1, line 4 of the title, after "creating" strike "a new section" and insert "new sections"

Senator Wilson, L. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 125 by Senator Wilson, L. on page 6, line 4 to Substitute Senate Bill No. 5432.

The motion by Senator Wilson, L. carried and floor amendment no. 125 was adopted by voice vote.

#### MOTION

Senator Honeyford moved that the following floor amendment no. 083 by Senator Honeyford be adopted:

On page 6, after line 9, insert the following:

**NEW SECTION. Sec. 8.** A new section is added to chapter 4.92 RCW to read as follows:

(1) The digital data breach reimbursement claims program is created in the office of risk management. In the event of a major cybersecurity incident that results in the breach of the security of the system owned or operated by the state that results in the release of personal information, eligible individuals may submit a claim for reimbursement to the office of risk management for the following costs incurred within one year of the date of the breach:

(a) Identity restoration services if an individual discovers unauthorized use of their personal information;

(b) Losses from unauthorized charges to financial accounts that result in direct financial harm to the individual;

(c) The cost for a new driver's license; and

(d) Costs for one year of credit monitoring.

(2) All claims against the state, or against the state's officers, employees, or volunteers, acting in such capacity, for damages, must be presented to the office of risk management within one year of the breach. A claim is deemed presented when the claim form is delivered in person or by regular mail, registered mail, or certified mail, with return receipt requested, or as an attachment to email or by fax, to the office of risk management. The office of risk management must develop a standardized claim form for individuals to use to submit a claim. The office must review all claims and determine if the claim is eligible for payment.

(3) For the purposes of this section and section 9 of this act, "breach of the security of the system" and "personal information" have the meanings provided in RCW 42.56.590.

**NEW SECTION. Sec. 9.** A new section is added to chapter 4.92 RCW to read as follows:

The state digital data breach account is created in the custody of the state treasurer. Revenues to the account consist of

FORTY FIFTH DAY, FEBRUARY 24, 2021

2021 REGULAR SESSION

legislative appropriations and transfers and other revenues provided by law. If the office of the attorney general brings an action in the name of the state or on behalf of its residents under chapter 19.86 RCW or other law for injuries suffered from a breach of the security of the system owned or operated by the state, any damages, restitution, or penalties received from such an action must be deposited into the account. Expenditures from the account may only be used for the payment of eligible claims provided in section 8 of this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 10.** The sum of \$52,000,000, or as much thereof as may be necessary, is appropriated from the general fund for fiscal year 2021 solely for expenditure into the state digital data breach account created in section 9 of this act."

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

On page 6, after line 13, insert the following:

**"NEW SECTION. Sec. 12.** Sections 8 through 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 4 of the title, after "42.56 RCW;" insert "adding new sections to chapter 4.92 RCW;"

On page 1, line 5 of the title, after "43.105.215;" strike all material through "date" and insert "making an appropriation; providing an expiration date; and declaring an emergency"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 083 by Senator Honeyford on page 6, line 9 to Substitute Senate Bill No. 5432.

The motion by Senator Honeyford did not carry and floor amendment no. 083 was not adopted by voice vote.

MOTION

On motion of Senator Carlyle, the rules were suspended, Engrossed Substitute Senate Bill No. 5432 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5432.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5432 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5432, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5235, by Senators Liias, Das, Nguyen, Nobles, Saldaña, and Wilson, C.

Increasing housing unit inventory by removing arbitrary limits on housing options.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5235 was substituted for Senate Bill No. 5235 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Short moved that the following floor amendment no. 128 by Senator Short be adopted:

On page 3, line 3, after "(b)" strike "Cities" and insert "(i) For any housing subdivision permitted after the effective date of this section, cities"

On page 3, after line 6, insert the following:

"(ii) For any housing subdivision subject to owner-occupancy regulations in existence as of the effective date of this section or any new construction within a housing subdivision in existence as of the effective date of this section, cities and counties must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of RCW 36.70A.698(2) to take effect by July 1, 2024.

"(iii) For any housing subdivision within a residential zoning designation of R-8 or higher and subject to owner-occupancy regulations in existence as of the effective date of this section, cities and counties must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of RCW 36.70A.698(2) to take effect by July 1, 2025."

On page 3, line 14, after "(b)" strike "Beginning July 1, 2022" and insert "Pursuant to and in accordance with the applicable deadlines under subsection (1)(b) of this section"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 128 by Senator Short on page 3, line 3 to Substitute Senate Bill No. 5235.

The motion by Senator Short carried and floor amendment no. 128 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5235 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Short spoke in favor of passage of the bill. Senator Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5235.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5235 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

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

Voting nay: Senators Conway, Dozier, Ericksen, Hasegawa, Rivers and Wagoner

ENGROSSED SUBSTITUTE SENATE BILL NO. 5235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5074, by Senators Wagoner, Dhingra, and Wilson, C.

Establishing safe station pilot programs.

## MOTION

On motion of Senator Wagoner, Substitute Senate Bill No. 5074 was substituted for Senate Bill No. 5074 and the substitute bill was placed on the second reading and read the second time.

Revised for 1st Substitute: Establishing and expanding safe station pilot programs.

## MOTION

Senator Van De Wege moved that the following floor amendment no. 057 by Senator Van De Wege be adopted:

On page 2, after line 29, insert the following:  
 "NEW SECTION. Sec. 4. This act expires June 30, 2023."

On page 1, line 4 of the title, after "RCW;" strike "and creating a new section" and insert "creating a new section; and providing an expiration date"

Senators Van De Wege and Wagoner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 057 by Senator Van De Wege on page 2, line 29 to Substitute Senate Bill No. 5074.

The motion by Senator Van De Wege carried and floor amendment no. 057 was adopted by voice vote.

## MOTION

On motion of Senator Wagoner, the rules were suspended, Engrossed Substitute Senate Bill No. 5074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5074.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5074 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5025, by Senators Rolfes, Billig, Conway, Das, Dhingra, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Pedersen, Saldaña, Salomon, Stanford, Van De Wege, Wellman, and Wilson, C.

Concerning the consumer protection improvement act.

## MOTION

On motion of Senator Rolfes, Substitute Senate Bill No. 5025 was substituted for Senate Bill No. 5025 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Fortunato moved that the following floor amendment no. 109 by Senator Fortunato be adopted:

On page 2, line 17, after "who" insert "willfully"

On page 2, line 20, after "who" insert "willfully"

On page 2, line 23, after "who" insert "willfully"

Senators Fortunato and Padden spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 109 by Senator Fortunato on page 2, line 17 to Substitute Senate Bill No. 5025.

The motion by Senator Fortunato did not carry and floor amendment no. 109 was not adopted by voice vote.

## MOTION

Senator Honeyford moved that the following floor amendment no. 110 by Senator Honeyford be adopted:

On page 2, line 23, after "person" insert ", including a labor organization,"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

FORTY FIFTH DAY, FEBRUARY 24, 2021

2021 REGULAR SESSION

The President declared the question before the Senate to be the adoption of floor amendment no. 110 by Senator Honeyford on page 2, line 23 to Substitute Senate Bill No. 5025.

The motion by Senator Honeyford did not carry and floor amendment no. 110 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 111 by Senator Fortunato be adopted:

On page 2, line 25, after "violation" insert ". A violation of any provision shall constitute a separate violation with respect to each consumer or transaction involved, except that the maximum aggregate civil penalty shall not exceed \$260,000 for any individual or \$1,300,000 for a person other than an individual"

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 111 by Senator Fortunato on page 2, line 25 to Substitute Senate Bill No. 5025.

The motion by Senator Fortunato failed and floor amendment no. 111 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 112 by Senator Padden be adopted:

On page 3, after line 7, insert the following:

"Penalties provided by this section may not be combined with any penalties applied pursuant to chapter . . . (Substitute Senate Bill No. 5191), Laws of 2021."

Senator Padden spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 112 by Senator Padden on page 3, line 7 to Substitute Senate Bill No. 5025 was withdrawn.

MOTION

On motion of Senator Rolfes, the rules were suspended, Substitute Senate Bill No. 5025 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Sheldon spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5025.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5025 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs,

Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wagoner, Wellman and Wilson, C.

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

SUBSTITUTE SENATE BILL NO. 5025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:02 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Rivers announced a meeting of the Republican Caucus.

Senator Hasegawa announced a meeting of the Democratic Caucus.

---

AFTERNOON SESSION

---

The Senate was called to order at 2:36 p.m. by President Heck.

SECOND READING

SENATE BILL NO. 5180, by Senators Dhingra, Das, Hunt, Liias, Lovelett, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Stanford, and Wilson, C.

Vacating certain convictions.

MOTIONS

On motion of Senator Dhingra, Substitute Senate Bill No. 5180 was substituted for Senate Bill No. 5180 and the substitute bill was placed on the second reading and read the second time.

Senator Dhingra moved that the following striking floor amendment no. 077 by Senator Dhingra be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.030 and 2020 c 296 s 2, 2020 c 252 s 4, and 2020 c 137 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in

supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(~~(3)~~) (4)(b) and 9.96.060(6)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by

the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

FORTY FIFTH DAY, FEBRUARY 24, 2021

2021 REGULAR SESSION

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under

RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a

participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(40) "Public school" has the same meaning as in RCW 28A.150.010.

(41) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

- (a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);
- (b) Cyberstalking, RCW 9.61.260(3)(a);
- (c) Harassment, RCW 9A.46.020(2)(b)(i);
- (d) Indecent exposure, RCW 9A.88.010(2)(c);
- (e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);
- (f) Telephone harassment, RCW 9.61.230(2)(a); and
- (g) Violation of a no-contact or protection order, RCW 26.50.110(5).

(42) "Repetitive domestic violence offense" means any:

- (a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;
- (ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;
- (iii) Domestic violence violation of a protection order under chapter 26.09, ~~((26.40,))~~ 26.26A, 26.26B, or 26.50 RCW that is not a felony offense;
- (iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or
- (v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

- (a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or
- (b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

- (a)(i) Murder in the first degree;
- (ii) Homicide by abuse;

- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;
- (viii) Assault of a child in the first degree; or
- (ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

- (a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;
- (ii) A violation of RCW 9A.64.020;
- (iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;
- (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or

household member. Domestic violence includes, but is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

(56) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

(57) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

(58) "Violent offense" means:

- (a) Any of the following felonies:
  - (i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;
  - (ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;
  - (iii) Manslaughter in the first degree;
  - (iv) Manslaughter in the second degree;
  - (v) Indecent liberties if committed by forcible compulsion;
  - (vi) Kidnapping in the second degree;
  - (vii) Arson in the second degree;
  - (viii) Assault in the second degree;
  - (ix) Assault of a child in the second degree;
  - (x) Extortion in the first degree;
  - (xi) Robbery in the second degree;
  - (xii) Drive-by shooting;
  - (xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and
  - (xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((56))~~ (59) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((57))~~ (60) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((58))~~ (61) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

**Sec. 2.** RCW 9.94A.640 and 2019 c 331 s 3 are each amended to read as follows:

(1) Every offender who has been discharged under RCW 9.94A.637 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may clear the record of conviction by: (a) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or (b) if the offender has been convicted after a plea of not guilty, by the court setting aside the verdict of guilty; and (c) by the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if:

(a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court;

(b) The offense was a violent offense as defined in RCW 9.94A.030 or crime against persons as defined in RCW 43.43.830, except the following offenses may be vacated if the conviction did not include a firearm, deadly weapon, or sexual motivation enhancement: (i) Assault in the second degree under RCW 9A.36.021; (ii) assault in the third degree under RCW 9A.36.031 when not committed against a law enforcement officer or peace officer; and (iii) robbery in the second degree under RCW 9A.56.210;

(c) The offense is a class B felony and the offender has been convicted of a new crime in this state, another state, or federal court in the ten years prior to the application for vacation;

(d) The offense is a class C felony and the offender has been convicted of a new crime in this state, another state, or federal court in the five years prior to the application for vacation;

(e) The offense is a class B felony and less than ten years have passed since the later of: (i) The applicant's release from community custody; (ii) the applicant's release from full and partial confinement; or (iii) the applicant's sentencing date;

(f) The offense was a class C felony, other than a class C felony described in RCW 46.61.502(6) or 46.61.504(6), and less than five years have passed since the later of: (i) The applicant's release from community custody; (ii) the applicant's release from full and partial confinement; or (iii) the applicant's sentencing date; or

(g) The offense was a felony described in RCW 46.61.502 or 46.61.504.

(3) If the applicant is a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, the victim or the prosecutor of the county in which the victim was sentenced may apply to the sentencing court or the sentencing court's successor to vacate the victim's record of conviction for a class B or class C felony offense using the process in section 3 of this act. When preparing or filing the petition, the prosecutor is not deemed to be providing legal advice or legal assistance on behalf of the victim, but is fulfilling an administrative function on behalf of the state in order to further their responsibility to seek to reform and improve the administration of criminal justice.

(4)(a) Except as otherwise provided, once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies. Nothing in this section affects or prevents the use of an offender's prior

FORTY FIFTH DAY, FEBRUARY 24, 2021

2021 REGULAR SESSION

conviction in a later criminal prosecution, and nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040.

(b) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense occurring on or after July 28, 2019, and may be used to establish an ongoing pattern of abuse for purposes of RCW 9.94A.535.

**NEW SECTION. Sec. 3.** A new section is added to chapter 9.94A RCW to read as follows:

(1)(a) A victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030 may apply to the sentencing court or the sentencing court's successor to vacate the victim's record of conviction for a class B or class C felony offense.

(b) The prosecutor of a county in which a victim of sex trafficking, prostitution, commercial sexual abuse of a minor; sexual assault; or domestic violence was sentenced for a class B or class C felony offense may exercise discretion to apply to the court on behalf of the state recommending that the court vacate the victim's record of conviction by submitting the information required in subsection (2) of this section. If the court finds the application meets the requirements of subsection (2) of this section, the court may decide whether to grant the application to vacate the record.

(2) In order to vacate a record of conviction for a class B or class C felony offense committed as a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; domestic violence; or sexual assault, the applicant must meet the following requirements:

(a) Provide an affidavit under penalty of perjury stating the specific facts and circumstances proving, by a preponderance of evidence, that the offense was committed as a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; domestic violence; or sexual assault;

(b) There are no criminal charges against the applicant pending in any court of this state or another state, or in any federal court for any offense other than prostitution;

(c) If the victim's offense is a class C felony, the offender has not been convicted of a new offense in this state, another state, or federal or tribal court in the five years prior to the vacation application;

(d) If the victim's offense is a class B felony, the offender has not been convicted of a new offense in this state, another state, or federal or tribal court in the 10 years prior to the vacation application;

(e) Provide proof that the crime victim penalty assessment, RCW 7.68.035, has been paid in full; and

(f) If applicable, restitution owed to any victim, excluding restitution owed to any insurance provider under Title 48 RCW, has been paid in full.

(3) An applicant may not have a record of conviction for a class B or class C felony offense vacated if:

(a) The offense was a violent offense as defined in RCW 9.94A.030 or crime against persons as defined in RCW 43.43.830, except the following offenses may be vacated if the conviction did not include a firearm, deadly weapon, or sexual motivation enhancement: (i) Assault in the second degree under RCW 9A.36.021; (ii) assault in the third degree under RCW 9A.36.031 when not committed against a law enforcement officer or peace officer; and (iii) robbery in the second degree under RCW 9A.56.210;

(b) The offense was a felony described in RCW 46.61.502 or 46.61.504; or

(c) The offense was promoting prostitution in the first or second degree as described in RCW 9A.88.070 and 9A.88.080.

**Sec. 4.** RCW 9.96.060 and 2020 c 29 s 18 are each amended to read as follows:

(1) When vacating a conviction under this section, the court effectuates the vacation by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of this subsection, the court may in its discretion vacate the record of conviction. Except as provided in subsections (3), (4), and (5) of this section, an applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) The applicant has not completed all of the terms of the sentence for the offense;

(b) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal or tribal court, at the time of application;

(c) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(d) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

(e) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

(f) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family or household member against another or by one intimate partner against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has two or more domestic violence convictions stemming from different incidents. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a

conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(g) For any offense other than those described in (f) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(h) The offender has been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application; or

(i) The applicant is currently restrained by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party or was previously restrained by such an order and was found to have committed one or more violations of the order in the five years prior to the vacation application.

~~(3) ((Subject to RCW 9.96.070, every person convicted of prostitution under RCW 9A.88.030 who committed the offense as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq. may apply to the sentencing court for vacation of the applicant's record of conviction for the prostitution offense. An applicant may not have the record of conviction for prostitution vacated if any one of the following is present:~~

~~(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court, for any crime other than prostitution; or~~

~~(b) The offender has been convicted of another crime, except prostitution, in this state, another state, or federal court since the date of conviction. The limitation in this subsection (3)(b) does not apply to convictions where the offender proves by a preponderance of the evidence that he or she committed the crime as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., according to the requirements provided in RCW 9.96.070 for each respective conviction)) If the applicant is a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, or the prosecutor applies on behalf of the state, the sentencing court may vacate the record of conviction if the application satisfies the requirements of section 5 of this act.~~

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5) Every person convicted of a misdemeanor marijuana offense, who was twenty-one years of age or older at the time of the offense, may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. A misdemeanor marijuana offense includes, but is not limited to: Any offense under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance. If an applicant qualifies under this subsection, the court shall vacate the record of conviction.

(6)(a) Except as provided in (c) of this subsection, once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. However, nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040. Except as provided in (b) of this subsection, nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, ~~((26.10.220,))~~ 26.26B.050, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145); or (ii) stalking (RCW 9A.46.110). A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(c) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense as defined in RCW 9.94A.030 occurring on or after July 28, 2019.

(7) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

NEW SECTION. Sec. 5. A new section is added to chapter 9.96 RCW to read as follows:

FORTY FIFTH DAY, FEBRUARY 24, 2021

2021 REGULAR SESSION

(1)(a) A victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence, as defined in RCW 9.94A.030 may apply to the sentencing court or the sentencing court's successor to vacate the applicant's record of conviction for the offense; or

(b) The prosecutor of a county or municipality in which a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence was sentenced for a misdemeanor or gross misdemeanor offense may exercise discretion to apply to the court on behalf of the state recommending that the court vacate the victim's record of conviction by submitting the information required in subsection (2) of this section. If the court finds the application meets the requirements of subsection (2) of this section, the court may decide whether to grant the application to vacate the record.

(2) In order to vacate a record of conviction for a gross misdemeanor or misdemeanor offense committed as a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, the applicant must meet the following requirements:

(a) Provide an affidavit, under penalty of perjury, stating the specific facts and circumstances proving, by a preponderance of evidence that the offense was committed as a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030;

(b) There are no criminal charges against the applicant pending in any court of this state or another state, or in any federal court for any crime other than prostitution;

(c) If the offense is a misdemeanor, the offender has not been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application;

(d) Except where the conviction to be vacated is for the crime of prostitution, prostitution loitering, or stay out of area of prostitution, provide proof that the crime victim penalty assessment, RCW 7.68.035, has been paid in full;

(e) If applicable, restitution owed to any victim, excluding restitution owed to any insurance provider under Title 48 RCW, has been paid in full.

(3) An applicant may not have a record of conviction for a gross misdemeanor or misdemeanor offense vacated if:

(a) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

(b) The offense was a gross misdemeanor as described in RCW 46.61.502 or 46.61.504; or

(c) The offense was patronizing a prostitute as described in RCW 9A.88.110.

**NEW SECTION. Sec. 6.** RCW 9.96.070 (Vacating records of conviction—Prostitution offenses) and 2017 c 128 s 2 & 2014 c 109 s 2 are each repealed."

On page 1, line 1 of the title, after "convictions;" strike the remainder of the title and insert "amending RCW 9.94A.640 and 9.96.060; reenacting and amending RCW 9.94A.030; adding a new section to chapter 9.94A RCW; adding a new section to chapter 9.96 RCW; and repealing RCW 9.96.070."

Senators Dhingra and Padden spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 077 by Senator Dhingra to Substitute Senate Bill No. 5180.

The motion by Senator Dhingra carried and striking floor amendment no. 077 was adopted by voice vote.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Substitute Senate Bill No. 5180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

#### MOTION

On motion of Senator Randall, Senator Keiser was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5180.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5180 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Keiser

ENGROSSED SUBSTITUTE SENATE BILL NO. 5180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5196, by Senators Billig, Braun, Fortunato, Holy, Hunt, Van De Wege, Wagoner, and Wilson, C.

Describing how the legislature may convene a special session.

The measure was read the second time.

#### MOTION

On motion of Senator Billig, the rules were suspended, Senate Bill No. 5196 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig, Braun, Wilson, J., Fortunato, Padden, Liias and Sheldon spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5196.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5196 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

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

Voting nay: Senators Brown, Dozier, Ericksen, Honeyford and Schoesler

Excused: Senator Keiser

SENATE BILL NO. 5196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5202, by Senators Schoesler, Dozier, Honeyford, Keiser, King and Warnick

Establishing school district depreciation subfunds for the purposes of preventative maintenance.

The measure was read the second time.

#### MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5202.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5202 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

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

Voting nay: Senators Billig, Kuderer, Lias and Saldaña

Excused: Senator Keiser

SENATE BILL NO. 5202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5183, by Senators Nobles, Dhingra, Das, Hasegawa, Hunt, Keiser, Kuderer, Lias, Mullet, Nguyen, Rivers, Salomon, Stanford, Wagoner, and Wilson, C.

Concerning victims of nonfatal strangulation.

#### MOTIONS

On motion of Senator Nobles, Second Substitute Senate Bill No. 5183 was substituted for Senate Bill No. 5183 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nobles, the rules were suspended, Second Substitute Senate Bill No. 5183 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nobles and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5183.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5183 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE SENATE BILL NO. 5183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:12 p.m., on motion of Senator Lias, the Senate adjourned until 10:00 o'clock a.m. Thursday, February 25, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**FORTY SIXTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Thursday, February 25, 2021

The Senate was called to order at 10:01 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Lydia Haindfield led the Senate in the Pledge of Allegiance. Miss Haindfield, a student at Western Washington University, is the intern for Senator Mullet.

The prayer was offered by Senator Braun of the 20<sup>th</sup> Legislative District, Centralia.

**MOTIONS**

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

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

**MESSAGE FROM THE HOUSE**

February 24, 2021

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1028,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1068,  
HOUSE BILL NO. 1096,  
SUBSTITUTE HOUSE BILL NO. 1129,  
HOUSE BILL NO. 1143,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1176,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1196,  
SUBSTITUTE HOUSE BILL NO. 1294,  
SUBSTITUTE HOUSE BILL NO. 1309,  
SUBSTITUTE HOUSE BILL NO. 1331,  
SUBSTITUTE HOUSE BILL NO. 1383,  
SUBSTITUTE HOUSE BILL NO. 1455,  
SUBSTITUTE HOUSE BILL NO. 1492,  
SUBSTITUTE HOUSE BILL NO. 1493,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING**

HB 1009 by Representatives Thai, Slatter, Wicks, Ortiz-Self, Kloba, Lekanoff, Bateman, J. Johnson, Ryu, Senn, Gregerson, Valdez, Cody, Riccelli, Frame, Santos, Macri and Pollet

AN ACT Relating to student health plans; and amending RCW 48.43.073.

Referred to Committee on Health & Long Term Care.

E2SHB 1050 by House Committee on Appropriations (originally sponsored by Fitzgibbon, Ortiz-Self, Leavitt, Duerr, Chopp, Ramel, Peterson, Goodman, Ryu, Callan, Ramos, Ormsby, Pollet, Stonier, Fey, Macri and Bergquist)

AN ACT Relating to reducing greenhouse gas emissions from fluorinated gases; amending RCW 70A.15.6410, 70A.15.6420, 70A.15.6430, 70A.45.080, 19.27.580, 70A.15.1010, 70A.15.3150, 70A.15.3160, 19.285.040, 19.27A.220, and 39.26.310; reenacting and amending RCW 70A.45.010; adding a new chapter to Title 70A RCW; creating new sections; recodifying RCW 70A.45.080, 70A.15.6410, 70A.15.6420, and 70A.15.6430; and providing an effective date.

Referred to Committee on Environment, Energy & Technology.

EHB 1090 by Representatives Ortiz-Self, Fey, Fitzgibbon, J. Johnson, Ramos, Tharinger, Simmons, Ramel, Senn, Peterson, Gregerson, Ryu, Valdez, Callan, Kloba, Young, Hackney, Chopp, Lovick, Ormsby, Stonier, Frame, Santos, Macri, Orwall, Davis, Pollet and Harris-Talley

AN ACT Relating to private, for-profit detention facilities; adding a new chapter to Title 70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 1193 by House Committee on Environment & Energy (originally sponsored by Hoff)

AN ACT Relating to affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement; and amending RCW 90.58.355.

Referred to Committee on Environment, Energy & Technology.

SHB 1206 by House Committee on Labor & Workplace Standards (originally sponsored by Berry, Bronoske, Ramos, Fitzgibbon, Davis, Lovick, Thai, Ortiz-Self, Ormsby, Simmons, Chopp, Callan, Valdez, Macri and Harris-Talley)

AN ACT Relating to protecting temporary workers; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SHB 1218 by House Committee on Health Care & Wellness (originally sponsored by Bateman, Simmons, Sells, Lekanoff, Peterson, Stonier, Davis, Taylor, Dolan, Orwall, Cody, Santos, Ortiz-Self, Fitzgibbon, Slatter, Bronoske, Callan, Valdez, Ramel, Riccelli, Macri, Goodman and Harris-Talley)

AN ACT Relating to improving the health, safety, and quality of life for residents in long-term care facilities through emergency preparedness, improvements in communications, resident information, and notice of sanctions; amending RCW 18.51.009, 18.51.260, 74.42.420, 74.42.460, 70.129.020, 70.129.030, 70.129.040, 70.129.080, 70.129.090, 70.129.110, 70.129.150, and 70.129.180; reenacting and amending RCW 70.129.010; adding new sections to chapter 18.20 RCW; adding new sections to chapter 18.51 RCW; adding new sections to chapter 70.97 RCW; adding new sections to chapter 70.128 RCW; adding new sections to chapter 70.129 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SHB 1221 by House Committee on Children, Youth & Families (originally sponsored by Rule, Bateman, Shewmake, Lekanoff, Senn, Santos, Thai, Ortiz-Self, Ormsby, Callan, Ramel, Riccelli and Macri)

AN ACT Relating to standardizing definitions of homelessness to improve access to services; and amending RCW 43.216.505, 13.34.030, 26.44.020, 13.34.065, and 13.34.138.

Referred to Committee on Human Services, Reentry & Rehabilitation.

EHB 1251 by Representatives Orcutt, Dent, Eslick and Robertson

AN ACT Relating to the authorization of wheeled all-terrain vehicles on state highways; and amending RCW 46.09.455.

Referred to Committee on Transportation.

SHB 1276 by House Committee on Health Care & Wellness (originally sponsored by Bronoske, Lovick, Fitzgibbon, Cody, Hackney, Fey, Macri, Leavitt, Ormsby, Harris-Talley and Stonier)

AN ACT Relating to providing for certain emergency medical services personnel to work in diversion centers; and amending RCW 18.73.030 and 18.73.130.

Referred to Committee on Health & Long Term Care.

SHB 1302 by House Committee on Education (originally sponsored by Berg, Ybarra, J. Johnson, Sutherland, Eslick, Morgan, Bergquist, Paul and Callan)

AN ACT Relating to college in the high school programs; amending RCW 28A.600.290, 28A.300.560, 28A.320.196, 28B.10.035, 28B.76.730, and 28B.95.020; and adding a new section to chapter 28A.600 RCW.

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

SHB 1323 by House Committee on Health Care & Wellness (originally sponsored by Tharinger, Macri, Simmons, Fitzgibbon, Cody, Hackney, Santos, Ortiz-Self, Lekanoff and Pollet)

AN ACT Relating to the long-term services and supports trust program; amending RCW 50B.04.010, 50B.04.020, 50B.04.050, 50B.04.085, and 50B.04.090; and adding a new section to chapter 50B.04 RCW.

Referred to Committee on Health & Long Term Care.

ESHB 1336 by House Committee on Community & Economic Development (originally sponsored by Hansen, Ybarra, Berry, Simmons, Ramel, Valdez, Leavitt, Morgan, Ryu, Peterson, Shewmake, Davis, Ormsby, Gilday, Stonier, Eslick, Pollet and Harris-Talley)

AN ACT Relating to creating and expanding unrestricted authority for public entities to provide telecommunications services to end users; amending RCW 54.16.005, 54.16.330, 54.16.425, 53.08.005, and 53.08.370; adding a new section to chapter 54.16 RCW; adding a new section to chapter 35.27 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 53.08 RCW; creating new sections; and repealing RCW 54.16.420.

Referred to Committee on Environment, Energy & Technology.

SHB 1356 by House Committee on Education (originally sponsored by Lekanoff, Dolan, Davis, Ramos, Fitzgibbon, Callan, Simmons, Lovick, Berg, Ormsby, Bateman, Bergquist, Goodman, Macri, Ramel, Harris-Talley and Pollet)

AN ACT Relating to prohibiting the inappropriate use of Native American names, symbols, or images as public school mascots, logos, or team names; adding a new section to chapter 28A.320 RCW; and creating a new section.

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

HB 1378 by Representatives Ybarra, Cody and Dolan

AN ACT Relating to the supervision of medical assistants; amending RCW 18.360.010; reenacting and amending RCW 18.360.010; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

HB 1469 by Representatives Wicks, Vick, Robertson, Sutherland and Chambers

AN ACT Relating to enhanced raffle procedures; and amending RCW 9.46.0323.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1478 by Representatives Shewmake, Ortiz-Self, Fitzgibbon, Rule, Lekanoff and Pollet

AN ACT Relating to fish habitat enhancement projects authorized pursuant to RCW 77.55.181; and amending RCW 77.55.181.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

## MOTIONS

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

At 10:07 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

----

The Senate was called to order at 11:00 a.m. by President Heck.

MOTION

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

SECOND READING

SENATE BILL NO. 5068, by Senators Randall, Rivers, Billig, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Muzzall, Nguyen, Nobles, Saldaña, Salomon, Stanford, Warnick, and Wilson, C.

Improving maternal health outcomes by extending coverage during the postpartum period.

MOTIONS

On motion of Senator Randall, Substitute Senate Bill No. 5068 was substituted for Senate Bill No. 5068 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Randall, the rules were suspended, Substitute Senate Bill No. 5068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Muzzall, Short, Lovelett, Wagoner, Nobles, Cleveland and Braun spoke in favor of passage of the bill.

MOTION

On motion of Senator Wagoner, Senators Ericksen, Rivers, Schoesler and Sheldon were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5068.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5068 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Ericksen, Rivers and Sheldon

SUBSTITUTE SENATE BILL NO. 5068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5151, by Senators Wilson, C., Das, Kuderer, Nobles and Saldaña

Concerning foster care and child care licensing by the department of children, youth, and families.

MOTION

On motion of Senator Wilson, C., Substitute Senate Bill No. 5151 was substituted for Senate Bill No. 5151 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hawkins moved that the following floor amendment no. 134 by Senator Hawkins be adopted:

Beginning on page 61, line 16, strike all of section 30  
Remember the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 7 of the title, after "43.216.700," strike all material through "74.15.125" and insert "and 43.216.300"

Senators Hawkins, Short, Braun and Padden spoke in favor of adoption of the amendment.

Senators Wellman, Saldaña and Darneille spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 134 by Senator Hawkins on page 61, line 16 to Substitute Senate Bill No. 5151.

The motion by Senator Hawkins did not carry and floor amendment no. 134 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 150 by Senator Short be adopted:

On page 62, line 8, after "(7)(a)" insert "It is the intent of the legislature to encourage the long-standing commitment and direction of the department to commit to the reunification and support of kinship caregivers. It is also the intent of the legislature to respect and appreciate sincerely held religious beliefs and not discriminate against potential kinship caregivers because of their beliefs when child-specific licenses are issued.

(b)"

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

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

Senator Wellman spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 150 by Senator Short on page 62, line 8 to Substitute Senate Bill No. 5151.

The motion by Senator Short did not carry and floor amendment no. 150 was not adopted by voice vote.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Substitute Senate Bill No. 5151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C., Wellman and King spoke in favor of passage of the bill.

Senators Hawkins, Short and Warnick spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5151.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5151 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

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

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

Excused: Senators Rivers and Sheldon

SUBSTITUTE SENATE BILL NO. 5151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5331, by Senators Gildon, Darneille, Dhingra, Hasegawa, Nguyen, Nobles, Warnick, Wellman, and Wilson, C.

Establishing an early childhood court program for young children and their families involved or at risk of becoming involved in Washington's child welfare system.

#### MOTIONS

On motion of Senator Gildon, Second Substitute Senate Bill No. 5331 was substituted for Senate Bill No. 5331 and the substitute bill was placed on the second reading and read the second time.

Revised for 2nd Substitute: Establishing an early childhood court program for young children and their families involved in Washington's child welfare system.

On motion of Senator Gildon, the rules were suspended, Second Substitute Senate Bill No. 5331 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Gildon, Darneille and Wagoner spoke in favor of passage of the bill.

Senators Short and Braun spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5331.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5331 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Rivers and Sheldon

SECOND SUBSTITUTE SENATE BILL NO. 5331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Gildon: "Thank you, Mr. President. I'd just like to thank this austere body for passing my first bill here even though evidently it originated in the chamber across the way. So, I expect I will continue to get razzed about that for some time. But, in keeping with traditions of this particular body, I would just like to announce to everyone that you know we're supposed to provide a gift for passage of our first bill. And we have a little thing in Puyallup that we are quite proud of in the 25<sup>th</sup> Legislative District. You may know it as the Washington State Fair, but we still call it the Puyallup Fair, and one of the jewels of the Puyallup Fair is, and a reason to come there, is fair scones. And so, I would like to, as a tribute to passing my first bill, provide each member with a, some scones from the Puyallup State Fair. Thank you."

President Heck: "Would that be a bag of scones each Senator Gildon?"

Senator Gildon: "Hey, I'm a working man. We're going to have to see about that but..."

#### SECOND READING

SENATE BILL NO. 5035, by Senators Dhingra, Nguyen, Billig, Carlyle, Darneille, Das, Hasegawa, Kuderer, Liias, Lovelett, Mullet, Pedersen, Rolfes, Saldaña, Salomon, Stanford, Wellman, and Wilson, C.

Concerning offender scoring of drug offenses.

#### MOTION

On motion of Senator Dhingra, Substitute Senate Bill No. 5035 was substituted for Senate Bill No. 5035 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Short moved that the following floor amendment no. 141 by Senator Short be adopted:

On page 2, line 19, after "conviction" strike ": (i) Under" and insert "under"

On page 2, beginning on line 20, after "possess" strike all material through "deliver" on line 22 and insert "where such offense was the only offense charged"

Senator Short spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 141 by Senator Short on page 2, line 19 to Substitute Senate Bill No. 5035.

The motion by Senator Short did not carry and floor amendment no. 141 was not adopted by voice vote.

#### MOTION

Senator Dozier moved that the following floor amendment no. 139 by Senator Dozier be adopted:

On page 2, at the beginning of line 24, strike all material through "sentence" and insert "last date of total confinement in a state or local correctional facility associated with or required by that conviction, if applicable, or last date of community custody or supervision associated with that conviction, whichever is later"

Senator Dozier spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 139 by Senator Dozier on page 2, line 24 to Substitute Senate Bill No. 5035.

The motion by Senator Dozier did not carry and floor amendment no. 139 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 137 by Senator Wagoner be adopted:

On page 2, line 24, after "sentence" insert ", and the person has paid all legal financial obligations and court costs associated with that conviction"

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 137 by Senator Wagoner on page 2, line 24 to Substitute Senate Bill No. 5035.

The motion by Senator Wagoner did not carry and floor amendment no. 137 was not adopted by voice vote.

#### MOTION

Senator Gildon moved that the following floor amendment no. 140 by Senator Gildon be adopted:

On page 2, line 24, after "sentence" insert ", and the person has no subsequent convictions for any drug offense"

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

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 140 by Senator Gildon on page 2, line 24 to Substitute Senate Bill No. 5035.

The motion by Senator Gildon did not carry and floor amendment no. 140 was not adopted by voice vote.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute Senate Bill No. 5035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5035.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5035 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

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

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

Excused: Senators Ericksen, Sheldon and Wellman

SUBSTITUTE SENATE BILL NO. 5035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5327, by Senators Brown, Frockt, Lovelett, Rivers, Short, Warnick and Wellman

Creating a confidential youth safety and well-being tip line.

#### MOTIONS

On motion of Senator Brown, Second Substitute Senate Bill No. 5327 was substituted for Senate Bill No. 5327 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Second Substitute Senate Bill No. 5327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown, Dhingra, Frockt, Wagoner, Wilson, L. and Wilson, C. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5327.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5327 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Ericksen

SECOND SUBSTITUTE SENATE BILL NO. 5327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5119, by Senators Darneille, Das, Hasegawa, Mullet, Nguyen, Robinson, Salomon, and Wilson, C.

Concerning individuals in custody.

MOTION

On motion of Senator Darneille, Substitute Senate Bill No. 5119 was substituted for Senate Bill No. 5119 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wagoner moved that the following floor amendment no. 098 by Senator Wagoner be adopted:

On page 7, after line 15, insert the following:

"**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, beginning on line 2 of the title, after "43.06C RCW;" strike all material through "RCW" on line 3 and insert "adding a new section to chapter 70.48 RCW; and creating a new section"

Senators Wagoner, Darneille and Dozier spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 098 by Senator Wagoner on page 7, line 15 to Substitute Senate Bill No. 5119.

The motion by Senator Wagoner carried and floor amendment no. 098 was adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Substitute Senate Bill No. 5119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, Gildon, Padden and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5119.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5119 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:10 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of lunch, Rules, and caucus.

---

AFTERNOON SESSION

---

The Senate was called to order at 4:28 p.m. by President Heck.

SECOND READING

SENATE BILL NO. 5038, by Senators Kuderer, Das, Carlyle, Darneille, Dhingra, Hunt, Liias, Lovelett, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Wellman, and Wilson, C.

Prohibiting the open carry of certain weapons at public demonstrations and the state capitol.

MOTION

On motion of Senator Kuderer, Substitute Senate Bill No. 5038 was substituted for Senate Bill No. 5038 and the substitute bill was placed on the second reading and read the second time.

Revised for 1st Substitute: Prohibiting the open carry of certain weapons at public permitted demonstrations and the state capitol.

MOTION

Senator Van De Wege moved that the following striking floor amendment no. 094 by Senator Van De Wege be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.300 and 2018 c 201 s 9003 and 2018 c 201 s 6007 are each reenacted and amended to read as follows:

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of ingress or egress open to the general public;

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

For purposes of this subsection (1)(b), "weapon" means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as slungshot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official

FORTY SIXTH DAY, FEBRUARY 25, 2021

2021 REGULAR SESSION

to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

(c) The restricted access areas of a public mental health facility licensed or certified by the department of health for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public;

(d) That portion of an establishment classified by the state liquor and cannabis board as off-limits to persons under ~~((twenty-one))~~ 21 years of age; or

(e) The restricted access areas of a commercial service airport designated in the airport security plan approved by the federal transportation security administration, including passenger screening checkpoints at or beyond the point at which a passenger initiates the screening process. These areas do not include airport drives, general parking areas and walkways, and shops and areas of the terminal that are outside the screening checkpoints and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that firearms and other weapons are prohibited in the area.

(2)(a) Except as provided in (c) of this subsection, it is unlawful for any person to openly carry a firearm or other weapon as described in this chapter at any permitted demonstration. This subsection (2)(a) applies whether the person carries the firearm or other weapon on his or her person or in a vehicle.

(b) It is unlawful for any person to openly carry a firearm or other weapon within 250 feet of a permitted demonstration after a duly authorized state or local law enforcement officer advises the person of the permitted demonstration and directs the person to leave until he or she no longer possesses or controls the firearm or other weapon. This subsection (2)(b) does not apply to any person possessing or controlling any firearm or other weapon on private property owned or leased by that person.

(c) Duly authorized federal, state, and local law enforcement officers and personnel are exempt from the provisions of this section when carrying a firearm or other weapon in conformance with their employing agency's policy. Members of the armed forces of the United States or the state of Washington are exempt from the provisions of this section when carrying a firearm or other weapon in the discharge of official duty or traveling to or from official duty.

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

(i) "Permitted demonstration" means either: (A) A gathering for which a permit has been issued by a federal agency, state agency, or local government; or (B) a gathering of 15 or more people who are assembled for a single event at a public place, including a march, rally, vigil, sit-in, or picketing, which has been declared as permitted by the chief executive, sheriff, or chief of police of a local government in which the gathering occurs.

(ii) "Public place" means any site accessible to the general public for business, entertainment, or another lawful purpose. A "public place" includes, but is not limited to, the front, immediate area, or parking lot of any store, shop, restaurant, tavern, shopping

center, or other place of business; any public building, its grounds, or surrounding area; or any public parking lot, street, right-of-way, sidewalk, public park, or other public grounds.

(3) Cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any pistol in the possession of a person licensed under RCW 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

~~((3))~~ (4)(a) Cities, towns, and counties may enact ordinances restricting the areas in their respective jurisdictions in which firearms may be sold, but, except as provided in (b) of this subsection, a business selling firearms may not be treated more restrictively than other businesses located within the same zone. An ordinance requiring the cessation of business within a zone shall not have a shorter grandfather period for businesses selling firearms than for any other businesses within the zone.

(b) Cities, towns, and counties may restrict the location of a business selling firearms to not less than ~~((five hundred))~~ 500 feet from primary or secondary school grounds, if the business has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to passersby that firearms are available for sale. A business selling firearms that exists as of the date a restriction is enacted under this subsection ~~((3))~~ (4)(b) shall be grandfathered according to existing law.

~~((4))~~ (5) Violations of local ordinances adopted under subsection ((2)) (3) of this section must have the same penalty as provided for by state law.

~~((5))~~ (6) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

~~((6))~~ (7) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel, except that subsection (1)(b) of this section does apply to a law enforcement officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010; or

(c) Security personnel while engaged in official duties.

~~((7))~~ (8) Subsection (1)(a), (b), (c), and (e) of this section does not apply to correctional personnel or community corrections officers, as long as they are employed as such, who have completed government-sponsored law enforcement firearms training, except that subsection (1)(b) of this section does apply to a correctional employee or community corrections officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010.

~~((8))~~ (9) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the

administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

~~((9))~~ (10) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

~~((40))~~ (11) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

~~((4))~~ (12) Government-sponsored law enforcement firearms training must be training that correctional personnel and community corrections officers receive as part of their job requirement and reference to such training does not constitute a mandate that it be provided by the correctional facility.

~~((12))~~ (13) Any person violating subsection (1) or (2) of this section is guilty of a gross misdemeanor.

~~((43))~~ (14) "Weapon" as used in this section means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9.41 RCW to read as follows:

(1) Unless exempt under subsection (4) of this section, it is unlawful for any person to knowingly open carry a firearm or other weapon described in this chapter on the west state capitol campus grounds, in any buildings on the state capitol grounds, in any state legislative office, or at any location of a public legislative hearing or meeting during the hearing or meeting.

(2) "Buildings on the state capitol grounds" means the following buildings located on the state capitol grounds, commonly known as Legislative, Temple of Justice, John L. O'Brien, John A. Cherberg, Irving R. Newhouse, Joel M. Pritchard, Helen Sommers, Insurance, Governor's mansion, Visitor Information Center, Carlyon House, Ayer House, General Administration, 1500 Jefferson, James M. Dolliver, Old Capitol, Capitol Court, State Archives, Natural Resources, Office Building #2, Highway-License, Transportation, Employment Security, Child Care Center, Union Avenue, Washington Street, Professional Arts, State Farm, and Powerhouse buildings.

(3) "West state capitol campus grounds" means areas of the campus south of Powerhouse Rd. SW, south of Union Avenue SW as extended westward to Powerhouse Rd. SW, west of Capitol Way, north of 15th Avenue SW between Capitol Way S. and Water Street SW, west of Water Street between 15th Avenue SW and 16th Avenue SW, north of 16th Avenue SW between Water Street SW and the east banks of Capitol Lake, and east of the banks of Capitol Lake.

(4) Duly authorized federal, state, or local law enforcement officers or personnel are exempt from this section when carrying a firearm in conformance with their employing agency's policy, or any member of the armed forces of the United States or the state of Washington in the discharge of official duty or traveling to or from official duty.

(5) A person violating this section is guilty of a gross misdemeanor."

On page 1, line 2 of the title, after "capitol;" strike the remainder of the title and insert "reenacting and amending RCW 9.41.300; adding a new section to chapter 9.41 RCW; and prescribing penalties."

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

The President declared the question before the Senate to be the adoption of striking floor amendment no. 094 by Senator Van De Wege to Substitute Senate Bill No. 5038.

The motion by Senator Van De Wege carried and striking floor amendment no. 094 was adopted by voice vote.

#### MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute Senate Bill No. 5038 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Dhingra, Hunt, Salomon, and Hobbs spoke in favor of passage of the bill.

Senators Fortunato, Sheldon, Warnick, Padden, Wilson, L., Short, Muzzall, Brown, King, Schoesler, Braun, Wilson, J., Wagoner, and McCune spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5038.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5038 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

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

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

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5148, by Senators Frockt, Hunt, Billig, Darneille, Das, Hasegawa, Kuderer, Lovelett, Pedersen, Saldaña, Salomon, and Wilson, C.

Concerning the harassment of election officials.

#### MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 5148 was substituted for Senate Bill No. 5148 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 5148 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5148.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5148 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Mullet and Saldaña

Excused: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 5148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5193, by Senators Conway, Keiser, Hasegawa, and Wilson, C.

Concerning unemployment insurance claim adjudicators.

MOTION

On motion of Senator Conway, Substitute Senate Bill No. 5193 was substituted for Senate Bill No. 5193 and the substitute bill was placed on the second reading and read the second time.

Revised for 1st Substitute: Concerning unemployment insurance systems enhancements, including creating a reserve force of unemployment claim adjudicators, effective and equitable claims processing, and transparent performance metrics.

WITHDRAWAL OF AMENDMENT

On motion of Senator Conway and without objection, striking floor amendment no. 088 by Senator Conway to Substitute Senate Bill No. 5193 was withdrawn.

MOTION

Senator King moved that the following striking floor amendment no. 152 by Senator King be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds with roughly \$4,700,000,000 in the state unemployment insurance trust fund, Washington entered the COVID-19 pandemic with one of the strongest and best-funded trust funds in the nation. During an unprecedented time, the state's unemployment insurance trust fund provided critical economic support to Washington workers and businesses through unemployment benefits and helped bolster the state's economy.

The legislature recognizes that the employment security department maintains a recession readiness team that prepares the agency to respond to economic changes, helping employers and employees plan for the future. Based on experience with past recessions, the employment security department's readiness team prepared contingency plans for a possible economic crisis. During

the great recession, there were approximately 61,000 continued unemployment insurance claims in September 2008, rising to a high of approximately 173,000 claims in January of 2010, a period of 16 months. During the first three months of COVID-19, unemployment insurance claims were more than double those filed during the great recession, a time period that was seven times longer. From February 2020 to April 2020, unemployment insurance claims went from approximately 62,000 to approximately 447,000 claims. The sudden magnitude of claimants overwhelmed the system; contributing to Washingtonians waiting months for their earned benefits and facing deep economic insecurity.

The legislature finds that, despite conscientious economic emergency planning by the employment security department, claims processing issues are central problems encumbering the employment security department's ability to timely meet a suddenly increased demand for benefits. Immediate additional measures to facilitate rapid and equitable provision of unemployment benefits now, and enhanced preparation to do so in future economic downturns or emergencies, are critically important.

The legislature further finds that a federal retroactive funding model that looks back instead of preparing for potential economic shocks ahead was a major contributing factor to the challenges faced by all states during the COVID-19 pandemic in quickly paying benefits to unemployed workers. Our employment security department cannot quickly scale up for increased workloads and new programs if its administrative funding is based on funding that looks backward instead of forward.

Amid an unprecedented need for benefits and stresses on our unemployment insurance program, the legislature intends to create a pool of qualified unemployment insurance claim adjudicators, reduce claimants' need for assistance, assure transparency of claims processing performance measures, and make other system enhancements. Together, these systems enhancements will ensure quicker claim resolution and benefit payment; thus providing critical economic support during future unemployment crises.

**NEW SECTION. Sec. 2.** A new section is added to chapter 50.12 RCW to read as follows:

(1) The employment security department must create a training program to prepare a reserve force of skilled unemployment insurance claim adjudicators who can be available quickly when claims volume demands.

(2) The program must:

(a) Be open to both state and other public employees and private citizens;

(b) Be of sufficient quality that persons completing the training and any required continuing education would be ready to work as an unemployment insurance claim adjudicator within one week of commencing employment with the employment security department; and

(c) Provide a certification of completion to participants who complete the program.

(3) The office of financial management must collaborate with the employment security department to assist the department in identifying agencies with current state employees who meet the minimum qualifications for unemployment insurance claims' adjudicator. Employees at other agencies, who meet the minimum qualifications of the unemployment insurance claims' adjudicator classification, may, upon approval of their agency, attend required training provided by the department. In designated times of high unemployment claims, current state employees who have completed required training and who are otherwise qualified may be selected to assist the department in processing unemployment

insurance claims or related activities. The office of financial management may adopt rules or issue guidance to assist in the implementation of this provision.

(4) By October 1, 2021, and each year thereafter, the employment security department must provide a report to the house of representatives committee on labor and workplace standards and the senate committee on labor, commerce, and tribal affairs, or successor committees, on the number of persons with current certifications under subsection (2)(c) of this section, the number of people employed by the department and over what period of time, and the adjudicator training and hiring costs.

**NEW SECTION. Sec. 3.** A new section is added to chapter 50.12 RCW to read as follows:

(1) The department must designate department employees to assure that letters, alerts, and notices produced manually or by the department's unemployment insurance technology system are written in plainly understood language and tested on claimants before they are approved for use. Criteria for approval must include comprehensibility, clarity, and readability. If the messaging of any letter, alert, or notice falls short of those criteria, manual methods of producing a comprehensible version shall be considered while the department waits for their unemployment insurance technology system to incorporate required modifications.

(2) Determinations and redeterminations must clearly convey applicable statute numbers, a brief explanation of pertinent law, outline of relevant facts, reasoning, decision, and result.

(3) The department will work with an unemployment insurance advisory committee comprised of business and worker advocates to explore:

(a) Establishing thresholds that will trigger automatic adjustments in department staffing assignments and phone agent staffing levels;

(b) Establishing a pilot to provide a caseworker approach to the claims of a group of claimants with that casework carrying over to reemployment services;

(c) Increasing language access, including by providing translation of notices sent to claimants as part of their unemployment insurance claims; and

(d) Frequency of the initial and continuing training to meet the needs of section 2 of this act.

(4) Dedicated toll-free phone lines must be established for claimants who lack computer skills or access to computers, claimants with disabilities, and claimants with limited English proficiency.

**NEW SECTION. Sec. 4.** A new section is added to chapter 50.12 RCW to read as follows:

When the average rate of total unemployment in the state, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds five percent, the department must:

(1) Maintain an online data dashboard.

(2) Provide quarterly reports with performance metrics that include:

(a) Updates of unemployment rates;

(b) Total numbers of claims paid, amount compensated, claims denied, claims pending in adjudication, claims on which payment has been halted for review, pending appeals, appeals redetermined by the department, and appeals sent to the office of administrative hearings;

(c) Claims center phone statistics including call volume, hold times, abandoned calls, repeat calls, and all-circuits-busy messages for both claimants and employers;

(d) Ratio of staff phone agents to employers and ratio of staff phone agents to claimants;

(e) Number and dollar total of overpayments imposed and overpayment waiver approval rate; and

(f) The percentage of unemployed persons in the state receiving benefits (reciprocity rate).

**NEW SECTION. Sec. 5.** (1) The unemployment insurance legislative work group is established. The work group consists of the following members:

(a) Two members from each of the two largest caucuses of the senate appointed by the president of the senate; and

(b) Two members from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives.

(2) The employment security department must:

(a) Meet with the unemployment insurance legislative work group at least quarterly to:

(i) Inform the members of the progress in implementing this act; and

(ii) Report on any new federal programs or funds received by the department for unemployment compensation and administration and the use of such funds; and

(b) Provide information and research unemployment issues as requested by members of the work group.

(3) The work group must choose a chair or cochaIRS from among its legislative membership. The chair is, or cochaIRS are, responsible for convening the meetings of the work group no less than quarterly each year. The work group must, at least:

(a) Review the department's software and technology issues, including issues causing claim delays, inaccurate automated notifications;

(b) Review the department's protocols and process for protecting sensitive data;

(c) Consider ways to support the unemployment insurance advisory committee provided for in section 3(3) of this act;

(d) Consider ways to assist claimants and businesses during times when additional adjudicators are needed or times of high unemployment; and

(e) Consider other relevant issues, as determined by the work group.

(4) This section expires December 1, 2022."

On page 1, line 4 of the title, after "metrics;" strike the remainder of the title and insert "adding new sections to chapter 50.12 RCW; creating new sections; and providing an expiration date."

Senators King, Conway, and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 152 by Senator King to Substitute Senate Bill No. 5193.

The motion by Senator King carried and striking floor amendment no. 152 was adopted by voice vote.

#### MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Substitute Senate Bill No. 5193 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway, King, and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5193.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5193 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:00 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purpose of dinner.

---

EVENING SESSION

---

The Senate was called to order at 7:03 p.m. by President Heck.

REMARKS BY THE PRESIDENT

President Heck: "Before we begin, look, I don't know if I will do this again, but I've been asked: Senator Billig, Senator Holy, Senator Patton have asked me to share with you that the number one ranked basketball team in America, Gonzaga, won again tonight and in so doing Gonzaga of Spokane Washington and in so doing extended their win streak beyond a year the longest continuous win streak of NCAA D1 sports team, I don't know if I'll do that again Senator Billig, if you ask but."

PERSONAL PRIVILEGE

Senator Billig: "Mr. President, thank you for that announcement. I very much appreciate it and I just appreciate how gracious you are to include Senator Holy and Senator Padden in your announcement and congratulations, but I think it is appropriate to remind the body that the number one basketball team in the country is located in the 3<sup>rd</sup> Legislative District Mr. President."

REPLY BY THE PRESIDENT

President Heck: "That university, Senator Billig, that I might remind you, Senator Padden has both an undergraduate degree and a law degree from and as a matter-of-fact Senator Holy's law degree I believe is from Gonzaga. There is plenty of credit to go around Senator Billig."

SECOND READING

SENATE BILL NO. 5190, by Senators Holy, Frockt, Conway, Hasegawa, Honeyford, Keiser, King, Lovelett, Randall, Salomon, Van De Wege, Warnick, Wilson, C., and Wilson, J.

Providing health care workers with presumptive benefits during a public health emergency.

MOTIONS

On motion of Senator Holy, Substitute Senate Bill No. 5190 was substituted for Senate Bill No. 5190 and the substitute bill was placed on the second reading and read the second time.

Senator Holy moved that the following striking floor amendment no. 129 by Senator Holy be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.04.294 and 2006 c 13 s 9 are each amended to read as follows:

With respect to claims that have an effective date on or after January 4, 2004:

(1) "Misconduct" includes, but is not limited to, the following conduct by a claimant:

(a) Willful or wanton disregard of the rights, title, and interests of the employer or a fellow employee;

(b) Deliberate violations or disregard of standards of behavior which the employer has the right to expect of an employee;

(c) Carelessness or negligence that causes or would likely cause serious bodily harm to the employer or a fellow employee; or

(d) Carelessness or negligence of such degree or recurrence to show an intentional or substantial disregard of the employer's interest.

(2) The following acts are considered misconduct because the acts signify a willful or wanton disregard of the rights, title, and interests of the employer or a fellow employee. These acts include, but are not limited to:

(a) Insubordination showing a deliberate, willful, or purposeful refusal to follow the reasonable directions or instructions of the employer;

(b) Repeated inexcusable tardiness following warnings by the employer;

(c) Dishonesty related to employment, including but not limited to deliberate falsification of company records, theft, deliberate deception, or lying;

(d) Repeated and inexcusable absences, including absences for which the employee was able to give advance notice and failed to do so;

(e) Deliberate acts that are illegal, provoke violence or violation of laws, or violate the collective bargaining agreement. However, an employee who engages in lawful union activity may not be disqualified due to misconduct;

(f) Violation of a company rule if the rule is reasonable and if the claimant knew or should have known of the existence of the rule; or

(g) Violations of law by the claimant while acting within the scope of employment that substantially affect the claimant's job performance or that substantially harm the employer's ability to do business.

(3) "Misconduct" does not include:

(a) Inefficiency, unsatisfactory conduct, or failure to perform well as the result of inability or incapacity;

(b) Inadvertence or ordinary negligence in isolated instances; ((or))

(c) Good faith errors in judgment or discretion; or

(d) Entering quarantine because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(4) "Gross misconduct" means a criminal act in connection with an individual's work for which the individual has been convicted in a criminal court, or has admitted committing, or

conduct connected with the individual's work that demonstrates a flagrant and wanton disregard of and for the rights, title, or interest of the employer or a fellow employee.

**Sec. 2.** RCW 50.20.010 and 2021 c 2 s 8 are each amended to read as follows:

(1) An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his or her eligibility period only if the commissioner finds that:

(a) The individual has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which the commissioner finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(b) The individual has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(c) The individual is able to work, and is available for work in any trade, occupation, profession, or business for which the individual is reasonably fitted.

(i) To be available for work, an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner's agents. If a labor agreement or dispatch rules apply, customary trade practices must be in accordance with the applicable agreement or rules.

(ii) Until June 30, 2021, an individual under quarantine or isolation, as defined by the department of health, as directed by a public health official during the novel coronavirus outbreak pursuant to the gubernatorial declaration of emergency of February 29, 2020, will meet the requirements of this subsection (1)(c) if the individual is able to perform, available to perform, and actively seeking work which can be performed while under quarantine or isolation.

(iii) For the purposes of this subsection, "customary trade practices" includes compliance with an electrical apprenticeship training program that includes a recognized referral system under apprenticeship program standards approved by the Washington state apprenticeship and training council;

(d) The individual has been unemployed for a waiting period of one week;

(e) The individual participates in reemployment services if the individual has been referred to reemployment services pursuant to the profiling system established by the commissioner under RCW 50.20.011, unless the commissioner determines that:

(i) The individual has completed such services; or

(ii) There is justifiable cause for the claimant's failure to participate in such services; and

(f) As to weeks which fall within an extended benefit period as defined in RCW 50.22.010, the individual meets the terms and conditions of RCW 50.22.020 with respect to benefits claimed in excess of twenty-six times the individual's weekly benefit amount.

(2) An individual's eligibility period for regular benefits shall be coincident to his or her established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

(3)(a) For any weeks of unemployment insurance benefits when the one week waiting period is fully paid or fully

reimbursed by the federal government, subsection (1)(d) of this section is waived.

(b) For any weeks of unemployment insurance benefits when the one week waiting period is partially paid or partially reimbursed by the federal government, the department may, by rule, elect to waive subsection (1)(d) of this section.

(4) During the weeks of a public health emergency, an unemployed individual may also meet the requirements of subsection (1)(c) of this section if:

(a) The unemployed individual is able to perform, available to perform, and actively seeking suitable work which can be performed for an employer from the individual's home; and

(b) The unemployed individual or another individual residing with the unemployed individual is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual:

(i) Was in an age category that is defined as high risk for the disease that is the subject of the public health emergency by:

(A) The federal centers for disease control and prevention;

(B) The department of health; or

(C) The equivalent agency in the state where the individual resides; or

(ii) Has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the subject of the public health emergency by:

(A) The federal centers for disease control and prevention;

(B) The department of health; or

(C) The equivalent agency in the state where the individual resides.

(5) During the weeks of a public health emergency, an unemployed individual may also meet the requirements of subsection (1)(c) of this section if the unemployed individual described in RCW 50.20.050(3) and 50.29.021(1)(c)(iii) is able to perform, available to perform, and actively seeking suitable work which will commence after quarantine or which can be performed for an employer from the individual's home.

**Sec. 3.** RCW 50.20.050 and 2021 c 2 s 10 are each amended to read as follows:

(1) With respect to separations that occur on or after September 6, 2009, and for separations that occur before April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant obtains bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of ~~((the))~~ the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

FORTY SIXTH DAY, FEBRUARY 25, 2021

2021 REGULAR SESSION

(A) The claimant pursued all reasonable alternatives to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the claimant's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs; or

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active participation in the apprenticeship program.

(2) With respect to separations that occur on or after April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant has left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant made reasonable efforts to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs;

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active participation in the apprenticeship program; or

(xii) During a public health emergency:

(A) The claimant was unable to perform the claimant's work for the employer from the claimant's home;

(B) The claimant is able to perform, available to perform, and can actively seek suitable work which can be performed for an employer from the claimant's home; and

(C) The claimant or another individual residing with the claimant is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual:

(I) Was in an age category that is defined as high risk for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department

of health, or the equivalent agency in the state where the individual resides; or

(II) Has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides.

(3) With respect to claims that occur on or after July 4, 2021, a claimant has good cause and is not disqualified from benefits under subsection (2)(a) of this section under the following circumstances, in addition to those listed under subsection (2)(b) of this section, if, during a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and left work due to entering quarantine because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(4) Notwithstanding subsection (1) of this section, a claimant who was simultaneously employed in full-time employment and part-time employment and is otherwise eligible for benefits from the loss of the full-time employment shall not be disqualified from benefits because the claimant:

(a) Voluntarily quit the part-time employment before the loss of the full-time employment; and

(b) Did not have prior knowledge that the claimant would be separated from full-time employment.

**Sec. 4.** RCW 50.29.021 and 2021 c 2 s 16 are each amended to read as follows:

(1)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under:

(i) RCW 50.20.050 (1)(b)(i) or (2)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work; ~~((e))~~

(ii) RCW 50.20.050 (1)(b) (v) through (x) or (2)(b) (v) through (x); or

(iii) During a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and was terminated from work due to entering quarantine because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those

employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer, except as provided in subsection (4) of this section.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Benefits paid to an individual who qualifies for benefits under RCW 50.20.050 (1)(b) (iv) or (xi) ~~((e))~~, (2)(b) (iv), (xi), or (xii), or (3), as applicable, shall not be charged to the experience rating account of any contribution paying employer.

(f) Benefits paid that exceed the benefits that would have been paid if the weekly benefit amount for the claim had been determined as one percent of the total wages paid in the individual's base year shall not be charged to the experience rating account of any contribution paying employer. This subsection (2)(f) does not apply to the calculation of contribution rates under RCW 50.29.025 for rate year 2010 and thereafter.

(g) Upon approval of an individual's training benefits plan submitted in accordance with RCW 50.22.155(2), an individual is considered enrolled in training, and regular benefits beginning with the week of approval shall not be charged to the experience rating account of any contribution paying employer.

(h) Training benefits paid to an individual under RCW 50.22.155 shall not be charged to the experience rating account of any contribution paying employer.

(i)(i) Benefits paid during the one week waiting period when the one week waiting period is fully paid or fully reimbursed by the federal government shall not be charged to the experience rating account of any contribution paying employer.

(ii) In the event the one week waiting period is partially paid or partially reimbursed by the federal government, the department may, by rule, elect to not charge, in full or in part, benefits paid during the one week waiting period to the experience rating account of any contribution paying employer.

(j) Benefits paid for all weeks starting with the week ending March 28, 2020, and ending with the week ending May 30, 2020, shall not be charged to the experience rating account of any contribution paying employer.

(3)(a) A contribution paying base year employer, except employers as provided in subsection (5) of this section, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other

FORTY SIXTH DAY, FEBRUARY 25, 2021

2021 REGULAR SESSION

facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster, or to the presence of any dangerous, contagious, or infectious disease that is the subject of a public health emergency at the employer's plant, building, worksite, or other facility;

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW;

(v) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who qualified for two consecutive unemployment claims where wages were attributable to at least one employer who employed the individual in both base years. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW;

(vi) Was hired to replace an employee who is a member of the military reserves or National Guard and was called to federal active military service by the president of the United States and is subsequently laid off when that employee is reemployed by their employer upon release from active duty within the time provided for reemployment in RCW 73.16.035;

(vii) Worked for an employer for (~~twenty~~) 20 weeks or less, and was laid off at the end of temporary employment when that employee temporarily replaced a permanent employee receiving family or medical leave benefits under Title 50A RCW, and the layoff is due to the return of that permanent employee. This subsection (3)(a)(vii) applies to claims with an effective date on or after January 1, 2020; or

(viii) Was discharged because the individual was unable to satisfy a job prerequisite required by law or administrative rule.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

(4) When a benefit claim becomes invalid due to an amendment or adjustment of a report where the employer failed to report or inaccurately reported hours worked or remuneration paid, or both, all benefits paid will be charged to the experience rating account of the contribution paying employer or employers that originally filed the incomplete or inaccurate report or reports. An employer who reimburses the trust fund for benefits paid to workers and who fails to report or inaccurately reported hours worked or remuneration paid, or both, shall reimburse the trust fund for all benefits paid that are based on the originally filed incomplete or inaccurate report or reports.

(5) An employer's experience rating account may not be relieved of charges for a benefit payment and an employer who reimburses the trust fund for benefit payments may not be credited for a benefit payment if a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to the claim or claims without establishing good cause for the failure and the employer or employer's agent has a pattern of such failures. The commissioner has the authority to determine whether the employer has good cause under this subsection.

(a) For the purposes of this subsection, "adequately" means providing accurate information of sufficient quantity and quality that would allow a reasonable person to determine eligibility for benefits.

(b)(i) For the purposes of this subsection, "pattern" means a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to a claim or claims without establishing good cause for the failure, if the greater of the following calculations for an employer is met:

(A) At least three times in the previous two years; or

(B) Twenty percent of the total current claims against the employer.

(ii) If an employer's agent is utilized, a pattern is established based on each individual client employer that the employer's agent represents.

**NEW SECTION. Sec. 5.** If any part of sections 1 through 4 of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of sections 1 through 4 of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of sections 1 through 4 of this act. Rules adopted under sections 1 through 4 of this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

**NEW SECTION. Sec. 6.** A new section is added to chapter 51.32 RCW to read as follows:

(1) For health care employees who are covered under this title, there exists a prima facie presumption that any infectious or contagious diseases which are the subject of a public health emergency are occupational diseases under RCW 51.08.140 during a public health emergency. There is a presumption that the health care employee contracted or was exposed to the disease at the health care facility.

(2) The health care employee must provide verification, as required by the department by rule, to the department or the self-insurer that the employee is in quarantine or has contracted the disease after exposure to the infectious or contagious disease that is the subject of the public health emergency.

(3) This presumption of occupational disease may be rebutted by clear and convincing evidence that:

(a) The exposure to the infectious or contagious disease which is the subject of the public health emergency occurred from other employment or nonemployment activities; or

(b) The employee was working from the employee's home or other location not under the employer's control, on leave from the employee's employment, or some combination thereof, for the period of quarantine outlined for the disease immediately prior to the employee's date of disease contraction or period of incapacity resulting from exposure to the disease which is the subject of the public health emergency.

(4) For health care employees whose claims are allowed under this section, temporary total disability benefits as provided in RCW 51.32.090 shall be payable beginning the first day the worker is directed to quarantine or is unable to work due to the exposure or contraction of the disease, whichever comes first. If leave or similar benefits are paid to the worker as part of a federal or state program for these employees during the public health emergency, total temporary disability benefits are not payable for the same period of time covered by this federal or state program.

(5)(a) When a determination involving the presumption established under this section is appealed to the board of industrial

insurance appeals and the final decision allows the claim of benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the worker or the worker's beneficiary by the opposing party. If the opposing party is a state fund employer or retrospective rating group, the costs and fees are paid by the employer or retrospective rating group.

(b) When a determination involving the presumption established in this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of appeal, including attorneys' fees and witness fees, be paid to the worker or the worker's beneficiary by the opposing party. If the opposing party is a state fund employer or retrospective rating group, the costs and fees are paid by the employer or retrospective rating group.

(c) When reasonable costs of the appeal must be paid by the department as the opposing party in a state fund case, the costs shall be paid from the accident fund and charged to the costs of the claim.

(6) Costs of claims allowed under this section shall not affect the experience rating of employers insured by the state fund.

(7) For purposes of this section:

(a) "Health care employee" means an employee of any health care facility or other organization that provides emergency or medical services who may have direct contact with any person who has been exposed to or tested positive for any infectious or contagious diseases which are the subject of a public health emergency.

(b) "Health care facility" has the same meaning as in RCW 9A.50.010.

(c) "Public health emergency" means a declaration or order that covers the jurisdiction where the employee was working on the date of exposure concerning any dangerous, contagious, or infectious diseases, including a pandemic, and is issued as follows:

(i) The president of the United States has declared a national or regional emergency; or

(ii) The governor of Washington declared a state of emergency under RCW 43.06.010(12).

(8) The presumption in subsection (1) of this section takes effect on the day the national, regional, or state emergency is declared and continues until this declaration is revoked.

(9) The provisions of RCW 51.28.055 concerning time limits for filing claims for occupational disease apply to claims covered under this section.

**Sec. 7.** RCW 51.52.130 and 2007 c 490 s 4 are each amended to read as follows:

(1) If, on appeal to the superior or appellate court from the decision and order of the board, said decision and order is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained, a reasonable fee for the services of the worker's or beneficiary's attorney shall be fixed by the court.

(a) In fixing the fee the court shall take into consideration the fee or fees, if any, fixed by the director and the board for such attorney's services before the department and the board. If the court finds that the fee fixed by the director or by the board is inadequate for services performed before the department or board, or if the director or the board has fixed no fee for such services, then the court shall fix a fee for the attorney's services before the department, or the board, as the case may be, in addition to the fee fixed for the services in the court.

(b) If in a worker or beneficiary appeal the decision and order of the board is reversed or modified and if the accident fund or medical aid fund is affected by the litigation, or if in an appeal by

the department or employer the worker or beneficiary's right to relief is sustained, or in an appeal by a worker involving a state fund employer with twenty-five employees or less, in which the department does not appear and defend, and the board order in favor of the employer is sustained, the attorney's fee fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable out of the administrative fund of the department.

(c) In the case where the employer or other person or persons aggrieved by the decision of the board appeal and the worker or beneficiary's right to relief is sustained, the attorneys' fees fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable directly by the person or persons filing the appeal.

(d) In the case of self-insured employers, the attorney fees fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable directly by the self-insured employer.

(2) In an appeal to the superior or appellate court involving the presumption established under RCW 51.32.185, the attorney's fee and costs shall be payable as set forth under RCW 51.32.185.

(3) In an appeal to the superior or appellate court involving the presumption established under section 6 of this act, the attorneys' fees and costs shall be payable as set forth under section 6 of this act.

**NEW SECTION. Sec. 8.** A new section is added to chapter 51.32 RCW to read as follows:

(1) Where an appealing party, other than the department or a self-insured employer, is ordered to pay attorneys' fees and costs and that party fails, refuses, or neglects to comply with the award, which has become final and is not subject to review or appeal, the director or any person entitled to compensation under the order may institute proceedings for injunctive or other appropriate relief for enforcement of the order. These proceedings may be instituted in the superior court for the county in which the claimant resides, or, if the claimant is not then a resident of this state, in the superior court for the county in which that party may be served with process.

(2) The court shall ensure compliance to the order by proper means, enjoining compliance upon the person obligated to comply with the compensation order. The court may issue such writs and processes as are necessary to carry out its orders.

(3) A proceeding under this section does not preclude other methods of enforcement provided for in this title.

**NEW SECTION. Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "emergency;" strike the remainder of the title and insert "amending RCW 50.04.294, 50.20.010, 50.20.050, 50.29.021, and 51.52.130; adding new sections to chapter 51.32 RCW; creating a new section; and declaring an emergency."

## MOTION

Senator Braun moved that the following floor amendment no. 132 by Senator Braun be adopted:

Beginning on page 1, line 3, strike all material through "title." on page 18, line 6 and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 51.32 RCW to read as follows:

(1) For health care employees who are covered under this title, there exists a prima facie presumption that any infectious or contagious diseases that are transmitted through respiratory

FORTY SIXTH DAY, FEBRUARY 25, 2021

2021 REGULAR SESSION

droplets or aerosols, or through contact with contaminated surfaces and are the subject of a public health emergency are occupational diseases under RCW 51.08.140 during a public health emergency.

(2) The health care employee must provide verification, as required by the department by rule, to the department and the self-insured employer that the employee has contracted the infectious or contagious disease that is the subject of the public health emergency.

(3) This presumption of occupational disease may be rebutted by a preponderance of the evidence that:

(a) The exposure to the infectious or contagious disease which is the subject of the public health emergency occurred from other employment or nonemployment activities; or

(b) The employee was working from the employee's home, on leave from the employee's employment, or some combination thereof, for the period of quarantine consistent with recommended guidance from state and federal health officials for the disease immediately prior to the employee's injury, occupational disease, or period of incapacity that resulted from exposure to the disease which is the subject of the public health emergency.

(4) RCW 51.32.090(7) does not apply to an occupational disease under this section except that no worker shall receive compensation for or during the day on which the occupational disease was contracted. For the purposes of this subsection (4), the day on which the occupational disease was contracted is whichever date occurs first of the following:

(a) The date that the worker first missed work due to symptoms of the infectious or contagious disease;

(b) The date the worker was quarantined by a medical provider or public health official; or

(c) The date the worker received a positive test result confirming contraction of the infectious or contagious disease.

(5) If leave or similar benefits are paid to the worker as part of a federal or state program for these employees during the public health emergency, total temporary disability benefits are not payable for the same period of time covered by this federal or state program.

(6)(a) When a determination involving the presumption established in this section is appealed to the board of industrial insurance appeals and the final decision allows the claim of benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the worker or the worker's beneficiary by the opposing party. If the opposing party is a state fund employer, the costs and fees are paid by the employer.

(b) When a determination involving the presumption established in this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of appeal, including attorneys' fees and witness fees, be paid to the worker or the worker's beneficiary by the opposing party.

(c) When reasonable costs of the appeal must be paid by the department under this section in a state fund case, the costs shall be paid from the accident fund and charged to the costs of the claim. When calculating assessments due to the department for which total claim costs are the basis, self-insured employers and self-insurance hospital groups formed under RCW 51.14.150 and 51.14.160 may deduct the cost of payments made under this section from the total of all claim costs reported.

(7) Costs of the payments under this section shall not affect the experience rating of employers insured by the state fund. These costs shall be paid from the accident fund.

(8) As used in this section:

(a) "Health care employee" means an employee of any health care facility or other organization that provides emergency or medical services who may have direct contact with any person who has been exposed to or tested positive for any infectious or contagious diseases which are the subject of a public health emergency.

(b) "Health care facility" has the same meaning as in RCW 9A.50.010.

(c) "Public health emergency" means a declaration or order concerning any infectious or contagious diseases, including a pandemic and is issued as follows:

(i) The president of the United States has declared a national or regional emergency that covers every county in the state of Washington; or

(ii) The governor of Washington has declared a state of emergency under RCW 43.06.010(12).

(9) The provisions of RCW 51.28.055 concerning time limits for filing claims for occupational disease apply to claims covered under this section.

NEW SECTION. **Sec. 2.** This act expires upon the expiration or termination of proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19."

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

On page 18, line 12, after "insert" strike all material through "51.52.130;" on line 13

On page 18, line 13, after "adding" strike "new sections" and insert "a new section"

On page 18, line 14, after "section;" insert "providing a contingent expiration date;"

Senators Braun and Mullet spoke in favor of adoption of the amendment to the striking amendment.

Senator Keiser spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 132 by Senator Braun on page 1, line 3 to the striking floor amendment no. 129.

The motion by Senator Braun did not carry and floor amendment no. 132 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 130 by Senator Braun be adopted:

On page 14, at the beginning of line 33, strike "clear and convincing" and insert "a preponderance of the"

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

Senator Keiser spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 130 by Senator Braun on page 14, line 33 to striking floor amendment no. 129.

The motion by Senator Braun did not carry and floor amendment no. 130 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 131 by Senator Braun be adopted:

On page 18, after line 10, insert the following:

**"NEW SECTION. Sec. 10.** This act expires upon the expiration or termination of proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19."

On page 18, line 14, after "section;" insert "providing a contingent expiration date;"

Senator Braun spoke in favor of adoption of the amendment to the striking amendment.

Senator Robinson spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 131 by Senator Braun on page 14, line 33 to striking floor amendment no. 129.

The motion by Senator Braun did not carry and floor amendment no. 131 was not adopted by voice vote.

#### PARLIAMENTARY INQUIRY

Senator Schoesler: "I think you owe \$5.00 to charity Mr. President."

#### REPLY BY THE PRESIDENT

President Heck: "What did I say? You're in your office Senator Schoesler. For those keeping a running tab, it's the President \$25.00, Senator Gildon \$5.00."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 129 by Senator Holy to Substitute Senate Bill No. 5190.

The motion by Senator Holy carried and striking floor amendment no. 129 as amended was adopted by voice vote.

#### MOTION

On motion of Senator Holy, the rules were suspended, Engrossed Substitute Senate Bill No. 5190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holy and Keiser spoke in favor of passage of the bill. Senator Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5190.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5190 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Warnick, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Hawkins, Honeyford, Mullet, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5251, by Senators Schoesler, Brown, Dozier, Gildon, Honeyford, King and Rolfes

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

#### MOTION

On motion of Senator Schoesler, Substitute Senate Bill No. 5251 was substituted for Senate Bill No. 5251 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Lovelett moved that the following floor amendment no. 135 by Senator Lovelett be adopted:

Beginning on page 26, line 12, strike all of section 14

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

On page 1, line 7 of the title, after "82.08.9999," strike "82.12.010,"

Senators Lovelett and Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 135 by Senator Lovelett on page 26, line 12 to Substitute Senate Bill No. 5251.

The motion by Senator Lovelett carried and floor amendment no. 135 was adopted by voice vote.

#### MOTION

Senator Schoesler moved that the following floor amendment no. 096 by Senator Schoesler be adopted:

On page 34, beginning on line 1, strike all of section 19

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

On page 1, line 10 of the title, after "79.64.110;" strike all material through "RCW;"

Senator Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 096 by Senator Schoesler on page 34, line 1 to Substitute Senate Bill No. 5251.

The motion by Senator Schoesler carried and floor amendment no. 096 was adopted by voice vote.

#### MOTION

On motion of Senator Schoesler, the rules were suspended, Engrossed Substitute Senate Bill No. 5251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

FORTY SIXTH DAY, FEBRUARY 25, 2021

2021 REGULAR SESSION

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5251.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5251 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5267, by Senators Saldaña, Stanford, Conway, Das, Hasegawa, Keiser, Kuderer, and Wilson, C.

Requiring electrical licensing for electrical work associated with flipping property.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5267 was substituted for Senate Bill No. 5267 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Braun moved that the following floor amendment no. 162 by Senator Braun be adopted:

On page 3, after line 10, insert the following:

"(8) Nothing in this section shall be construed to require a person performing electrical work at his or her residence, farm, place of business, or on other personally owned property to obtain a license or certified electrician when the electrical work does not otherwise require inspection, a license, or a permit from the department under this chapter or rules promulgated under this chapter."

Senator Braun spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, floor amendment no. 162 by Senator Braun on page 3, line 10 to Substitute Senate Bill No. 5267 was withdrawn.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5267 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Saldaña, Keiser and King spoke in favor of passage of the bill.

Senators Braun and Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5267.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5267 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 1; Excused, 0.

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

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

Absent: Senator Van De Wege

SUBSTITUTE SENATE BILL NO. 5267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Randall, Senator Van De Wege was excused.

SECOND READING

SENATE BILL NO. 5051, by Senators Pedersen, Dhingra, Darneille, Hunt, Kuderer, Liias, Lovelett, Mullet, Nguyen, Salomon, Stanford, Wellman, and Wilson, C.

Concerning state oversight and accountability of peace officers and corrections officers.

MOTION

On motion of Senator Pedersen, Second Substitute Senate Bill No. 5051 was substituted for Senate Bill No. 5051 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Short moved that the following floor amendment no. 144 by Senator Short be adopted:

Beginning on page 1, line 12, strike all of sections 1 and 2  
Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 7, line 33, strike all of sections 6 through 25

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

On page 37, beginning on line 10, strike all of section 27

On page 1, beginning on line 2 of the title, after "RCW" strike all material through "penalties" on line 10 and insert "43.101.030, 43.101.040, and 43.101.060; and creating a new section"

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

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 144 by Senator Short on page 1, line 12 to Second Substitute Senate Bill No. 5051.

The motion by Senator Short did not carry and floor amendment no. 144 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 183 by Senator Wagoner be adopted:

On page 1, beginning on line 17, after "officer" strike "or corrections officer"

On page 2, beginning on line 7, after "peace officer" strike all material through "officer" on line 8 and insert "or reserve officer"

Senator Wagoner spoke in favor of adoption of the amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Wagoner and without objection, floor amendment no. 183 by Senator Wagoner on page 1, line 17 to Second Substitute Senate Bill No. 5051 was withdrawn.

#### MOTION

Senator Warnick moved that the following floor amendment no. 165 by Senator Warnick be adopted:

On page 2, beginning on line 18, after "person" strike "elected, appointed," and insert "appointed"

Senators Warnick and Padden spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

#### MOTION

On motion of Senator Randall, Senator Hobbs was excused.

The President declared the question before the Senate to be the adoption of floor amendment no. 165 by Senator Warnick on page 2, line 18 to Second Substitute Senate Bill No. 5051.

The motion by Senator Warnick did not carry and floor amendment no. 165 was not adopted by voice vote.

#### PARLIAMENTARY INQUIRY

Senator Honeyford: "Thank you Mr. President. I am curious as to what order we are taking these amendments. It usually follows page and line and we seem to be jumping around, not following page and line order. Can you enlighten me please?"

#### REPLY BY THE PRESIDENT

President Heck: "We are following page and line order."

Senator Honeyford: "Well, I noticed that, and I don't have the amendment number but the amendment that spoke about the sheriff elected office, that is on page 22. We are now on page 2, and uh then we seem to have jumped to 1 and then we're back to 2 again. I don't know, I'm just not following."

President Heck: "The amendment to which you referred was page 2, not page 22."

Senator Honeyford: "Well thank you, then my notes are wrong. Thank you."

#### MOTION

Senator Short moved that the following floor amendment no. 142 by Senator Short be adopted:

On page 2, beginning on line 39, after "guilty" strike ", nolo contendere, or deferred sentence"

On page 3, line 5, after "guilty" strike "or nolo contendere"

Senator Short spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 142 by Senator Short on page 2, line 39 to Second Substitute Senate Bill No. 5051.

The motion by Senator Short did not carry and floor amendment no. 142 was not adopted by voice vote.

#### MOTION

Senator Honeyford moved that the following floor amendment no. 186 by Senator Honeyford be adopted:

On page 4, line 23, after "adult" strike "((prisoners)) persons" and insert "prisoners"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 186 by Senator Honeyford on page 4, line 23 to Second Substitute Senate Bill No. 5051.

The motion by Senator Honeyford failed and floor amendment no. 186 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 188 by Senator Fortunato be adopted:

On page 4, beginning on line 33, after "based on" strike "a preponderance of the" and insert "clear, cogent, and convincing"

On page 29, beginning on line 17, after "commission is" strike all material through "preponderance of the" on line 18 and insert "clear, cogent, and convincing"

Senators Fortunato, King, Padden and Holy spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 188 by Senator Fortunato on page 4, line 33 to Second Substitute Senate Bill No. 5051.

The motion by Senator Fortunato failed and floor amendment no. 188 was not adopted by voice vote.

FORTY SIXTH DAY, FEBRUARY 25, 2021

2021 REGULAR SESSION

MOTION

Senator Holy moved that the following floor amendment no. 153 by Senator Holy be adopted:

On page 5, beginning on line 2, after "includes" strike ":",  
(a) Specially and insert "specially"

On page 5, beginning on line 4, after "10.93.020" strike all material through "responsibilities" on line 12  
Correct any internal references accordingly.

Senators Holy and Rivers spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 153 by Senator Holy on page 5, line 2 to Second Substitute Senate Bill No. 5051.

The motion by Senator Holy did not carry and floor amendment no. 153 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 154 by Senator Holy be adopted:

On page 5, line 4, after "10.93.020:" insert "and"

On page 5, beginning on line 6, after "10.93.020" strike all material through "responsibilities" on line 12  
Correct any internal references accordingly.

Senator Holy spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 154 by Senator Holy on page 5, line 4 to Second Substitute Senate Bill No. 5051.

The motion by Senator Holy did not carry and floor amendment no. 154 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 155 by Senator Holy be adopted:

On page 5, line 24, after "certification" strike ", suspension."

On page 8, line 16, after "deny." strike "suspend."

On page 8, line 19, after "deny." strike "suspend."

On page 14, at the beginning of line 31, strike "suspended or"

On page 15, line 31, after "deny" strike ", suspend."

On page 17, line 26, after "deny" strike ", suspend."

On page 19, beginning on line 9, after "situation." strike all material through "circumstances." on line 11

On page 19, line 18, after "denial" strike ", suspension."

On page 21, line 30, after "for" strike "suspension or"

On page 21, beginning on line 33, after "(a)" strike all material through "(b)" on line 35

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

On page 22, line 10, after "commission to" strike "suspend or"

On page 22, line 37, after "denied" strike ", suspended."

On page 23, line 24, after "denied" strike ", suspended."

On page 25, line 18, after "certification." strike "suspension."

On page 32, at the beginning of line 19, strike "suspend or"

On page 33, line 5, after "in a" strike "suspension or"

On page 34, line 2, after "decertification" strike "or suspension"

Senator Holy spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 155 by Senator Holy on page 5, line 24 to Second Substitute Senate Bill No. 5051.

The motion by Senator Holy did not carry and floor amendment no. 155 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 187 by Senator Fortunato be adopted:

On page 5, beginning on line 27, after "corrections officers" strike all material through "United States" on line 30

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 187 by Senator Fortunato on page 5, line 27 to Second Substitute Senate Bill No. 5051.

The motion by Senator Fortunato did not carry and floor amendment no. 187 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 143 by Senator Short be adopted:

On page 5, beginning on line 33, after "system" strike all material through "personnel" on line 36

Correct any internal references accordingly.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 143 by Senator Short on page 5, line 33 to Second Substitute Senate Bill No. 5051.

The motion by Senator Short carried and floor amendment no. 143 was adopted by voice vote.

MOTION

Senator McCune moved that the following floor amendment no. 175 by Senator McCune be adopted:

Beginning on page 5, line 37, strike all of section 3 and insert the following:

"**Sec. 3.** RCW 43.101.030 and 2020 c 44 s 1 are each amended to read as follows:

The commission shall consist of (~~sixteen~~) eighteen members, who shall be selected as follows:

(1) The governor shall appoint two incumbent sheriffs and two incumbent chiefs of police.

(2) The governor shall appoint one officer at or below the level of first line supervisor from a county law enforcement agency and one officer at or below the level of first line supervisor from a municipal law enforcement agency. Each appointee under this subsection (2) shall have at least ten years experience as a law enforcement officer.

(3) The governor shall appoint one person employed in a county correctional system and one person employed in the state correctional system.

(4) The governor shall appoint one incumbent county prosecuting attorney or municipal attorney.

(5) The governor shall appoint one elected official of a local government.

(6) The governor shall appoint ~~((two))~~ four private citizens, ~~((one))~~ two from east of the crest of the Cascade mountains and ~~((one))~~ two from west of the crest of the Cascade mountains. At least one of the private citizens must be from a historically underrepresented community or communities.

(7) The governor shall appoint one tribal chair, board member, councilmember, or designee from a federally recognized tribe with an active certification agreement under RCW 43.101.157.

(8) The three remaining members shall be:

(a) The attorney general;

(b) The special agent in charge of the Seattle office of the federal bureau of investigation; and

(c) The chief of the state patrol."

On page 30, line 2, after "43.101.030" strike "(1) (f) through (h)" and insert "(6)"

On page 30, beginning on line 27, after "43.101.030" strike "(1) (f) through (h)" and insert "(6)"

On page 31, line 5, after "43.101.030" strike "(1) (f) through (h)" and insert "(6)"

Senator McCune spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 175 by Senator McCune on page 5, line 37 to Second Substitute Senate Bill No. 5051.

The motion by Senator McCune did not carry and floor amendment no. 175 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 151 by Senator Padden be adopted:

On page 6, line 1, after "~~((sixteen))~~" strike "seventeen" and insert "eighteen"

On page 6, line 7, after "(b)" strike "One officer" and insert "Two officers"

Senator Padden spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 151 by Senator Padden on page 6, line 1 to Second Substitute Senate Bill No. 5051.

The motion by Senator Padden did not carry and floor amendment no. 151 was not adopted by voice vote.

#### MOTION

Senator Rivers moved that the following floor amendment no. 171 by Senator Rivers be adopted:

On page 6, line 1, after "~~((sixteen))~~" strike "seventeen" and insert "eighteen"

On page 6, line 32, after "~~((one))~~;" strike "and"

On page 6, line 38, after "jurisdiction;" insert "and (i) One collective bargaining representative who represents peace officers:"

Senator Rivers spoke in favor of adoption of the amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, floor amendment no. 171 by Senator Rivers on page 6, line 1 to Second Substitute Senate Bill No. 5051 was withdrawn.

#### MOTION

Senator Honeyford moved that the following floor amendment no. 189 by Senator Honeyford be adopted:

On page 6, line 1, after "~~((sixteen))~~" strike "seventeen" and insert "nineteen"

On page 6, line 4, after "(a)" strike "One incumbent sheriff(s)" and insert "Two incumbent sheriffs"

On page 6, beginning on line 4, after "and" strike "~~((two))~~ one incumbent chief(s)" and insert "two incumbent chiefs"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 189 by Senator Honeyford on page 6, line 1 to Second Substitute Senate Bill No. 5051.

The motion by Senator Honeyford did not carry and floor amendment no. 189 was not adopted by voice vote.

#### MOTION

Senator McCune moved that the following floor amendment no. 173 by Senator McCune be adopted:

On page 6, beginning on line 37, after "~~((a))~~" strike all material through "jurisdiction" on line 38

Senator McCune spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 173 by Senator McCune on page 6, line 37 to Second Substitute Senate Bill No. 5051.

The motion by Senator McCune did not carry and floor amendment no. 173 was not adopted by voice vote.

#### MOTION

Senator Gildon moved that the following floor amendment no. 164 by Senator Gildon be adopted:

On page 14, line 8, after "employing" strike all material through "state" and insert "~~((county, city, or state))~~ Washington"

On page 14, beginning on line 13, after "less." strike all material through "agencies" on line 14 and insert "~~((County, city, and state law enforcement))~~ Employing agencies"

Senator Gildon spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 164 by Senator Gildon on page 14, line 8 to Second Substitute Senate Bill No. 5051.

The motion by Senator Gildon did not carry and floor amendment no. 164 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 149 by Senator Padden be adopted:

FORTY SIXTH DAY, FEBRUARY 25, 2021

2021 REGULAR SESSION

On page 15, at the beginning of line 1, strike all material through "information." on line 4

Beginning on page 34, line 19, strike all of section 23

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

On page 1, at the beginning of line 7 of the title, strike "49.44.200,"

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

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 149 by Senator Padden on page 15, line 1 to Second Substitute Senate Bill No. 5051.

The motion by Senator Padden did not carry and floor amendment no. 149 was not adopted by voice vote.

MOTION

Senator Muzzall moved that the following floor amendment no. 181 by Senator Muzzall be adopted:

On page 17, beginning on line 10, after "(c)" strike all material through "procedure" on line 15 and insert "Has been found by their employing agency to have, while uniformed, on duty, present, and observing another Washington law enforcement officer using force that is clearly beyond that which is objectively reasonable under the circumstances, failed to intervene to prevent, mitigate, and stop the use of unreasonable force"

Senator Muzzall spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 181 by Senator Muzzall on page 17, line 10 to Second Substitute Senate Bill No. 5051.

The motion by Senator Muzzall did not carry and floor amendment no. 181 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Holy and without objection, floor amendment no. 156 by Senator Holy on page 17, line 26 to Second Substitute Senate Bill No. 5051 was withdrawn.

MOTION

Senator Conway moved that the following floor amendment no. 159 by Senator Conway be adopted:

On page 19, line 17, after "(6)" insert "The fact that the commission has suspended an officer's certification is not, in and of itself, a bar to the employing agency's maintenance of the officer's health and retirement benefits.  
(7)"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 159 by Senator Conway on page 19, line 17 to Second Substitute Senate Bill No. 5051.

The motion by Senator Conway carried and floor amendment no. 159 was adopted by voice vote.

MOTION

Senator Brown moved that the following floor amendment no. 168 by Senator Brown be adopted:

On page 22, at the beginning of line 4, strike all material through "event" on line 5

Senator Brown spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 168 by Senator Brown on page 22, line 4 to Second Substitute Senate Bill No. 5051.

The motion by Senator Brown did not carry and floor amendment no. 168 was not adopted by voice vote.

MOTION

Senator McCune moved that the following floor amendment no. 174 by Senator McCune be adopted:

On page 22, beginning on line 8, strike all of subsection (6)

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

Senator McCune spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 174 by Senator McCune on page 22, line 8 to Second Substitute Senate Bill No. 5051.

The motion by Senator McCune did not carry and floor amendment no. 174 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 157 by Senator Holy be adopted:

On page 22, beginning on line 28, after "(9)" strike all material through "the" on line 29 and insert "The"

Senator Holy spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 157 by Senator Holy on page 22, line 28 to Second Substitute Senate Bill No. 5051.

The motion by Senator Holy did not carry and floor amendment no. 157 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 166 by Senator Warnick be adopted:

On page 22, line 35, after "Any" strike "individual" and insert "commission staff, commission member, or duly authorized representative of a law enforcement agency"

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

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 166 by Senator Warnick on page 22, line 35 to Second Substitute Senate Bill No. 5051.

The motion by Senator Warnick did not carry and floor amendment no. 166 was not adopted by voice vote.

## MOTION

Senator Rivers moved that the following floor amendment no. 170 by Senator Rivers be adopted:

On page 30, line 26, after "one" strike "civilian"  
On page 31, line 4, after "one" strike "civilian"

Senator Rivers spoke in favor of adoption of the amendment.  
Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 170 by Senator Rivers on page 30, line 26 to Second Substitute Senate Bill No. 5051.

The motion by Senator Rivers did not carry and floor amendment no. 170 was not adopted by voice vote.

## MOTION

Senator Pedersen moved that the following floor amendment no. 138 by Senator Pedersen be adopted:

On page 30, line 37, after "chief;" strike all material through "(iii)" on line 40 and insert "((iii) one certified Washington peace officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; (iv)) (ii)"

On page 31, line 4, after "university)" strike "(iv)" and insert "(iii)"

On page 31, line 5, after "through (h);" insert "(iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer;"

Senator Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 138 by Senator Pedersen on page 30, line 37 to Second Substitute Senate Bill No. 5051.

The motion by Senator Pedersen carried and floor amendment no. 138 was adopted by voice vote.

## MOTION

Senator Wilson, L. moved that the following floor amendment no. 146 by Senator Wilson, L. be adopted:

On page 32, beginning on line 13, after "(5)" strike all material through "(6)" on line 21

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

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

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 146 by Senator Wilson, L. on page 32, line 13 to Second Substitute Senate Bill No. 5051.

The motion by Senator Wilson, L. did not carry and floor amendment no. 146 was not adopted by voice vote.

## MOTION

Senator Wagoner moved that the following floor amendment no. 184 by Senator Wagoner be adopted:

On page 32, line 26, after "(7)" strike "Summary records" and insert "Records"

Senator Wagoner spoke in favor of adoption of the amendment.  
Senator Pedersen spoke against adoption of the amendment.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Wagoner and without objection, floor amendment no. 184 by Senator Wagoner on page 32, line 26 to Second Substitute Senate Bill No. 5051 was withdrawn.

## MOTION

Senator Wagoner moved that the following floor amendment no. 185 by Senator Wagoner be adopted:

On page 32, at the beginning of line 33, strike all material through "(b))" on line 35 and insert "the following records of the commission are confidential and exempt from public disclosure: (a) The contents of personnel action reports filed under RCW 43.101.135 or 43.101.136; (b)"

On page 32, beginning on line 36, after "commission" strike "as part of an initial background investigation"

Beginning on page 32, line 37, after "RCW 43.101.095" strike all material through "disclosure." on page 33, line 2, and insert "(5) or 43.101.096; and (c) all investigative files of the commission compiled in carrying out the responsibilities of the commission under this chapter."

Senator Wagoner spoke in favor of adoption of the amendment.  
Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 185 by Senator Wagoner on page 32, line 33 to Second Substitute Senate Bill No. 5051.

The motion by Senator Wagoner did not carry and floor amendment no. 185 was not adopted by voice vote.

## MOTION

Senator Holy moved that the following floor amendment no. 158 by Senator Holy be adopted:

On page 34, beginning on line 11, strike all of section 22  
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 6 of the title, after "43.101.400," strike "41.56.905,"

Senators Holy and Padden spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 158 by Senator Holy on page 34, line 11 to Second Substitute Senate Bill No. 5051.

The motion by Senator Holy did not carry and floor amendment no. 158 was not adopted by voice vote.

## MOTION

Senator Short moved that the following floor amendment no. 145 by Senator Short be adopted:

On page 37, line 23, after "s 8;" insert "and"

On page 37, beginning on line 26, after "9" strike all material through "18" on line 28

On page 1, line 9 of the title, after "43.101.146," strike "43.101.156, and 43.101.180" and insert "and 43.101.156"

FORTY SIXTH DAY, FEBRUARY 25, 2021

2021 REGULAR SESSION

Senator Short spoke in favor of adoption of the amendment.  
 Senator Pedersen spoke against adoption of the amendment.

ROLL CALL

The President declared the question before the Senate to be the adoption of floor amendment no. 145 by Senator Short on page 37, line 23 to Second Substitute Senate Bill No. 5051.

The motion by Senator Short did not carry and floor amendment no. 145 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 148 by Senator Padden be adopted:

On page 37, after line 28, insert the following:

**"NEW SECTION. Sec. 28.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is also invalid."

On page 1, line 8, after "creating" strike "a new section" and insert "new sections"

Senator Padden spoke in favor of adoption of the amendment.  
 Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 148 by Senator Padden on page 37, line 28 to Second Substitute Senate Bill No. 5051.

The motion by Senator Padden did not carry and floor amendment no. 148 was not adopted by voice vote.

MOTION

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

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

MOTION

Senator Brown moved that the following floor amendment no. 167 by Senator Brown be adopted:

On page 37, after line 28, insert the following:

**"NEW SECTION. Sec. 28.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 1, beginning on line 9 of the title, after "43.101.180;" strike "and prescribing penalties" and insert "prescribing penalties; and providing for submission of this act to a vote of the people"

Senators Brown, Rivers, Short and Padden spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.  
 Senator Rivers demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown on page 37, line 28 to Second Substitute Senate Bill No. 5051.

The Secretary called the roll on the adoption of the amendment by Senator Brown and the amendment was not adopted by the following vote: Yeas, 20; Nays, 26; Absent, 1; Excused, 2.

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

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

Absent: Senator Honeyford

Excused: Senators Hobbs and Van De Wege.

MOTION

Senator Rivers moved that the following floor amendment no. 172 by Senator Rivers be adopted:

On page 37, after line 28, insert the following:

**"NEW SECTION. Sec. 28.** To the extent that any provision of this act conflicts with any local regulation, ordinance, collective bargaining agreement, memorandum of understanding, policy, or practice, the provisions of this act shall prevail and the conflicting provision shall be null and void. If the application of this section to a collective bargaining agreement in effect on the effective date of this section would result in impairing contractual obligations under that agreement, then the existing collective bargaining agreement prevails until such time as the agreement expires, renews, or is amended."

On page 1, line 8 of the title, after "creating" strike "a new section" and insert "new sections"

Senator Rivers spoke in favor of adoption of the amendment.  
 Senator Pedersen spoke against adoption of the amendment.

MOTION

On motion of Senator Wagoner, Senator Honeyford was excused.

The President declared the question before the Senate to be the adoption of floor amendment no. 172 by Senator Rivers on page 37, after line 28 to Second Substitute Senate Bill No. 5051.

The motion by Senator Rivers did not carry and floor amendment no. 172 was not adopted by voice vote.

MOTION

Senator Muzzall moved that the following floor amendment no. 182 by Senator Muzzall be adopted:

On page 37, after line 28, insert the following:

**"NEW SECTION. Sec. 28.** A new section is added to chapter 10.93 RCW to read as follows:

A general authority Washington law enforcement agency or limited authority Washington law enforcement agency is prohibited from considering the application for any office, place, position, or employment within the agency if the applicant has not provided the agency a document, voluntarily and knowingly signed by the applicant, that authorizes each prior employer to

release any and all information relating to the applicant's employment, and further releasing and holding harmless the agency and each prior employer from any and all liability that may potentially result from the release and use of such information provided."

On page 1, at the beginning of line 8 of the title, insert "adding a new section to chapter 10.93 RCW;"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 182 by Senator Muzzall on page 37, after line 28 to Second Substitute Senate Bill No. 5051.

The motion by Senator Muzzall carried and floor amendment no. 182 was adopted by voice vote.

#### MOTION

Senator Braun moved that the following striking floor amendment no. 160 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.101.010 and 2020 c 119 s 2 are each amended to read as follows:

When used in this chapter:

(1) ~~((The term "commission"))~~ "Applicant" means an individual who has received a conditional offer of employment with a law enforcement or corrections agency.

(2) "Commission" means the Washington state criminal justice training commission.

~~((2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.)~~

(3) ~~((The term "criminal"))~~ "Criminal justice personnel" means any person who serves ~~((in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law))~~ as a peace officer, reserve officer, or corrections officer.

(4) ~~((The term "law"))~~ "Law enforcement personnel" means any ~~((public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made))~~ person appointed or employed as a general authority Washington peace officer as defined in RCW 10.93.020.

(5) ~~((The term "correctional"))~~ "Correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) "Chief for a day program" means a program in which commissioners and staff partner with local, state, and federal law enforcement agencies, hospitals, and the community to provide a day of special attention to chronically ill children. Each child is selected and sponsored by a law enforcement agency. The event, "chief for a day," occurs on one day, annually or every other year and may occur on the grounds and in the facilities of the commission. The program may include any appropriate honoring

of the child as a "chief," such as a certificate swearing them in as a chief, a badge, a uniform, and donated gifts such as games, puzzles, and art supplies.

(7) ~~((A peace officer or corrections officer is "convicted"))~~ "Convicted" means at the time a plea of guilty, nolo contendere, or deferred sentence has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or postfact-finding motions and appeals. "Conviction" includes ~~((a deferral of sentence))~~ all instances in which a plea of guilty or nolo contendere is the basis for conviction, all proceedings in which there is a case disposition agreement, and ~~((also includes the))~~ any equivalent disposition by a court in a jurisdiction other than the state of Washington.

(8) ~~((a) "Discharged for disqualifying misconduct" has the following meanings:~~

(i) A peace officer terminated from employment for: (A) Conviction of (I) any crime committed under color of authority as a peace officer, (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), (III) the unlawful use or possession of a controlled substance, or (IV) any other crime the conviction of which disqualifies a Washington citizen from the legal right to possess a firearm under state or federal law; (B) conduct that would constitute any of the crimes addressed in (a)(i)(A) of this subsection; or (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination; or

(ii) A corrections officer terminated from employment for: (A) Conviction of (I) any crime committed under color of authority as a corrections officer, (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), or (III) the unlawful use or possession of a controlled substance; (B) conduct that would constitute any of the crimes addressed in (a)(ii)(A) of this subsection; or (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination.

(b) A peace officer or corrections officer is "discharged for disqualifying misconduct" within the meaning of this subsection (8) under the ordinary meaning of the term and when the totality of the circumstances support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of this subsection (8).

(9) When used in context of proceedings referred to in this chapter, "final" means that the peace officer or corrections officer has exhausted all available civil service appeals, collective bargaining remedies, and all other such direct administrative appeals, and the officer has not been reinstated as the result of the action. Finality is not affected by the pendency or availability of state or federal administrative or court actions for discrimination, or by the pendency or availability of any remedies other than direct civil service and collective bargaining remedies.

(40)) "Peace officer" ~~((means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200))~~ has the same meaning as a general authority Washington peace officer as defined in RCW 10.93.020. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers

FORTY SIXTH DAY, FEBRUARY 25, 2021

2021 REGULAR SESSION

for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.15.075 are peace officers for purposes of this chapter.

~~((4+))~~ (9) "Corrections officer" means any corrections agency employee whose primary job function is to provide for the custody, safety, and security of adult ~~((prisoners))~~ persons in jails and detention facilities ~~((and who is subject to the basic corrections training requirement of RCW 43.101.220 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.220. For the purpose of RCW 43.101.080, 43.101.096, 43.101.106, 43.101.116, 43.101.121, 43.101.126, 43.101.136, 43.101.146, 43.101.156, 43.101.380, and 43.101.400, "corrections))~~ in the state. "Corrections officer" does not include individuals employed by state agencies.

(10) "Finding" means a determination based on a preponderance of the evidence whether alleged misconduct occurred; did not occur; occurred, but was consistent with law and policy; or could neither be proven or disproven.

(11) "Reserve officer" means any person who does not serve as a peace officer of this state on a full-time basis, but who, when called by an agency into active service, is fully commissioned on the same basis as full-time officers to enforce the criminal laws of this state and includes specially commissioned Washington peace officers as defined in RCW 10.93.020.

(12) "Tribal police officer" means any person employed and commissioned by a tribal government to enforce the criminal laws of that government.

**Sec. 2.** RCW 43.101.020 and 1974 ex.s. c 94 s 2 are each amended to read as follows:

(1) There is hereby created and established a state commission to be known and designated as the Washington state criminal justice training commission.

(2) The purpose of ~~((such))~~ the commission shall be to ~~((provide programs and standards for the training of criminal justice personnel))~~ establish and administer standards and processes for certification and decertification of peace officers and corrections officers. The commission shall provide programs and training that enhance the integrity, effectiveness, and professionalism of peace officers and corrections officers. In carrying out its duties, the commission shall strive to promote public trust and confidence in every aspect of the criminal justice system.

**Sec. 3.** RCW 43.101.030 and 2020 c 44 s 1 are each amended to read as follows:

The commission shall consist of ~~((sixteen))~~ 18 members, who shall be selected as follows:

(1) The governor shall appoint two incumbent sheriffs and two incumbent chiefs of police.

(2) The governor shall appoint one officer at or below the level of first line supervisor from a county law enforcement agency and one officer at or below the level of first line supervisor from a municipal law enforcement agency. Each appointee under this subsection (2) shall have at least ten years experience as a law enforcement officer.

(3) The governor shall appoint one person employed in a county correctional system and one person employed in the state correctional system.

(4) The governor shall appoint one incumbent county prosecuting attorney or municipal attorney.

(5) The governor shall appoint one elected official of a local government.

(6) The governor shall appoint ~~((two))~~ four private citizens, ~~((one))~~ two from east of the crest of the Cascade mountains and

~~((one))~~ two from west of the crest of the Cascade mountains. At least one of the private citizens must be from a historically underrepresented community or communities.

(7) The governor shall appoint one tribal chair, board member, councilmember, or designee from a federally recognized tribe with an active certification agreement under RCW 43.101.157.

(8) The three remaining members shall be:

(a) The attorney general;

(b) The special agent in charge of the Seattle office of the federal bureau of investigation; and

(c) The chief of the state patrol.

**Sec. 4.** RCW 43.101.040 and 2009 c 549 s 5167 are each amended to read as follows:

All members appointed to the commission by the governor shall be appointed for terms of six years, such terms to commence on July first, and expire on June thirtieth~~((=PROVIDED, That of the)).~~ However, for members first appointed ~~((three shall be appointed for two year terms, three shall be appointed for four year terms, and three shall be appointed for six year terms: PROVIDED, FURTHER, That the terms of the two members appointed as incumbent police chiefs shall not expire in the same year nor shall the terms of the two members appointed as representing correctional systems expire in the same year nor shall the terms of the two members appointed as incumbent sheriffs expire in the same year))~~ as a result of chapter . . . Laws of 2021 (this act), the governor shall appoint members to terms ranging from two years to six years in order to stagger future appointments. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member ~~((he or she))~~ the appointee is to succeed. Any member may be reappointed for additional terms.

**Sec. 5.** RCW 43.101.060 and 1999 c 97 s 2 are each amended to read as follows:

The commission shall elect a chair and a vice chair from among its members. ~~((Seven))~~ Nine members of the commission shall constitute a quorum. ~~((The governor shall summon the commission to its first meeting.~~

Meetings)) The commission shall meet at least quarterly. Additional meetings may be called by the chair and shall be called by ~~((him or her))~~ the chair upon the written request of six members.

**Sec. 6.** RCW 43.101.080 and 2020 c 119 s 13 are each amended to read as follows:

The commission shall have all of the following powers:

~~((1) (To meet at such times and places as it may deem proper;~~  
~~((2) To adopt any rules and regulations as it may deem necessary;~~

~~((3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;~~

~~((4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;~~

~~((5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;~~

~~((6) To select and employ an executive director, and to empower him or her to perform such duties and responsibilities as it may deem necessary;~~

(7) To)) Conduct training, including the basic law enforcement academy and in-service training, and assume legal, fiscal, and program responsibility for all training conducted by the commission;

~~((8) To establish))~~ (2) Grant, deny, or revoke certification of peace officers and corrections officers under the provisions of this chapter;

(3) Grant, deny, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process;

(4) Related to its duties under subsections (2) and (3) of this section, provide for the comprehensive and timely investigation of complaints where necessary to ensure adherence to law, strengthen the integrity and accountability of peace officers and corrections officers, and maintain public trust and confidence in the criminal justice system in this state;

(5) Establish, by rule and regulation, curricula and standards for the training of criminal justice personnel where such curricula and standards are not prescribed by statute;

~~((9) To own))~~ (6) Own, establish, and operate, or ((to) contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel ((and to purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities necessary to the conducting of such programs;

~~(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;~~

~~(11) To review);~~

(7) Review and approve or reject standards for instructors of training programs for criminal justice personnel, and ((to) employ personnel from law enforcement agencies on a temporary basis as instructors without any loss of employee benefits to those instructors from those agencies;

~~((12) To direct))~~ (8) Direct the development of alternative, innovative, and interdisciplinary training techniques;

~~((13) To review))~~ (9) Review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards ((recommended by the training standards and education boards), including continuing education;

~~((14) To allocate))~~ (10) Allocate financial resources among training and education programs conducted by the commission;

~~((15) To))~~ (11) Purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities and allocate training facility space among training and education programs conducted by the commission;

~~((16) To issue))~~ (12) Issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

~~((17) To provide))~~ (13) Provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

~~((18) To establish))~~ (14) Establish rules and regulations ((recommended by the training standards and education boards)) prescribing minimum standards relating to physical, mental, and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision;

~~((19) To require county, city, or state))~~ (15) Require all Washington law enforcement and corrections agencies that make a conditional offer of employment to an applicant as a fully commissioned peace officer, a reserve officer, or a corrections officer to administer a background investigation ((including a check of criminal history, verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident, a psychological examination, and a polygraph test or similar assessment to each applicant, the results

~~of which shall be used by the employer to determine the applicant's suitability for employment as a fully commissioned peace officer, a reserve officer, or a corrections officer. The background investigation, psychological examination, and the polygraph examination shall be administered in accordance with the requirements of RCW 43.101.095(2) for peace officers, and RCW 43.101.096 for corrections officers. The employing county, city, or state law enforcement agency may require that each peace officer, reserve officer, or corrections officer who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or four hundred dollars, whichever is less. County, city, and state law enforcement agencies may establish a payment plan if they determine that the peace officer, reserve officer, or corrections officer does not readily have the means to pay for his or her portion of the testing fee. This subsection does not apply to corrections officers employed by state agencies;~~

~~(20) To promote))~~ in accordance with the requirements of RCW 43.101.095 to determine the applicant's suitability for employment as a fully commissioned peace officer, reserve officer, or corrections officer;

(16) Appoint members of a hearings board as provided under RCW 43.101.380;

(17) Promote positive relationships between law enforcement and the ((citizens)) residents of the state of Washington ((by allowing)) through commissioners and staff ((to participate)) participation in the "chief for a day program." The executive director shall designate staff who may participate. In furtherance of this purpose, the commission may accept grants of funds and gifts and may use its public facilities for such purpose. At all times, the participation of commissioners and staff shall comply with chapter 42.52 RCW and chapter 292-110 WAC((-AH);

(18) Adopt, amend, repeal, and administer rules and regulations ((adopted by the commission shall be ruled and administered)) pursuant to the administrative procedure act, chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

Sec. 7. RCW 43.101.085 and 2020 c 119 s 1 are each amended to read as follows:

In addition to its other powers granted under this chapter, the commission has authority and power to:

(1) ((Adopt, amend, or repeal rules as necessary to carry out this chapter;

(2)) Contract for services as it deems necessary in order to carry out its duties and responsibilities;

(2) Cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;

(3) Select and employ an executive director, and empower the director to perform such duties and responsibilities as the commission may deem necessary;

(4) Issue subpoenas and statements of charges, and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter, or designate individuals to do so;

((3)) (5) Employ such staff as necessary for the implementation and enforcement of this chapter;

(6) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;

((4) Appoint members of a hearings board as provided under RCW 43.101.380;

FORTY SIXTH DAY, FEBRUARY 25, 2021

2021 REGULAR SESSION

~~(5)) (7) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;~~

~~((6) Grant, deny, or revoke certification of peace officers and corrections officers under the provisions of this chapter;~~

~~(7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter;~~

~~(8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter; and~~

~~(9) Grant, deny, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process)) and~~

(8) Do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it.

**Sec. 8.** RCW 43.101.095 and 2018 c 32 s 5 are each amended to read as follows:

(1) As a condition of continuing employment ~~((as peace officers)),~~ all Washington peace officers ~~((:-(a) Shall timely obtain certification as peace officers, or timely obtain certification or exemption therefrom, by meeting all requirements of RCW 43.101.200, as that section is administered under the rules of the commission, as well by meeting any additional requirements under this chapter; and (b) shall maintain the basic certification as peace officers under this chapter))~~ and corrections officers are required to obtain certification as a peace officer or corrections officer or exemption therefrom and maintain certification as required by this chapter and the rules of the commission.

(2)(a) ~~((As a condition of continuing employment for any))~~ Any applicant who has been offered a conditional offer of employment as a ~~((fully commissioned))~~ peace officer or ~~((a))~~ reserve officer ~~((after July 24, 2005))~~ or offered a conditional offer of employment as a corrections officer after July 1, 2021, including any person whose certification has lapsed as a result of a break of more than ~~((twenty-four))~~ 24 consecutive months in the officer's service ~~((as a fully commissioned peace officer or reserve officer, the applicant shall))~~ must submit to a background investigation ~~((including a))~~ to determine the applicant's suitability for employment. Employing agencies may only make a conditional offer of employment pending completion of the background check and shall verify in writing to the commission that they have complied with all background check requirements prior to making any nonconditional offer of employment.

(b) The background check must include:

(i) A check of criminal history, ((verification)) any national decertification index, commission records, and all disciplinary records by any previous law enforcement or correctional employer, including complaints or investigations of misconduct and the reason for separation from employment. Law enforcement or correctional agencies that previously employed the applicant shall disclose employment information within 30 days of receiving a written request from the employing agency conducting the background investigation, including the reason for the officer's separation from the agency. Complaints or investigations of misconduct must be disclosed regardless of the result of the investigation or whether the complaint was unfounded;

(ii) Inquiry into whether the peace officer has any past or present affiliations with extremist organizations;

(iii) Verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident((-a));

(iv) A psychological examination((-and-a)) administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of

Washington pursuant to chapter 18.83 RCW, in compliance with standards established in rules of the commission;

~~(v) A polygraph or similar assessment ((as)) administered by ((the county, city, or state law enforcement agency, the results of which shall be used to determine the applicant's suitability for employment as a fully commissioned peace officer or a reserve officer.~~

~~(i) The background investigation including a check of criminal history shall be administered by the county, city, or state law enforcement agency that made the conditional offer of employment in compliance with standards established in the rules of the commission.~~

~~(ii) The psychological examination shall be administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW, in compliance with standards established in rules of the commission.~~

~~(iii) The polygraph test shall be administered by an experienced polygrapher who is a graduate of a polygraph school accredited by the American polygraph association and in compliance with standards established in rules of the commission.~~

(iv)) an experienced professional with appropriate training and in compliance with standards established in rules of the commission; and

(vi) Any other test or assessment to be administered as part of the background investigation shall be administered in compliance with standards established in rules of the commission.

~~((b)) (c) The employing ((county, city, or state)) Washington law enforcement agency may require that each ((peace officer or reserve officer)) person who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or ((four hundred dollars)) \$400, whichever is less. ((County, city, and state law enforcement)) Employing agencies may establish a payment plan if they determine that the ((peace officer or reserve officer)) person does not readily have the means to pay ((for his or her portion of)) the testing fee.~~

~~(3) ((The commission shall certify peace officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.200 on or before January 1, 2002. Thereafter, the commission may revoke certification pursuant to this chapter.~~

~~(4))~~ The commission shall allow a peace officer or corrections officer to retain status as a certified peace officer or corrections officer as long as the officer: (a) Timely meets the basic ~~((law enforcement))~~ training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (b) timely meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification revoked by the commission.

~~((5)) (4) As a ((prerequisite to)) condition of certification, ((as well as a prerequisite to pursuit of a hearing under RCW 43.101.155,)) a peace officer or corrections officer must, on a form devised or adopted by the commission, authorize the release to the employing agency and commission of ~~((his or her))~~ the officer's personnel files, including disciplinary, termination ((papers)), civil or criminal investigation ((files)), or other ((files, papers,)) records or information that are directly related to a certification matter or decertification matter before the commission. The peace officer or corrections officer must also consent to and facilitate a review of the officer's social media accounts, however, consistent with RCW 49.44.200, the officer is not required to provide login information. The release of~~

information may not be delayed, limited, or precluded by any agreement or contract between the officer, or the officer's union, and the entity responsible for the records or information.

~~((6))~~ (5) The employing agency and commission ~~((s))~~ are authorized to receive criminal history record information that includes nonconviction data for any purpose associated with employment ~~((by the commission))~~ or ~~((peace officer))~~ certification under this chapter. Dissemination or use of nonconviction data for purposes other than that authorized in this section is prohibited.

~~((7))~~ (6) For a national criminal history records check, the commission shall require fingerprints be submitted and searched through the Washington state patrol identification and criminal history section. The Washington state patrol shall forward the fingerprints to the federal bureau of investigation.

(7) Prior to certification, the employing agency shall certify to the commission that the agency has completed the background check, no information has been found that would disqualify the applicant from certification, and the applicant is suitable for employment as a peace officer or corrections officer.

**Sec. 9.** RCW 43.101.105 and 2011 c 234 s 3 are each amended to read as follows:

(1) ~~((Upon))~~ To help prevent misconduct, enhance peace officer and corrections officer accountability, and enhance public trust and confidence in the criminal justice system, upon request by ~~((a peace))~~ an officer's employer or on its own initiative, the commission may deny or revoke certification of ~~((any peace))~~ an officer ~~((, after))~~ as provided in this section. The commission shall provide the officer with written notice and a hearing, if a hearing is timely requested by the ~~((peace))~~ officer under RCW 43.101.155 ~~((based upon a finding of one or more of the following conditions:~~

(a) The peace officer has failed to timely meet all requirements for obtaining a certificate of basic law enforcement training, a certificate of basic law enforcement training equivalency, or a certificate of exemption from the training;

(b) The peace officer has knowingly falsified or omitted material information on an application for training or certification to the commission;

(c) The peace officer has been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state; except that if a certified peace officer was convicted of a felony before being employed as a peace officer, and the circumstances of the prior felony conviction were fully disclosed to his or her employer before being hired, the commission may revoke certification only with the agreement of the employing law enforcement agency;

(d) The peace officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after January 1, 2002;

(e) The peace officer's certificate was previously issued by administrative error on the part of the commission; or

(f) The peace officer has interfered with an investigation or action for denial or revocation of certificate by: (i) Knowingly making a materially false statement to the commission; or (ii) in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness). Notice and hearing are not required when a peace officer voluntarily surrenders certification.

(2) ~~((After July 24, 2005, the))~~ The commission may deny or revoke certification of a peace officer or corrections officer if the applicant or officer:

(a)(i) Has been convicted of:

(A) A felony offense;

(B) A gross misdemeanor domestic violence offense;

(C) An offense with sexual motivation as defined in RCW 9.94A.030;

(D) An offense under chapter 9A.44 RCW; or

(E) A federal or out-of-state offense comparable to an offense listed in (a)(i)(A) through (D) of this subsection (2); and

(ii)(A) The offense was not disclosed at the time of application for initial certification; or

(B) The officer was a certified peace officer or corrections officer at the time of the offense; and

(iii) The offense is not one for which the officer was granted a full and unconditional pardon; and

(iv) The offense was not adjudicated as a juvenile and the record sealed;

(b) Has been found by the employing agency to have used excessive force that was so egregious as to cause irreparable harm to the trust required to continue serving as a law enforcement officer;

(c) Has been found by his or her employing agency to have, while uniformed, on duty, present, and observing another Washington law enforcement officer using force that is clearly beyond that which is objectively reasonable under the circumstances, failed to intervene to prevent, mitigate, and stop the use of unreasonable force;

(d) Has been terminated by the employing agency or found by a court to have knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of being a peace officer or corrections officer including, but not limited to, committing perjury, filing false reports, hiding evidence, or failing to report exonerating information. This subsection (2)(d) does not apply to representations made in the course and for the purposes of an undercover investigation; or

(e) Is prohibited from possessing weapons by state or federal law or by a permanent court order entered after a hearing.

(3) The commission shall deny certification to any applicant who ~~((has))~~ lost ~~((his or her))~~ certification as a result of a break in service of more than ~~((twenty-four))~~ 24 consecutive months if that applicant failed to comply with the requirements set forth in RCW 43.101.080 ~~((49))~~ (15) and 43.101.095(2).

(4) Any of the misconduct listed in subsection (2) of this section is grounds for denial or revocation of certification of a reserve officer to the same extent as applied to a peace officer.

**Sec. 10.** RCW 43.101.115 and 2001 c 167 s 4 are each amended to read as follows:

(1) A person denied a certification based upon dismissal or withdrawal from a basic law enforcement academy ~~((for any reason not also involving discharge for disqualifying misconduct))~~ is eligible for readmission and certification upon meeting standards established in rules of the commission, which rules may provide for probationary terms on readmission.

(2) A person whose certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, ~~((rules which may))~~ which rules shall provide for a probationary period of certification in the event of reinstatement of eligibility.

(3) A person whose certification is denied or revoked based upon a felony criminal conviction or based upon conduct that constitutes a felony offense, or who voluntarily surrenders his or her certification, is not eligible for certification at any time.

(4) A ~~((peace officer))~~ person whose certification is denied or revoked ~~((based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction,))~~ for reasons other than provided in subsections (1) through (3) of this section may, five years after the revocation or denial, petition the commission for reinstatement of the certificate or for eligibility

FORTY SIXTH DAY, FEBRUARY 25, 2021

2021 REGULAR SESSION

for reinstatement. The commission (~~shall~~) may hold a hearing on the petition to consider reinstatement, and the commission may allow reinstatement based upon standards established in rules of the commission. If the certificate is reinstated or eligibility for certification is determined, the commission (~~may~~) shall establish a probationary period of certification.

(5) A (~~peace officer~~) person whose certification is revoked based solely upon a criminal conviction may petition the commission for reinstatement immediately upon a final judicial reversal of the conviction. The commission shall hold a hearing on request to consider reinstatement, and the commission may allow reinstatement based on standards established in rules of the commission. If the certificate is reinstated or if eligibility for certification is determined, the commission may establish a probationary period of certification.

(6) The commission's rules and decisions regarding reinstatement shall align with its responsibilities to enhance public trust and confidence in the law enforcement profession and correctional system.

**Sec. 11.** RCW 43.101.135 and 2001 c 167 s 6 are each amended to read as follows:

(1)(a) Upon (~~termination~~) separation of a peace officer or corrections officer from an employing agency for any reason, including termination, resignation, or retirement, the agency (~~of termination~~) shall (~~within fifteen days of the termination~~) notify the commission within 15 days of the separation date on a personnel action report form provided by the commission. (~~The agency of termination shall, upon~~)

(b) If the employer accepts an officer's resignation or retirement in lieu of termination, the employing agency shall report the reasons and rationale in the information provided to the commission, including the findings from any internal or external investigations into alleged misconduct.

(2) In addition to those circumstances under subsection (1) of this section and whether or not disciplinary proceedings have been concluded, the employing agency shall:

(a) Notify the commission within 15 days of learning of the occurrence of any death or serious injury caused by the use of force by an officer or any time an officer has been charged with a crime. Employing agencies must have a policy requiring officers to report any pending criminal charges and any conviction, plea, or other case disposition immediately to their agency; and

(b) Notify the commission within 15 days of an initial disciplinary decision by an employing agency for alleged behavior or conduct by an officer that is noncriminal and may result in revocation of certification pursuant to RCW 43.101.105.

(3) To better enable the commission to act swiftly and comprehensively when misconduct has occurred that may undermine public trust and confidence in law enforcement or the correctional system, if the totality of the circumstances support a conclusion that the officer resigned or retired in anticipation of discipline, whether or not the misconduct was discovered at the time, and when such discipline, if carried forward, would more likely than not have led to discharge, or if the officer was laid off when disciplinary investigation or action was imminent or pending which could have resulted in the officer's suspension or discharge, the employing agency shall conduct and complete the investigation and provide all relevant information to the commission as if the officer were still employed by the agency.

(4) Upon request of the commission, the employing agency shall provide such additional documentation or information as the commission deems necessary to determine whether the (~~termination~~) separation or event provides grounds for revocation (~~under RCW 43.101.105~~).

(5) At its discretion, the commission may:

(a) Initiate decertification proceedings upon conclusion of any investigation or disciplinary proceedings initiated by the employing agency; or

(b) Wait to proceed until any investigation, disciplinary proceedings, or appeals through the employing agency are final before taking action. Where a decertification decision requires a finding by the employing agency, the commission shall await notification of a finding by the employing agency before beginning the decertification process.

(6) An employing agency may not enter into any agreement or contract with an officer, or union:

(a) Not to report conduct, delay reporting, or preclude disclosure of any relevant information, including a promise not to check the box on a commission notice that indicates the officer may have committed misconduct, in exchange for allowing an officer to resign or retire or for any other reason; or

(b) That allows the agency to destroy or remove any personnel record while the officer is employed and for 10 years thereafter. Such records must include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, investigatory files, and other disciplinary appeals and litigation records.

(7) The commission shall maintain (~~these notices~~) all information provided pursuant to this section in a permanent file (~~subject to RCW 43.101.400~~).

(8) The commission may impose a civil penalty not to exceed \$10,000 for the failure by an officer or an employing agency to timely and accurately report information pursuant to this section.

**Sec. 12.** RCW 43.101.145 and 2001 c 167 s 8 are each amended to read as follows:

(~~A law enforcement officer or duly authorized representative of a law enforcement agency~~) (1) Any commission staff, commission member, or a duly authorized representative of a law enforcement agency may submit a written complaint to the commission (~~charging~~) stating that (~~a peace~~) an officer's certificate should be denied or revoked, and specifying the grounds for the (~~charge~~) complaint. Filing a complaint does not make a complainant a party to the commission's action.

(2) The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate matters relating to certification, denial of certification, or revocation of certification on any other basis, without restriction as to the source or the existence of a complaint. All complaints must be resolved with a written determination, regardless of the decision to investigate.

(3) The commission may initiate an investigation in any instance where there is a pattern of complaints or other actions that may not have resulted in a formal adjudication of wrongdoing, but when considered together demonstrate conduct that would constitute a violation of RCW 43.101.105. The commission must consider an officer's job duties and assignment in determining what constitutes a pattern.

(4) A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint.

**Sec. 13.** RCW 43.101.155 and 2001 c 167 s 9 are each amended to read as follows:

(1) If the commission determines, upon investigation, that there is (~~probable~~) cause to believe that a peace officer's or corrections officer's certification should be denied or revoked under RCW 43.101.105, the commission must prepare and serve upon the officer a statement of charges. Service on the officer must be by mail or by personal service on the officer unless the officer has consented to service in some other manner, including electronic

notification. Notice of the charges must also be mailed to or otherwise served upon the officer's agency of (~~termination~~) separation and any current (~~law enforcement~~) agency employer. The statement of charges must be accompanied by a notice that to receive a hearing on the denial or revocation, the officer must, within (~~sixty~~) 60 days of (~~communication of~~) the statement of charges, request a hearing before the hearings (~~board~~) panel appointed under RCW 43.101.380. Failure of the officer to request a hearing within the (~~sixty-day~~) 60-day period constitutes a default, whereupon the commission may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the officer is required to provide an email address that constitutes the officer's legal address for purposes of any subsequent communication from the commission. Unless otherwise agreed to by the mutual agreement of the parties or for good cause, within two weeks of receipt of the officer's request for a hearing, the commission shall set a date ((of) for the hearing, which must be ((scheduled not earlier than ninety days nor later than one hundred eighty days after communication of the statement of charges to the officer; the one hundred eighty day period may be extended on mutual agreement of the parties or for good cause)) held within 90 days thereafter. ((The) On the date the hearing is set, the commission shall ((give written) transmit electronic notice of the hearing ((at least twenty days prior to the hearing)) to the officer, and provide public notice on the commission website, specifying the time, date, and place of hearing.

**Sec. 14.** RCW 43.101.157 and 2006 c 22 s 2 are each amended to read as follows:

(1) Tribal governments may voluntarily request certification for their police officers. Tribal governments requesting certification for their police officers must enter into a written agreement with the commission. The agreement must require the tribal law enforcement agency and its officers to comply with all of the requirements for granting, denying, and revoking certification as those requirements are applied to peace officers certified under this chapter and the rules of the commission.

(2) Officers making application for certification as tribal police officers shall meet the requirements of this chapter and the rules of the commission as those requirements are applied to certification of peace officers. Application for certification as a tribal police officer shall be accepted and processed in the same manner as those for certification of peace officers.

~~(((3) For purposes of certification, "tribal police officer" means any person employed and commissioned by a tribal government to enforce the criminal laws of that government.))~~

**Sec. 15.** RCW 43.101.230 and 1981 c 134 s 1 are each amended to read as follows:

~~(Indian tribe)~~ Tribal police officers and employees who are engaged in law enforcement activities and who do not qualify as "criminal justice personnel" or "law enforcement personnel" under RCW 43.101.010(~~as now law or hereafter amended~~) may be provided training under this chapter if: (a) The tribe is recognized by the federal government, and (b) the tribe pays to the commission the full cost of providing such training. The commission shall place all money received under this section into the criminal justice training account.

**Sec. 16.** RCW 43.101.390 and 2001 c 167 s 11 are each amended to read as follows:

(1) The commission(~~its boards~~) and individuals acting on behalf of the commission (~~and its boards~~) are immune from suit in any civil or criminal action contesting or based upon proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

(2) Without limiting the generality of the foregoing, the commission and individuals acting on behalf of the commission

are immune from suit in any civil action based on the certification, denial of certification, or decertification of peace officers, reserve officers, or corrections officers.

**Sec. 17.** RCW 43.101.420 and 2009 c 19 s 1 are each amended to read as follows:

(1) The commission shall offer a training session on personal crisis recognition and crisis intervention services to criminal justice, (~~correctional personnel~~) corrections, and other public safety employees. The training shall be implemented by the commission in consultation with appropriate public and private organizations that have expertise in crisis referral services and in the underlying conditions leading to the need for crisis referral.

(2) The training shall consist of a minimum of one hour of classroom or internet instruction, and shall include instruction on the following subjects:

(a) The description and underlying causes of problems that may have an impact on the personal and professional lives of public safety employees, including mental health issues, chemical dependency, domestic violence, financial problems, and other personal crises;

(b) Techniques by which public safety employees may recognize the conditions listed in (a) of this subsection and understand the need to seek assistance and obtain a referral for consultation and possible treatment; and

(c) A listing of examples of public and private crisis referral agencies available to public safety employees.

(3) The training developed by the commission shall be made available by the commission to all employees of state and local agencies that perform public safety duties. The commission may charge a reasonable fee to defer the cost of making the training available.

**Sec. 18.** RCW 34.12.035 and 1984 c 141 s 6 are each amended to read as follows:

The chief administrative law judge shall designate an administrative law judge with subject matter expertise to serve, as the need arises, as presiding officer in (~~state~~):

(1) State patrol disciplinary hearings conducted under RCW 43.43.090; and

(2) Decertification hearings conducted under RCW 43.101.380.

**Sec. 19.** RCW 40.14.070 and 2011 c 60 s 18 are each amended to read as follows:

(1)(a) (~~County~~) Other than those records detailed in subsection (4) of this section, county, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

(b) A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

FORTY SIXTH DAY, FEBRUARY 25, 2021

2021 REGULAR SESSION

(2)(a) Except as otherwise provided by law, and other than the law enforcement records detailed in subsection (4) of this section, no public records shall be destroyed until approved for destruction by the local records committee. Official public records shall not be destroyed unless:

(i) The records are six or more years old;

(ii) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or

(iii) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

(b)(i) Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020 that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval. Upon electronic retention of any document, the association shall be permitted to destroy the paper copy of the document.

(ii) Any sealed record transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval, including records sealed after transfer, shall be electronically retained in such a way that the record is clearly marked as sealed.

(iii) The Washington association of sheriffs and police chiefs shall be permitted to destroy both the paper copy and electronic record of any offender verified as deceased.

(c) Any record transferred to the Washington association of sheriffs and police chiefs pursuant to (b) of this subsection shall be deemed to no longer constitute a public record pursuant to RCW 42.56.010 and shall be exempt from public disclosure. Such records shall be disseminated only to criminal justice agencies as defined in RCW 10.97.030 for the purpose of determining if a sex offender met the criteria of a sexually violent predator as defined in chapter 71.09 RCW and the end-of-sentence review committee as defined by RCW 72.09.345 for the purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420.

Electronic records marked as sealed shall only be accessible by criminal justice agencies as defined in RCW 10.97.030 who

would otherwise have access to a sealed paper copy of the document, the end-of-sentence review committee as defined by RCW 72.09.345 for the purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420, and the system administrator for the purposes of system administration and maintenance.

(3) Except as otherwise provided by law, county, municipal, and other local government agencies may, as an alternative to destroying noncurrent public records having no further administrative or legal value, donate the public records to the state library, local library, historical society, genealogical society, or similar society or organization.

Public records may not be donated under this subsection unless:

(a) The records are seventy years old or more;

(b) The local records committee has approved the destruction of the public records; and

(c) The state archivist has determined that the public records have no historic interest.

(4) Personnel records for any peace officer or corrections officer must be retained for the duration of the officer's employment and a minimum of 10 years thereafter. Such records include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, other disciplinary appeals and litigation records, and any other records needed to comply with the requirements set forth in RCW 43.101.095 and 43.101.135.

**Sec. 20.** RCW 43.101.380 and 2020 c 119 s 10 are each amended to read as follows:

(1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is ~~((clear, cogent, and convincing))~~ a preponderance of the evidence.

(2) In all hearings requested under RCW 43.101.155 ~~((or 43.101.156)), an administrative law judge appointed under chapter 34.12 RCW shall be the presiding officer, shall make all necessary rulings in the course of the hearing, and shall issue a proposed recommendation, but is not entitled to vote. In addition, a five-member hearings panel shall ((both)) hear the case and make the commission's final administrative decision. ((Members of the commission may, but need not, be appointed to the hearings panels.))~~

(3) The commission shall appoint ((as follows two or more panels)) a panel to hear certification actions as follows:

(a) When a hearing is requested in relation to a certification action of a Washington peace officer ~~((who is not a peace officer of the Washington state patrol)),~~ the commission shall appoint to the panel: (i) One police chief ~~((; (ii) one))~~ or sheriff from an agency not a current or past employer of the peace officer; ((; (iii) two)) (ii) one certified Washington peace officer ~~((s))~~ who ((are)) is at or below the level of first line supervisor ((; one of whom is from a city or county law enforcement agency;)) and who ~~((have))~~ has at least ten years' experience as a peace officer ~~((s)); ((and (iv) one person who is not currently a peace officer and who represents a community college or four year college or university))~~ (iii) one member of the commission as appointed under RCW 43.101.030 (1) through (5); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and (v) one person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.

(b) ~~(When a hearing is requested in relation to a certification action of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one certified Washington peace officer who is at or below the level of first line supervisor, who is not a state patrol officer, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.~~

(e)) When a hearing is requested in relation to a certification action of a Washington corrections officer, the commission shall appoint to the panel: (i) ~~(Two heads of)~~ A person who heads either a city or county corrections agency or facility or of a Washington state department of corrections facility; (ii) ~~(two)~~ one corrections officer(s) who (are) is at or below the level of first line supervisor(, who are from city, county, or state corrections agencies,)) and who (have) has at least ten years' experience as a corrections officer(s); (iii) one member of the commission as appointed under RCW 43.101.030 (1) through (5); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and ((iii)) (v) one person with expertise and background in police accountability who is not ((currently)) a current or former peace officer or corrections officer ((and who represents a community college or four-year college or university)).

~~((d))~~ (c) When a hearing is requested in relation to a certification action of a tribal police officer, the commission shall appoint to the panel (i) ~~((either one police chief or one sheriff; (ii))~~ one tribal police chief; ((iii)) (ii) one certified Washington peace officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; ((iv)) (iii) one tribal police officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; ((and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university)) (iv) one member of the commission as appointed under RCW 43.101.030 (1) through (5); and (v) one person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.

~~((e))~~ (d) Persons appointed to hearings panels by the commission shall, in relation to any certification action on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

~~((3) Where the charge upon which revocation or denial is based is that a peace officer or corrections officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of RCW 43.101.105(1)(d) or 43.101.106(4), and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct;)) (4) In decertification matters where there was a due process hearing or a disciplinary appeals hearing following an investigation by a law enforcement agency, or a criminal hearing regarding the alleged misconduct, the hearings panel need not redetermine the underlying facts but may make ((this)) its determination based solely on review of the records and decision relating to ((the employment separation)) those proceedings and any investigative or summary materials from the administrative law judge, legal counsel, and commission staff. However, the hearings panel may, in its discretion, consider additional evidence to determine whether ~~((such a discharge))~~ misconduct occurred ~~((and was~~~~

~~based on such disqualifying misconduct)).~~ The hearings panel shall, upon written request by the subject peace officer or corrections officer, allow the peace officer or corrections officer to present additional evidence of extenuating circumstances.

~~((Where the charge upon which revocation or denial of certification is based is that a peace officer or corrections officer "has been convicted at any time of a felony offense" within the meaning of RCW 43.101.105(1)(e) or 43.101.106(3), the hearings panel shall revoke or deny certification if it determines that the peace officer or corrections officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon the panel's determination of relevancy, consider additional evidence to determine whether the peace officer or corrections officer was convicted of a felony.~~

~~Where the charge upon which revocation or denial is based is under RCW 43.101.105(1) (a), (b), (e), or (f) or 43.101.106 (1), (2), (5), or (6), the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.~~

~~(4)) (5) The commission is authorized to proceed regardless of whether an arbitrator or other appellate decision maker overturns the discipline imposed by the officer's employing agency or whether the agency settles an appeal. No action or failure to act by a law enforcement agency or corrections agency or decision resulting from an appeal of that action precludes action by the commission to revoke an officer's certificate.~~

~~(6) The hearings, but not the deliberations of the hearings panel, are open to the public. The transcripts, admitted evidence, and written decisions of the hearings panel on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.~~

~~(7) Summary records of hearing dispositions must be made available on an annual basis on a public website.~~

~~(8) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.~~

**Sec. 21.** RCW 43.101.400 and 2020 c 119 s 12 are each amended to read as follows:

(1) Except as provided under subsection (2) of this section, the following records of the commission are confidential and exempt from public disclosure: (a) The contents of personnel action reports filed under RCW 43.101.135 or 43.101.136; (b) all files, papers, and other information obtained by the commission pursuant to RCW 43.101.095~~((5) or 43.101.096)~~ (2) and (4); and (c) all investigative files of the commission compiled in carrying out the responsibilities of the commission under this chapter. Such records are not subject to public disclosure, subpoena, or discovery proceedings in any civil action, except as provided in ~~((subsection (5) of this section))~~ RCW 43.101.380(6) or which become part of the record in a decertification matter.

(2) Records which are otherwise confidential and exempt under subsection (1) of this section may be reviewed and copied: (a) By the officer involved or the officer's counsel or authorized representative, who may review the officer's file and may submit any additional exculpatory or explanatory evidence, statements, or other information, any of which must be included in the file; (b) by a duly authorized representative of (i) the agency of termination, or (ii) a current employing law enforcement or corrections agency, which may review and copy its employee-officer's file; or (c) by a representative of or investigator for the commission.

(3) Records which are otherwise confidential and exempt under subsection (1) of this section may also be inspected at the offices of the commission by a duly authorized representative of a law

FORTY SIXTH DAY, FEBRUARY 25, 2021

2021 REGULAR SESSION

enforcement or corrections agency considering an application for employment by a person who is the subject of a record. A copy of records which are otherwise confidential and exempt under subsection (1) of this section may later be obtained by an agency after it hires the applicant. In all other cases under this subsection, the agency may not obtain a copy of the record.

(4) Upon a determination that a complaint is without merit, that a personnel action report filed under RCW 43.101.135 does not merit action by the commission, or that a matter otherwise investigated by the commission does not merit action, the commission shall purge records addressed in subsection (1) of this section.

~~(5) ((The hearings, but not the deliberations, of the hearings board are open to the public. The transcripts, admitted evidence, and written decisions of the hearings board on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.~~

~~(6)) Any decertification must be reported to the national decertification index.~~

(6) Every individual, legal entity, and agency of federal, state, or local government is immune from civil liability, whether direct or derivative, for providing information to the commission in good faith.

**Sec. 22.** RCW 41.56.905 and 1983 c 287 s 5 are each amended to read as follows:

The provisions of this chapter are intended to be additional to other remedies and shall be liberally construed to accomplish their purpose. Except as provided in RCW 53.18.015, 43.101.095, and 43.101.135, if any provision of this chapter conflicts with any other statute, ordinance, rule or regulation of any public employer, the provisions of this chapter shall control.

**Sec. 23.** RCW 49.44.200 and 2013 c 330 s 1 are each amended to read as follows:

(1) An employer may not:

(a) Request, require, or otherwise coerce an employee or applicant to disclose login information for the employee's or applicant's personal social networking account;

(b) Request, require, or otherwise coerce an employee or applicant to access his or her personal social networking account in the employer's presence in a manner that enables the employer to observe the contents of the account;

(c) Compel or coerce an employee or applicant to add a person, including the employer, to the list of contacts associated with the employee's or applicant's personal social networking account;

(d) Request, require, or cause an employee or applicant to alter the settings on his or her personal social networking account that affect a third party's ability to view the contents of the account; or

(e) Take adverse action against an employee or applicant because the employee or applicant refuses to disclose his or her login information, access his or her personal social networking account in the employer's presence, add a person to the list of contacts associated with his or her personal social networking account, or alter the settings on his or her personal social networking account that affect a third party's ability to view the contents of the account.

(2) This section does not apply to an employer's request or requirement that an employee share content from his or her personal social networking account if the following conditions are met:

(a) The employer requests or requires the content to make a factual determination in the course of conducting an investigation;

(b) The employer undertakes the investigation in response to receipt of information about the employee's activity on his or her personal social networking account;

(c) The purpose of the investigation is to: (i) Ensure compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct; or (ii) investigate an allegation of unauthorized transfer of an employer's proprietary information, confidential information, or financial data to the employee's personal social networking account; and

(d) The employer does not request or require the employee to provide his or her login information.

(3) This section does not:

(a) Apply to a social network, intranet, or other technology platform that is intended primarily to facilitate work-related information exchange, collaboration, or communication by employees or other workers;

(b) Prohibit an employer from requesting or requiring an employee to disclose login information for access to: (i) An account or service provided by virtue of the employee's employment relationship with the employer; or (ii) an electronic communications device or online account paid for or supplied by the employer;

(c) Prohibit an employer from enforcing existing personnel policies that do not conflict with this section; ~~((or))~~

(d) Prevent an employer from complying with the requirements of state or federal statutes, rules or regulations, case law, or rules of self-regulatory organizations; or

(e) Apply to a background investigation in accordance with RCW 43.101.095. However, the officer must not be required to provide login information.

(4) If, through the use of an employer-provided electronic communications device or an electronic device or program that monitors an employer's network, an employer inadvertently receives an employee's login information, the employer is not liable for possessing the information but may not use the login information to access the employee's personal social networking account.

(5) For the purposes of this section and RCW 49.44.205:

(a) "Adverse action" means: Discharging, disciplining, or otherwise penalizing an employee; threatening to discharge, discipline, or otherwise penalize an employee; and failing or refusing to hire an applicant.

(b) "Applicant" means an applicant for employment.

(c) "Electronic communications device" means a device that uses electronic signals to create, transmit, and receive information, including computers, telephones, personal digital assistants, and other similar devices.

(d) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or other activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation. "Employer" includes an agent, a representative, or a designee of the employer.

(e) "Login information" means a user name and password, a password, or other means of authentication that protects access to a personal social networking account.

**Sec. 24.** RCW 41.06.040 and 1969 ex.s. c 36 s 22 are each amended to read as follows:

The provisions of this chapter apply to:

(1) Each board, commission or other multimember body, including, but not limited to, those consisting in whole or in part of elective officers;

(2) Each agency, and each employee and position therein, not expressly excluded or exempted under the provisions of RCW 41.06.070 or otherwise excluded or exempted in this chapter.

**NEW SECTION. Sec. 25.** A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter do not apply in the Washington state criminal justice training commission to two confidential secretaries involved in managing the confidential records under RCW 43.101.135 and 43.101.400.

**NEW SECTION. Sec. 26.** A new section is added to chapter 10.93 RCW to read as follows:

A law enforcement or corrections agency is prohibited from considering the application for any office, place, position, or employment within the agency if the applicant has not provided the agency a document, voluntarily and knowingly signed by the applicant, that authorizes each prior employer to release any and all information relating to the applicant's employment, and further releasing and holding harmless the agency and each prior employer from any and all liability that may potentially result from the release and use of such information provided.

**NEW SECTION. Sec. 27.** A new section is added to chapter 10.93 RCW to read as follows:

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

**NEW SECTION. Sec. 28.** No later than December 1, 2022, the criminal justice training commission shall submit a written report to the governor and the appropriate committees of the legislature detailing progress of implementation of this act.

**NEW SECTION. Sec. 29.** The following acts or parts of acts are each repealed:

(1)RCW 43.101.096 (Corrections officer certification) and 2020 c 119 s 3;

(2)RCW 43.101.106 (Denial or revocation of corrections officer certification) and 2020 c 119 s 4;

(3)RCW 43.101.116 (Denial or revocation of corrections officer certification—Readmission to academy—Reinstatement) and 2020 c 119 s 5;

(4)RCW 43.101.136 (Termination of corrections officer—Notification to commission) and 2020 c 119 s 7;

(5)RCW 43.101.146 (Written complaint by corrections officer or corrections agency to deny or revoke corrections officer certification—Immunity of complainant) and 2020 c 119 s 8; and

(6)RCW 43.101.156 (Denial or revocation of corrections officer certification—Statement of charges—Notice—Hearing) and 2020 c 119 s 9.

**NEW SECTION. Sec. 30.** A new section is added to chapter 41.56 RCW to read as follows:

Notwithstanding any provisions of this chapter, the provisions of chapter . . . , Laws of 2021 (this act) and the implementation thereof do not constitute personnel matters, working conditions, or any other change that require collective bargaining.

**NEW SECTION. Sec. 31.** To the extent that any provision of this act conflicts with any local regulation, ordinance, collective bargaining agreement, memorandum of understanding, policy, or practice, the provisions of this act shall prevail and the conflicting provision shall be null and void. If the application of this section to a collective bargaining agreement in effect on the

effective date of this section would result in impairing contractual obligations under that agreement, then the existing collective bargaining agreement prevails until such time as the agreement expires, renews, or is amended."

On page 1, line 2 of the title, after "corrections officers;" strike the remainder of the title and insert "amending RCW 43.101.010, 43.101.020, 43.101.030, 43.101.040, 43.101.060, 43.101.080, 43.101.085, 43.101.095, 43.101.105, 43.101.115, 43.101.135, 43.101.145, 43.101.155, 43.101.157, 43.101.230, 43.101.390, 43.101.420, 34.12.035, 40.14.070, 43.101.380, 43.101.400, 41.56.905, 49.44.200, and 41.06.040; adding a new section to chapter 41.06 RCW; adding new sections to chapter 10.93 RCW; adding a new section to chapter 41.56 RCW; creating new sections; repealing RCW 43.101.096, 43.101.106, 43.101.116, 43.101.136, 43.101.146, and 43.101.156; and prescribing penalties."

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

Senator Braun demanded a roll call.

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

Senator Pedersen spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Braun to Second Substitute Senate Bill No. 5051.

#### ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 20; Nays, 26; Absent, 0; Excused, 3.

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

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

Excused: Senators Hobbs, Honeyford and Van De Wege.

#### MOTION

Senator Braun moved that the following striking floor amendment no. 161 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The criminal justice training commission shall convene a work group to make recommendations regarding when a peace officer must intervene or report wrongdoing observed by another peace officer.

(2) The work group must include:

(a) One representative from the association of superior court judges;

(b) One representative from the Washington association of prosecuting attorneys;

(c) Two community members with experience in police accountability;

(d) One member who is a police chief or sheriff;

(e) One member who is a law enforcement officer; and

FORTY SIXTH DAY, FEBRUARY 25, 2021

2021 REGULAR SESSION

- (f) One member of the defense bar.
- (3) The work group shall make recommendations regarding:
  - (a) Mandatory versus discretionary revocation of a certification;
  - (b) hearing panel composition; (c) due process protections for law enforcement officers; (d) additional sanctions including, but not limited to, remedial training; and (e) suspension of a certification.
- (4) The work group must report its recommendations to the governor and the appropriate committees of the legislature by December 1, 2021.
- (5) The work group must operate within existing funds.
- (6) This section expires June 30, 2022."
 

On page 1, line 2 of the title, after "officers;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, floor amendment no. 161 by Senator Braun to Second Substitute Senate Bill No. 5051 was withdrawn.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5051 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Dhingra, Nguyen, Conway and Darneille spoke in favor of passage of the bill.

Senators Padden, King, Holy, Wagoner, Dozier, Short, Schoesler, Rivers, Wilson, L., Muzzall, Warnick, Fortunato, Wilson, J., McCune and Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5051.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5051 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 19; Absent, 1; Excused, 3.

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

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

Absent: Senator Ericksen

Excused: Senators Hobbs, Honeyford and Van De Wege

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

February 25, 2021

MR. PRESIDENT:  
The Speaker has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 5272.  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

At 11:41 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Friday, February 26, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**FORTY SEVENTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Friday, February 26, 2021

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Honeyford.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Rhys Nobles led the Senate in the Pledge of Allegiance. Mr. Nobles is the son of Senator Nobles.

The prayer was offered by Senator Rebecca Saldaña of the 37<sup>th</sup> Legislative District, Seattle.

**REMARKS BY THE PRESIDENT**

President Heck: "Thank you Senator Saldaña, both for those beautiful words and your presence here today. I know I speak on behalf of the entire Senate when I extend to you our deepest condolences and sympathies to you and to your family for your loss."

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

February 25, 2021

SB 5126 Prime Sponsor, Senator Carlyle: Concerning the Washington climate commitment act. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: That Substitute Senate Bill No. 5126 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlyle, Chair; Das; Hobbs; Liias; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Brown, Fortunato and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Lovelett, Vice Chair and Sheldon.

Referred to Committee on Ways & Means.

February 25, 2021

HB 1042 Prime Sponsor, Representative Thai: Revising the international application of the uniform child custody jurisdiction and enforcement act to protect families from facing the death penalty in certain foreign jurisdictions on the basis of religious beliefs, political beliefs, or sexual orientation. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 25, 2021

SHB 1171 Prime Sponsor, Committee on Civil Rights & Judiciary: Amending child support income withholding provisions to comply with federal child support program requirements. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

February 25, 2021

SGA 9196 JAMES M. MOHR, appointed on August 24, 2020, for the term ending June 17, 2022, as Member of the Human Rights Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

**MOTIONS**

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

**INTRODUCTION AND FIRST READING**

SB 5467 by Senator Fortunato

AN ACT Relating to sales tax exemptions on highway projects supported by moneys from the motor vehicle fund; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Ways & Means.

2SHB 1028 by House Committee on Appropriations (originally sponsored by Bergquist, McCaslin, Dolan, Stonier and Pollet)

AN ACT Relating to evaluation and recommendation of candidates for residency teacher certification; amending RCW 28A.410.270 and 28A.410.2211; adding a new section to chapter 28A.410 RCW; creating new sections; repealing RCW 28A.410.280; providing an expiration date; and declaring an emergency.

FORTY SEVENTH DAY, FEBRUARY 26, 2021

2021 REGULAR SESSION

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

39.34.180, and 70.48.090; and reenacting and amending RCW 10.64.120.

ESHB 1068 by House Committee on State Government & Tribal Relations (originally sponsored by Dolan, Valdez, Kloba, Gregerson and Wylie)  
AN ACT Relating to exempting election security information from public records disclosure; amending RCW 42.56.420; creating a new section; and declaring an emergency.

Referred to Committee on Law & Justice.

Referred to Committee on State Government & Elections.

SHB 1309 by House Committee on Finance (originally sponsored by Eslick, Ramel, Paul and Lekanoff)  
AN ACT Relating to the dates of certification of levies; amending RCW 84.52.070 and 84.56.020; and creating a new section.

Referred to Committee on Housing & Local Government.

HB 1096 by Representatives Schmick, Cody, Leavitt, Ortiz-Self, Riccelli and Macri  
AN ACT Relating to nonmedicare plans offered through the Washington state health insurance pool; and amending RCW 48.41.100 and 48.41.160.

SHB 1331 by House Committee on Local Government (originally sponsored by Harris-Talley, Senn, Berry, Callan, Fitzgibbon, Wicks, Ortiz-Self, Chopp, Davis, Valdez, Bateman, Eslick, Ormsby, Lovick, Fey, Berg, Rule, Lekanoff, Frame, Duerr, Pollet, Macri, Slatter and Peterson)  
AN ACT Relating to early learning facility impact fees; and amending RCW 82.02.060.

Referred to Committee on Health & Long Term Care.

Referred to Committee on Housing & Local Government.

SHB 1129 by House Committee on Health Care & Wellness (originally sponsored by Valdez, Stonier, Ortiz-Self, Goodman, Cody, Santos and Macri)  
AN ACT Relating to the licensure of international medical graduates; and amending RCW 18.71.095.

SHB 1383 by House Committee on Health Care & Wellness (originally sponsored by Taylor, Stonier, Dolan, J. Johnson, Leavitt, Simmons, Berry, Fitzgibbon, Sells, Ryu, Berg, Ormsby, Macri and Morgan)  
AN ACT Relating to respiratory care practitioners; amending RCW 18.89.010, 18.89.020, 18.89.040, 18.89.050, and 18.89.090; reenacting and amending RCW 18.89.020; providing effective dates; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

Referred to Committee on Health & Long Term Care.

HB 1143 by Representatives Rude, Klicker, Eslick and Dent  
AN ACT Relating to authorizing the placement of water rights banked pursuant to RCW 90.92.070 into the trust water rights program; amending RCW 90.42.080; and declaring an emergency.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 1455 by House Committee on Labor & Workplace Standards (originally sponsored by Mosbrucker, Boehnke, Young, Sutherland and Jacobsen)  
AN ACT Relating to the use of social security numbers by the department of labor and industries and the employment security department; adding a new section to chapter 43.22 RCW; and adding a new section to chapter 50.12 RCW.

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

Referred to Committee on Labor, Commerce & Tribal Affairs.

ESHB 1196 by House Committee on Health Care & Wellness (originally sponsored by Riccelli, Callan, Bateman, Ramos, Cody, Ortiz-Self, Duerr, Harris, Leavitt, Bergquist, Shewmake, Fitzgibbon, Macri, Tharinger, Slatter, Davis, Berg, Pollet, Orwall, Harris-Talley and Frame)  
AN ACT Relating to audio-only telemedicine; amending RCW 41.05.700, 48.43.735, 70.41.020, 71.24.335, and 74.09.325; adding a new section to chapter 74.09 RCW; creating new sections; and providing an expiration date.

SHB 1492 by House Committee on Labor & Workplace Standards (originally sponsored by Sells, Macri, Lovick, Berry, Slatter, Thai, Pollet, Ormsby and Stonier)  
AN ACT Relating to extended benefits in the unemployment insurance system; amending RCW 50.22.010; reenacting and amending RCW 50.22.020; adding a new section to chapter 50.22 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SHB 1294 by House Committee on Civil Rights & Judiciary (originally sponsored by Goodman, Davis, Macri and Ormsby)  
AN ACT Relating to misdemeanor supervision services by limited jurisdiction courts; amending RCW 4.24.760,

SHB 1493 by House Committee on Labor & Workplace Standards (originally sponsored by Sells, Berry, Pollet and Ormsby)

AN ACT Relating to job search monitoring; amending RCW 50.20.240; creating new sections; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

#### MOTIONS

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

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

Senator Liias moved adoption of the following resolution:

#### SENATE RESOLUTION 8611

By Senator Liias

WHEREAS, Steve K. Houle faithfully served as a Washington State Trooper for 28 years; and

WHEREAS, Steve was a devoted son to Howard and Terri, husband to Laurie, stepfather to Rachel, and father to Hayden and Connor, living and serving the State of Washington in his home region of Kittitas County; and

WHEREAS, In a tragic accident, Steve's life was cut short by an avalanche in the mountains near Cle Elum on February 8th, 2021; and

WHEREAS, Steve's supervisor, Sergeant Barry Pilkinton wrote "I will remember Steve not only as a co-worker but as my friend. A man that loved his wife, family and friends. He was passionate about the outdoors and we talked about hunting and fishing for hours. You didn't catch a bigger fish or win any sort of bet with Steve around. I will miss our adventures and his sense of humor. I will miss my friend."; and

WHEREAS, Steve was loved and respected by his friends and colleagues in the Washington State Patrol where he served more than seven years as a Commercial Vehicle Enforcement Officer, and then in the Commercial Vehicle Division (CVD) in Wenatchee for the rest of his exemplary career; and

WHEREAS, Steve's work in the CVD earned him the Ticketing Aggressive Cars and Trucks Trooper of the Year Award, one of the agency's highest honors and an accolade bestowed for a commitment to keeping Washington State's highways and roadways safe for all; and

WHEREAS, The State of Washington has lost a committed Trooper who exemplified professionalism and commitment to public service and his fellow Washingtonians;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Washington State Trooper Steve K. Houle as a father, husband, friend, and devoted servant to the people of Washington State and extends its deepest condolences to his family and community.

Senators Liias and Warnick spoke in favor of adoption of the resolution.

#### MOTION

On motion of Senator Wagoner, Senators Braun, Ericksen, Hawkins, Honeyford and King were excused.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8611.

The motion by Senator Liias carried and the resolution was adopted by voice vote.

#### REMARKS BY THE PRESIDENT

President Heck: "On behalf of our entire family, I extend to you our deepest gratitude."

#### MOTION

At 10:21 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

#### PARLIAMENTARY INQUIRY

Senator Hawkins: "A point of clarification Mr. President."

President Heck: "State your point of inquiry, we don't have points of clarification."

Senator Hawkins: "I just wanted to reflect that I did vote for the resolution. I appreciated the speeches. I thank Senator Wagoner for excusing me, but I was present and voted. Thank you, Mr. President."

---

#### AFTERNOON SESSION

---

The Senate was called to order at 12:34 p.m. by President Heck.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

February 25, 2021

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1016,  
HOUSE BILL NO. 1031,  
SECOND SUBSTITUTE HOUSE BILL NO. 1044,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1069,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1083,  
SUBSTITUTE HOUSE BILL NO. 1085,  
HOUSE BILL NO. 1104,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109,  
SUBSTITUTE HOUSE BILL NO. 1114,  
HOUSE BILL NO. 1122,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1141,  
SECOND SUBSTITUTE HOUSE BILL NO. 1148,  
SUBSTITUTE HOUSE BILL NO. 1151,  
SUBSTITUTE HOUSE BILL NO. 1162,  
HOUSE BILL NO. 1172,  
SECOND SUBSTITUTE HOUSE BILL NO. 1173,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1194,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1272,

FORTY SEVENTH DAY, FEBRUARY 26, 2021

2021 REGULAR SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1273,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1274,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1359,  
 SUBSTITUTE HOUSE BILL NO. 1363,  
 SUBSTITUTE HOUSE BILL NO. 1373,  
 SUBSTITUTE HOUSE BILL NO. 1391,  
 SUBSTITUTE HOUSE BILL NO. 1425,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1480,  
 HOUSE BILL NO. 1491,  
 SUBSTITUTE HOUSE BILL NO. 1508,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 5431, by Senators Randall, Nobles, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Keiser, Hunt, Honeyford, Holy, Liias, Lovelett, Nguyen, Padden, Robinson, Stanford, and Wilson, C.

Creating the Rosa Franklin legislative internship program scholarship.

The measure was read the second time.

MOTION

On motion of Senator Randall, the rules were suspended, Senate Bill No. 5431 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Holy, Conway, King, Hawkins, Padden and Nobles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5431.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5431 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Braun and Honeyford

SENATE BILL NO. 5431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5367, by Senator Conway

Directing the department of retirement systems to create rules regarding automatic refunds of retirement contributions in the retirement systems listed in RCW 41.50.030.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5367.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5367 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Braun and Honeyford

SENATE BILL NO. 5367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5325, by Senators Muzzall, Cleveland, Dozier, Frockt, Keiser, Randall, Rivers and Robinson

Concerning audio-only telemedicine.

MOTION

On motion of Senator Muzzall, Substitute Senate Bill No. 5325 was substituted for Senate Bill No. 5325 and the substitute bill was placed on the second reading and read the second time.

Revised for 1st Substitute: Concerning telemedicine.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5325 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5325.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5325 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Braun and Honeyford

SUBSTITUTE SENATE BILL NO. 5325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5345, by Senators Brown, Rolfes, Das, Hasegawa, Lovelett, Mullet, Nguyen, Randall and Rivers

Establishing a statewide industrial waste coordination program.

The measure was read the second time.

#### MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5345 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5345.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5345 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Braun and Honeyford

SENATE BILL NO. 5345, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Senator Liias moved that all members names be added to Senate Resolution No. 8611.

#### SECOND READING

SENATE BILL NO. 5052, by Senators Keiser, Randall, Cleveland, Conway, Das, Frockt, Hasegawa, Kuderer, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Salomon and C. Wilson

Concerning the creation of health equity zones.

#### MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 5052 was substituted for Senate Bill No. 5052 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Muzzall moved that the following floor amendment no. 204 by Senator Muzzall be adopted:

On page 2, line 4, after "specific purpose," strike "the" and insert "a two-year health equity zone pilot project is established. The"

On page 3, beginning on line 20, after "2023," strike "and every two years thereafter,"

On page 3, line 22, after "each" strike "zone and" and insert "zone,"

On page 3, line 24, after "project success" insert ", and recommendations for continuing the program"

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

"(9) This section expires January 1, 2024."

On page 1, line 2 of the title, after "RCW;" strike "and"

On page 1, line 2 of the title, after "section" insert "; and providing an expiration date"

Senator Muzzall spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 204 by Senator Muzzall on page 2, line 4 to Second Substitute Senate Bill No. 5052.

The motion by Senator Muzzall did not carry and floor amendment no. 204 was not adopted by voice vote.

#### MOTION

Senator Muzzall moved that the following floor amendment no. 205 by Senator Muzzall be adopted:

On page 2, line 10, after "to identify" strike ", or allow communities to self-identify,"

On page 2, beginning on line 12, after "zone." strike all material through "zones." on line 14

On page 2, beginning on line 15, after "(2)" strike all material through "(3)" on line 17

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

On page 2, line 22, after "(4)" strike "Communities that self-identify zones or the" and insert "The"

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

Senators Cleveland and Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 205 by Senator Muzzall on page 2, line 10 to Second Substitute Senate Bill No. 5052.

The motion by Senator Muzzall did not carry and floor amendment no. 205 was not adopted by voice vote.

FORTY SEVENTH DAY, FEBRUARY 26, 2021

2021 REGULAR SESSION

## MOTION

Senator Short moved that the following floor amendment no. 206 by Senator Short be adopted:

On page 2, line 14, after "zones." insert "A health equity zone may not be established unless approved by the local health jurisdiction in which the zone is located."

On page 2, beginning on line 20, after "determine" strike "the number of health equity zones and"

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

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 206 by Senator Short on page 2, line 14 to Second Substitute Senate Bill No. 5052.

The motion by Senator Short did not carry and floor amendment no. 206 was not adopted by voice vote.

## MOTION

Senator Wilson, L. moved that the following floor amendment no. 207 by Senator Wilson, L. be adopted:

On page 2, beginning on line 37, after "organization" strike all material through "zone" on line 38 and insert "whose mission is addressing health disparities and inequality"

Senator Wilson, L. spoke on adoption of the amendment.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Wilson, L. and without objection, floor amendment no. 207 by Senator Wilson, L. on page 2, line 37 to Second Substitute Senate Bill No. 5052 was withdrawn.

## MOTION

Senator Warnick moved that the following floor amendment no. 208 by Senator Warnick be adopted:

On page 3, line 8, after "services;" insert "and"

On page 3, beginning on line 9, after "efforts" strike all material through "health" on line 11

Senator Warnick spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 208 by Senator Warnick on page 3, line 8 to Second Substitute Senate Bill No. 5052.

The motion by Senator Warnick did not carry and floor amendment no. 208 was not adopted by voice vote.

## MOTION

Senator Rivers moved that the following floor amendment no. 209 by Senator Rivers be adopted:

On page 3, line 12, after "department" strike "must" and insert "may"

On page 3, line 14, after "zones;" insert "and"

On page 3, line 17, after "success" strike "; and" and insert "."

On page 3, line 18, strike "(c) Subject" and insert "(7) The department must provide, subject"

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

Senator Rivers spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 209 by Senator Rivers on page 3, line 12 to Second Substitute Senate Bill No. 5052.

The motion by Senator Rivers did not carry and floor amendment no. 209 was not adopted by voice vote.

## MOTION

Senator Short moved that the following floor amendment no. 210 by Senator Short be adopted:

On page 3, line 25, after "section" strike "'health" and insert ", the following definitions apply unless the context clearly requires otherwise:

(a) "Health"

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

"(b) "Communities" means any city, town, county, or other political subdivision of the state."

Senator Short spoke in favor of adoption of the amendment.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendment no. 210 by Senator Short on page 3, line 25 to Second Substitute Senate Bill No. 5052 was withdrawn.

## MOTION

Senator Wagoner moved that the following floor amendment no. 211 by Senator Wagoner be adopted:

On page 3, line 33, after "disparities." insert "Documented health disparities must be documented or identified by the department or the centers for disease control and prevention."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 211 by Senator Wagoner on page 3, line 33 to Second Substitute Senate Bill No. 5052.

The motion by Senator Wagoner carried and floor amendment no. 211 was adopted by voice vote.

## MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5052.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5052 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

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

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

Excused: Senators Braun and Honeyford

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

I had wished to vote No on Engrossed Second Substitute Senate Bill No. 5052 but was unable to adjust my vote in the remote voting system in time for the final recorded vote.

SENATOR Hawkins, 12<sup>th</sup> Legislative District

#### SECOND READING

SENATE BILL NO. 5118, by Senators Darneille, Das, Hasegawa, Liias, Mullet, Nguyen, Saldaña, and Wilson, C.

Supporting successful reentry.

#### MOTION

On motion of Senator Darneille, Substitute Senate Bill No. 5118 was substituted for Senate Bill No. 5118 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Rivers moved that the following floor amendment no. 124 by Senator Rivers be adopted:

On page 3, after line 11, insert the following:

"(8) The state must fully reimburse local jurisdictions for all costs related to the resolution of juvenile warrants under this section."

Senator Rivers spoke in favor of adoption of the amendment.

Senator Darneille spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 124 by Senator Rivers on page 3, line 11 to Substitute Senate Bill No. 5118.

The motion by Senator Rivers did not carry and floor amendment no. 124 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 133 by Senator Padden be adopted:

On page 3, after line 34, insert the following: "(c) The department may not attempt to site new community residential facilities east of the crest of the Cascade mountain range unless there is an equal or greater number of sited community residential

facilities on the western side of the crest of the Cascade mountain range."

Senators Padden and Billig spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 133 by Senator Padden on page 3, line 34 to Substitute Senate Bill No. 5118.

The motion by Senator Padden carried and floor amendment no. 133 was adopted by voice vote.

#### MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5118 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen and Gildon spoke in favor of passage of the bill.

Senator Rivers spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5118.

#### REMARKS BY THE PRESIDENT

President Heck: "The President notes that Senator Darneille was not available to join us due to technological issues and she will be excused."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5118 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

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

Voting nay: Senators Brown, Dozier, Ericksen, Hawkins, King, McCune, Muzzall, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senators Braun, Darneille and Honeyford

ENGROSSED SUBSTITUTE SENATE BILL NO. 5118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

On February 26, 2021 during debate on SB 5118, my internet connection was severed. I was an active debate participant, as chair of the Human Services, Reentry, and Rehabilitation Committee (committee of origin) and prime sponsor. I request that my affirmative vote on this bill be included in the Journal.

SENATOR Darneille, 27<sup>th</sup> Legislative District

#### SECOND READING

SENATE BILL NO. 5009, by Senators Padden, Pedersen, Brown, McCune and Mullet

Enacting the uniform public expression protection act.

FORTY SEVENTH DAY, FEBRUARY 26, 2021

2021 REGULAR SESSION

## MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5009 was substituted for Senate Bill No. 5009 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

Senator Pedersen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5009.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5009 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Braun, Darneille and Honeyford

SUBSTITUTE SENATE BILL NO. 5009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5396, by Senators Lovelett, Saldaña, Conway, Das, Kuderer, Nguyen, and Wilson, C.

Expanding the sales and use tax exemption for farmworker housing.

## MOTION

On motion of Senator Lovelett, Second Substitute Senate Bill No. 5396 was substituted for Senate Bill No. 5396 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Fortunato moved that the following floor amendment no. 220 by Senator Fortunato be adopted:

On page 2, beginning on line 23, after "business." strike all material through "services." on line 26 and insert "In order to qualify for the exemption in this section, the person seeking the exemption must attest that the farmworker housing will be made available to both United States workers and foreign workers in accordance with Washington laws against discrimination and applicable federal regulations governing farmworker visa programs."

Senators Fortunato and Warnick spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 220 by Senator Fortunato on page 2, line 23 to Second Substitute Senate Bill No. 5396.

The motion by Senator Fortunato did not carry and floor amendment no. 220 was not adopted by voice vote.

## MOTION

Senator Fortunato moved that the following floor amendment no. 221 by Senator Fortunato be adopted:

On page 4, line 4, strike all of subsection (7)

On page 5, line 5, strike all of subsection (7)

On page 1, line 3 of the title, after "section;" strike the remainder of the title and insert "and providing an effective date."

Senators Fortunato and Warnick spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 221 by Senator Fortunato on page 4, line 4 to Second Substitute Senate Bill No. 5396.

The motion by Senator Fortunato failed and floor amendment no. 221 was not adopted by voice vote.

## MOTION

On motion of Senator Lovelett, the rules were suspended, Second Substitute Senate Bill No. 5396 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett, Warnick and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5396.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5396 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

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

Voting nay: Senators Brown, Ericksen, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner and Wilson, L.

Excused: Senators Braun and Honeyford

SECOND SUBSTITUTE SENATE BILL NO. 5396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 2:11 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator River announced a meeting of the Republican Caucus.

----

The Senate was called to order at 3:09 p.m. by President Heck.

#### SECOND READING

SENATE BILL NO. 5228, by Senators Randall, Liias, Das, Lovelett, Nobles, Wilson, C., Darneille, Hasegawa, Keiser, Kuderer, Nguyen and Robinson

Addressing disproportionate health outcomes by building a foundation of equity in medical training.

#### MOTION

On motion of Senator Randall, Substitute Senate Bill No. 5228 was substituted for Senate Bill No. 5228 and the substitute bill was placed on the second reading and read the second time.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendment no. 199 by Senator Honeyford on page 2, line 5 to Substitute Senate Bill No. 5228 was withdrawn.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 200 by Senator Fortunato be adopted:

Beginning on page 2, line 34, strike all of section 3

On page 1, beginning on line 2 of the title, after "adding" strike "new sections" and insert "a new section"

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

Senator Randall spoke against adoption of the amendment.

Senator Gildon spoke on the adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 200 by Senator Fortunato on page 2, line 34 to Substitute Senate Bill No. 5228.

The motion by Senator Fortunato did not carry and floor amendment no. 200 was not adopted by voice vote.

#### MOTION

Senator Brown moved that the following floor amendment no. 241 by Senator Brown be adopted:

On page 2, at the beginning of line 36, strike "(1)"

On page 3, beginning on line 1, after "develop" strike all material through "websites." on line 13 and insert "a dashboard confirming the school's commitment to holistic review in their admissions process. The dashboard must convey applicants' and admitted students' experiences, attributes, and academic metrics as well as what the applicant or admitted student may contribute to the medical field. Each dashboard must be made available on each school's respective website as of January 1, 2025. The dashboard must demonstrate, in aggregate, the experiences or characteristics of admitted students that are linked to that individual's likelihood of success as a student and as a physician."

Senator Brown spoke in favor of adoption of the amendment.  
Senator Randall spoke against adoption of the amendment.

#### PARLIAMENTARY INQUIRY

Senator Hasegawa: "Thanks Mr. President. I thought there was an audio mix-up, but it looks like the problem has been resolved. Thank you."

The President declared the question before the Senate to be the adoption of floor amendment no. 241 by Senator Brown on page 2, line 36 to Substitute Senate Bill No. 5228.

The motion by Senator Brown did not carry and floor amendment no. 241 was not adopted by voice vote.

#### MOTION

On motion of Senator Randall, the rules were suspended, Substitute Senate Bill No. 5228 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall and Holy spoke in favor of passage of the bill.  
Senator Fortunato spoke against passage of the bill.

#### POINT OF ORDER

Senator Liias: "Mr. President, the bill before us is addressing the disproportionate health outcomes in medical training. I believe the speaker has strayed quite far from those comments and would ask you to ask him to direct his comments to the substance of the bill."

#### RULING BY THE PRESIDENT

President Heck: "Thank you Senator Liias. Senator Fortunato, please keep your remarks to the substance of the policy proposal before us and please be mindful of the words that are chosen. You may proceed."

Senators Fortunato, Brown, and Ericksen spoke against passage of the bill.

#### POINT OF ORDER

Senator Liias: "Thank you Mr. President. The speaker is now speaking about the city of Seattle's internal trainings which have nothing to do with the foundation of equity in medical training. So, I would ask you to suggest that the senator confine his remarks to the subject of Substitute Senate Bill No. 5228."

#### RULING BY THE PRESIDENT

President Heck: "Once again Senator Liias, your point is well taken. I want to pause here a little bit and ask everybody to understand the sensitivity of the subject matter and how it is that the words that we use can be hurtful. The question before the Senate is Senate Bill No. 5228, please be mindful of your words."

Senator Ericksen resumed his remarks.

#### REMARKS BY THE PRESIDENT

President Heck: "We are going to pause here for a minute."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5228.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5228 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

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

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

Excused: Senator Honeyford

SUBSTITUTE SENATE BILL NO. 5228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5258, by Senators Cleveland, Robinson, Das, Nguyen, Saldaña, and Wilson, C.

Concerning consumer directed employers.

MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 5258 was substituted for Senate Bill No. 5258 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 5258 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

Senator Muzzall spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5258.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5258 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

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

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

Excused: Senator Honeyford

SUBSTITUTE SENATE BILL NO. 5258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5313, by Senators Liias, Randall, Darneille, Das, Dhingra, Frockt, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Pedersen, Robinson, Stanford, Van De Wege, and Wilson, C.

Concerning health insurance discrimination.

MOTION

On motion of Senator Liias, Second Substitute Senate Bill No. 5313 was substituted for Senate Bill No. 5313 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Muzzall moved that the following floor amendment no. 201 by Senator Muzzall be adopted:

On page 3, at the beginning of line 5, strike "2022" and insert "2023"

On page 3, line 39, after "December 1," strike "2021" and insert "2022"

Senator Muzzall spoke in favor of adoption of the amendment. Senators Liias and Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 201 by Senator Muzzall on page 3, line 5 to Second Substitute Senate Bill No. 5313.

The motion by Senator Muzzall did not carry and floor amendment no. 201 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 202 by Senator Fortunato be adopted:

On page 3, after line 26, insert the following:

"(e) Gender affirming treatment shall not be provided to any individual under 18 years old."

On page 5, after line 21, insert the following:

"(8) Gender affirming treatment shall not be provided to any individual under 18 years old."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 202 by Senator Fortunato on page 3, line 26 to Second Substitute Senate Bill No. 5313.

The motion by Senator Fortunato did not carry and floor amendment no. 202 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 203 by Senator Fortunato be adopted:

On page 3, line 35, after "nonbinary," insert "and"

On page 3, beginning on line 35, after "intersex" strike ", and other gender diverse"

On page 5, line 19, after "transgender," insert "and"

On page 5, line 19, after "nonbinary" strike ", and other gender diverse"

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 203 by Senator Fortunato on page 3, line 35 to Second Substitute Senate Bill No. 5313.

The motion by Senator Fortunato did not carry and floor amendment no. 203 was not adopted by voice vote.

#### MOTION

On motion of Senator Liias, the rules were suspended, Second Substitute Senate Bill No. 5313 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

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

#### MOTION

On motion of Senator Wagoner, Senator McCune was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5313.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5313 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

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

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

Excused: Senators Honeyford and McCune

SECOND SUBSTITUTE SENATE BILL NO. 5313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5376, by Senators Wilson, C., Wellman, Conway, Das, Hunt, Kuderer, Liias, Nobles and Saldaña

Promoting awareness of the governor's office of the education ombuds.

#### MOTIONS

On motion of Senator Wilson, C., Substitute Senate Bill No. 5376 was substituted for Senate Bill No. 5376 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wilson, C., the rules were suspended, Substitute Senate Bill No. 5376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5376.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5376 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

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

Voting nay: Senators Ericksen, Padden and Schoesler

Excused: Senators Honeyford and McCune

SUBSTITUTE SENATE BILL NO. 5376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5158, by Senators Hawkins, Rolfes, Saldaña, Van De Wege and Wagoner

Concerning the utility wildland fire prevention advisory committee.

The measure was read the second time.

#### MOTION

Senator Hawkins moved that the following floor amendment no. 179 by Senator Hawkins be adopted:

On page 3, line 19, after "to the" strike "utility wildland fire prevention" and insert "wildland fire"

On page 3, line 20, after "committee" insert "established in RCW 76.04.179"

Senator Hawkins spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 179 by Senator Hawkins on page 3, line 19 to Senate Bill No. 5158.

The motion by Senator Hawkins carried and floor amendment no. 179 was adopted by voice vote.

#### MOTION

On motion of Senator Hawkins, the rules were suspended, Engrossed Senate Bill No. 5158 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hawkins, Van De Wege and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5158.

#### ROLL CALL

FORTY SEVENTH DAY, FEBRUARY 26, 2021

2021 REGULAR SESSION

SECOND READING

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5158 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

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

Absent: Senator Darneille

Excused: Senators Honeyford and McCune

ENGROSSED SENATE BILL NO. 5158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Randall, Senator Darneille was excused.

SECOND READING

SENATE BILL NO. 5003, by Senators Keiser, Conway, Kuderer, Randall, Saldaña, Stanford, and Wilson, C.

Enacting the living donor act.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5003 was substituted for Senate Bill No. 5003 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5003 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Muzzall and Lovelett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5003.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5003 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Darneille, Honeyford and McCune

SUBSTITUTE SENATE BILL NO. 5003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5383, by Senators Wellman, Short, Hunt, King, Lovelett, Nguyen, Randall, Saldaña, Warnick, Wilson, C., and Wilson, L.

Authorizing a public utility district to provide retail telecommunications services in unserved areas under certain conditions.

MOTION

On motion of Senator Wellman, Second Substitute Senate Bill No. 5383 was substituted for Senate Bill No. 5383 and the substitute bill was placed on the second reading and read the second time.

Revised for 2nd Substitute: Authorizing public utility districts and port districts to provide retail telecommunications services in unserved areas under certain conditions.

WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendment no. 196 by Senator Short on page 1, line 2 to Second Substitute Senate Bill No. 5383 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendment no. 195 by Senator Short on page 4, line 9 to Second Substitute Senate Bill No. 5383 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendment no. 198 by Senator Short on page 5, line 21 to Second Substitute Senate Bill No. 5383 was withdrawn.

MOTION

Senator Schoesler moved that the following floor amendment no. 197 by Senator Schoesler be adopted:

On page 4, line 10, after "area" insert "within the district's limits"

On page 5, line 19, after "area" insert "within the district's limits"

On page 5, line 23, after "area" insert "within the district's limits"

On page 8, line 4, after "area" insert "within the district's limits"

On page 9, line 11, after "area" insert "within the district's limits"

On page 9, line 15, after "area" insert "within the district's limits"

Senator Schoesler spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 197 by Senator Schoesler on page 4, line 10 to Second Substitute Senate Bill No. 5383.

The motion by Senator Schoesler did not carry and floor amendment no. 197 was not adopted by voice vote.

On motion of Senator Wellman, the rules were suspended, Second Substitute Senate Bill No. 5383 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Short, Warnick, King, Rivers, and Sheldon spoke in favor of passage of the bill.

Senators Schoesler and Hawkins spoke against passage of the bill.

#### MOTION

Senator Liias demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Liias carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5383.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5383 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

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

Voting nay: Senators Dozier, Hawkins and Schoesler

Excused: Senators Darneille, Honeyford and McCune

SECOND SUBSTITUTE SENATE BILL NO. 5383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5439, by Senators Saldaña, Kuderer, Lovelett and Nguyen

Facilitating the coordinated installation of broadband along state highways.

#### MOTIONS

On motion of Senator Saldaña, Substitute Senate Bill No. 5439 was substituted for Senate Bill No. 5439 and the substitute bill was placed on the second reading and read the second time.

Senator Saldaña moved that the following striking floor amendment no. 147 by Senator Saldaña be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) Increasing broadband access to unserved areas of the state provides a public benefit to the citizens of Washington by allowing full participation in society and the modern economy, and enabling access to health care, education, and essential services, including public safety;

(b) Achieving affordable and quality broadband access for all Washingtonians will require sustained investment, research, local and community participation, and partnerships between private, public, and nonprofit entities;

(c) Providing for additional coordination across sectors to increase broadband access in unserved areas is in the best interest of the state; and

(d) Expanding broadband access, especially broadband conduit along roadways, provides commensurate benefits to the transportation system and motor vehicle users in terms of reducing congestion by allowing for more telework, and laying the foundation for a transportation system increasingly more reliant on autonomous vehicles.

(2) Therefore, the legislature intends to expand broadband access to unserved areas throughout the state by increasing broadband infrastructure coordination opportunities, including collaboration between the statewide broadband office and the department of transportation, proactively facilitating installation of infrastructure during state road construction projects and studying recommendations related to the department of transportation's role in broadband service expansion efforts.

**Sec. 2.** RCW 43.330.532 and 2019 c 365 s 3 are each amended to read as follows:

(1) The governor's statewide broadband office is established. The director of the office must be appointed by the governor. The office may employ staff necessary to carry out the office's duties as prescribed by chapter 365, Laws of 2019, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to encourage, foster, develop, and improve affordable, quality broadband within the state in order to:

(a) Drive job creation, promote innovation, improve economic vitality, and expand markets for Washington businesses;

(b) Serve the ongoing and growing needs of Washington's education systems, health care systems, public safety systems, transportation systems, industries and business, governmental operations, and citizens; and

(c) Improve broadband accessibility for unserved communities and populations.

**Sec. 3.** RCW 43.330.534 and 2019 c 365 s 4 are each amended to read as follows:

(1) The office has the power and duty to:

(a) Serve as the central broadband planning body for the state of Washington;

(b) Coordinate with local governments, tribes, public and private entities, nonprofit organizations, and consumer-owned and investor-owned utilities to develop strategies and plans promoting deployment of broadband infrastructure and greater broadband access, while protecting proprietary information;

(c) Review existing broadband initiatives, policies, and public and private investments;

(d) Develop, recommend, and implement a statewide plan to encourage cost-effective broadband access and to make recommendations for increased usage, particularly in rural and other unserved areas;

(e) Update the state's broadband goals and definitions for broadband service in unserved areas as technology advances, except that the state's definition for broadband service may not be actual speeds less than twenty-five megabits per second download and three megabits per second upload; and

(f) Encourage public-private partnerships to increase deployment and adoption of broadband services and applications.

(2) When developing plans or strategies for broadband deployment, the office must consider:

FORTY SEVENTH DAY, FEBRUARY 26, 2021

2021 REGULAR SESSION

(a) Partnerships between communities, tribes, nonprofit organizations, local governments, consumer-owned and investor-owned utilities, and public and private entities;

(b) Funding opportunities that provide for the coordination of public, private, state, and federal funds for the purposes of making broadband infrastructure or broadband services available to rural and unserved areas of the state;

(c) Barriers to the deployment, adoption, and utilization of broadband service, including affordability of service and project coordination logistics; and

(d) Requiring minimum broadband service of twenty-five megabits per second download and three megabits per second upload speed, that is scalable to faster service.

(3) The office may assist applicants for the grant and loan program created in RCW 43.155.160 with seeking federal funding or matching grants and other grant opportunities for deploying broadband services.

(4) The office may take all appropriate steps to seek and apply for federal funds for which the office is eligible, and other grants, and accept donations, and must deposit these funds in the statewide broadband account created in RCW 43.155.165.

(5) In carrying out its purpose, the office may collaborate with the utilities and transportation commission, the office of the chief information officer, the department of commerce, the community economic revitalization board, the department of transportation, the public works board, the state librarian, and all other relevant state agencies.

**Sec. 4.** RCW 43.330.538 and 2019 c 365 s 6 are each amended to read as follows:

(1) Beginning January 1, 2021, and biennially thereafter, the office shall report to the legislative committees with jurisdiction over broadband policy and finance on the office's activities during the previous two years.

(2) The report must, at a minimum, contain:

(a) An analysis of the current availability and use of broadband, including average broadband speeds, within the state;

(b) Information gathered from schools, libraries, hospitals, and public safety facilities across the state, determining the actual speed and capacity of broadband currently in use and the need, if any, for increases in speed and capacity to meet current or anticipated needs;

(c) An overview of incumbent broadband infrastructure within the state;

(d) A summary of the office's activities in coordinating broadband infrastructure development with the department of transportation and the public works board, including a summary of funds awarded under RCW 43.155.160;

(e) Suggested policies, incentives, and legislation designed to accelerate the achievement of the goals under RCW 43.330.536; and

(f) Any proposed legislative and policy initiatives.

**NEW SECTION. Sec. 5.** A new section is added to chapter 47.44 RCW to read as follows:

(1) The department is directed to adopt and maintain an agency policy that requires the department to proactively provide broadband facility owners with information about planned state highway projects to enable collaboration between broadband facility owners and the department to identify opportunities for the installation of broadband facilities during the appropriate phase of these projects when such opportunities exist.

(2) If no owners are ready or able to participate in coordination of the installation of broadband infrastructure concurrently with state highway projects, the department may enlist its contractors to install broadband conduit as part of road construction projects

in order to directly benefit the transportation system and motor vehicle users by:

(a) Reducing future traffic impacts to the traveling public on the roadway;

(b) Supporting the vehicle miles traveled reduction and congestion management goals of the state by allowing for more telework; or

(c) Proactively preparing the transportation system for the widespread development and use of autonomous vehicles.

(3) Broadband facility owners must first obtain a franchise granted by the department pursuant to RCW 47.44.010 and 47.44.020 before installing broadband facilities within the department's conduit. The costs for installation and maintenance of such broadband facilities shall be the responsibility of the broadband facility owner.

(4) As used in this section:

(a) "Broadband conduit" means a conduit used to support broadband infrastructure, including fiber optic cables.

(b) "Broadband infrastructure" has the same meaning as in RCW 43.330.530.

**Sec. 6.** RCW 47.52.001 and 2004 c 131 s 1 are each amended to read as follows:

(1) Unrestricted access to and from public highways has resulted in congestion and peril for the traveler. It has caused undue slowing of all traffic in many areas. The investment of the public in highway facilities has been impaired and highway facilities costing vast sums of money will have to be relocated and reconstructed.

(2) (~~(Personal wireless service)~~) Broadband, which includes a range of high-speed transmission technologies, including fiber optic lines and personal wireless service facilities, is a critical part of the state's infrastructure. The rapid deployment of (~~(personal wireless service)~~) broadband facilities is critical to ensure public safety, network access, quality of service, and rural economic development.

(3) It is, therefore, the declared policy of this state to limit access to the highway facilities of this state in the interest of highway safety and for the preservation of the investment of the public in such facilities, and to (~~(assure)~~) ensure that the use of rights-of-way of limited access facilities accommodate the deployment of (~~(personal wireless service)~~) broadband facilities consistent with these interests. In furtherance of this policy, the department is directed to adopt and maintain an agency policy that requires the department to proactively provide broadband facility owners with information about planned limited access highway projects to enable collaboration between broadband facility owners and the department to identify opportunities for the installation of broadband facilities during the appropriate phase of these projects when such opportunities exist. Coordination between the department and broadband facilities under this section must comply with applicable state and federal law including, but not limited to, chapter 47.44 RCW and RCW 47.04.045.

**NEW SECTION. Sec. 7.** (1) Subject to the availability of amounts appropriated for this specific purpose in the omnibus transportation appropriations act, the joint transportation committee shall oversee a consultant study to recommend:

(a) An effective department of transportation strategy, and specific state highway corridors, that could be used to address missing fiber connections and inadequate broadband service in parts of the state underserved by broadband facilities;

(b) The most promising planning and financing tools that could be used by the department of transportation to provide the state with greater ability to install conduit in anticipation of future broadband fiber occupancy by others;

(c) Opportunities for mutually beneficial partnerships between the department of transportation and broadband service providers that could provide broadband services for transportation purposes such as intelligent transportation systems, cooperative automated transportation/autonomous vehicles, transportation demand management, and highway maintenance activities; and

(d) Strategies for the mitigation of potential safety, operations, and preservation impacts to transportation related to the recommendations made in (a) through (c) of this subsection.

(2) The study must also include an examination of any state and federal laws and regulations that could prevent or limit the implementation of these recommendations, as well as recommendations for modifications to the applicable state laws and regulations.

(3) The joint transportation committee shall consult with the department of transportation, the Washington statewide broadband office, and other state agencies and local jurisdictions, as necessary, during development of the study's recommendations to ensure the relevance and applicability of the recommendations to the state.

**Sec. 8.** RCW 47.44.010 and 2001 c 201 s 5 are each amended to read as follows:

(1) The department of transportation may grant franchises to persons, associations, private or municipal corporations, the United States government, or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas, oil or coal pipes, telephone, telegraph (~~and~~), fiber optic, electric light and power lines and conduits, trams or railways, and any structures or facilities that are part of an urban public transportation system owned or operated by a municipal corporation, agency, or department of the state of Washington other than the department of transportation, and any other such facilities. In order to minimize the disruption to traffic and damage to the roadway, the department is encouraged to develop a joint trenching policy with other affected jurisdictions so that all permittees and franchisees requiring access to ground under the roadway may do so at one time.

(2) All applications for the franchise must be made in writing and subscribed by the applicant, and describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. The application must also include the identification of all jurisdictions affected by the franchise and the names of other possible franchisees who should receive notice of the application for a franchise.

(3) The department of transportation shall adopt rules providing for a hearing or an opportunity for a hearing with reasonable public notice thereof with respect to any franchise application involving the construction and maintenance of utilities or other facilities within the highway right-of-way which the department determines may (a) during construction, significantly disrupt the flow of traffic or use of driveways or other facilities within the right-of-way, or (b) during or following construction, cause a significant and adverse effect upon the surrounding environment."

On page 1, line 2 of the title, after "highways;" strike the remainder of the title and insert "amending RCW 43.330.532, 43.330.534, 43.330.538, 47.52.001, and 47.44.010; adding a new section to chapter 47.44 RCW; and creating new sections."

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

The President declared the question before the Senate to be the adoption of striking floor amendment no. 147 by Senator Saldaña to Substitute Senate Bill No. 5439.

The motion by Senator Saldaña carried and striking floor amendment no. 147 was adopted by voice vote.

#### MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed Substitute Senate Bill No. 5439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5439.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5439 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

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

Absent: Senator Ericksen

Excused: Senators Darneille, Honeyford and McCune

ENGROSSED SUBSTITUTE SENATE BILL NO. 5439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REMARKS BY SENATOR LIAS

Senator Liias: "I will just note, on a historic note, because Senator Sheldon and so many others have delved into the history of our state today, that Sunday is the 20<sup>th</sup> anniversary of the Nisqually earthquake. So, I am pleased to report that the only earth-shaking things happening this Sunday are the great Senate bills heading over to the House."

#### MOTION

At 5:24 p.m., on motion of Senator Liias, the Senate adjourned until 11:00 o'clock a.m. Monday, March 1, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**FIFTIETH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Monday, March 1, 2021

The Senate was called to order at 11:03 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Cannon Johnson led the Senate in the Pledge of Allegiance. Mr. Johnson is the grandson of Senator Lynda Johnson.

The prayer was offered by Reverend Terry Murray of Unity Church of Olympia.

**MOTIONS**

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

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

**MESSAGE FROM OTHER STATE OFFICERS**

The following reports were submitted to and received by the office of the Secretary of the Senate:

**MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

January 15, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

KENNETH W. KENYON JR., reappointed January 20, 2021, for the term ending January 19, 2025, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health & Long Term Care as Senate Gubernatorial Appointment No. 9271.

January 22, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

HENRIK KROMBEEN, reappointed January 22, 2021, for the term ending December 26, 2024, as Member of the Board of Pilotage Commissioners.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9272.

February 4, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TIMOTHY RASMUSSEN, reappointed February 4, 2021, for the term ending October 1, 2024, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Business, Financial Services & Trade as Senate Gubernatorial Appointment No. 9273.

February 8, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

HUNTER R. STUEHM, reappointed February 8, 2021, for the term ending June 30, 2021, as Member of the Western Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9274.

February 12, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

WILL HALL, appointed February 12, 2021, for the term ending June 25, 2021, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9275.

February 17, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JEFF SBIAH, appointed February 17, 2021, for the term ending June 17, 2025, as Member of the Human Rights Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9276.

February 18, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ERIN L. BLACK, reappointed February 18, 2021, for the term ending September 30, 2026, as Member of the Central Washington University Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9277.

February 18, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JUDY F. KUSCHEL, reappointed February 18, 2021, for the term ending December 31, 2023, as Member of the State Investment Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Ways & Means as Senate Gubernatorial Appointment No. 9278.

#### MOTIONS

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

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

#### MESSAGES FROM THE HOUSE

February 24, 2021

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1184,  
ENGROSSED HOUSE BILL NO. 1271,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

February 26, 2021

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1022,  
HOUSE BILL NO. 1023,  
SECOND SUBSTITUTE HOUSE BILL NO. 1061,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

1160,

SUBSTITUTE HOUSE BILL NO. 1166,

SUBSTITUTE HOUSE BILL NO. 1208,

SUBSTITUTE HOUSE BILL NO. 1225,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1295,

SECOND SUBSTITUTE HOUSE BILL NO. 1325,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329,

SUBSTITUTE HOUSE BILL NO. 1348,

HOUSE BILL NO. 1393,

HOUSE BILL NO. 1430,

SUBSTITUTE HOUSE BILL NO. 1502,

SUBSTITUTE HOUSE BILL NO. 1510,

HOUSE BILL NO. 1525,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

February 27, 2021

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054,  
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091,  
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 5468 by Senators Mullet, Hobbs, Braun, Brown, Hawkins, Holy, King, Muzzall, Padden, Rivers, Salomon, Schoesler, Short, Wagoner, Warnick, and Wilson, L.

AN ACT Relating to knowing possession of a controlled substance; reenacting and amending RCW 69.50.4013; and declaring an emergency.

Referred to Committee on Law & Justice.

SHB 1016 by House Committee on Appropriations (originally sponsored by Morgan, Lovick, Ryu, Wicks, Ortiz-Self, Berry, Leavitt, J. Johnson, Kloba, Shewmake, Simmons, Bateman, Lekanoff, Duerr, Fitzgibbon, Chopp, Slatter, Ramos, Ramel, Peterson, Gregerson, Valdez, Callan, Young, Hackney, Cody, Ormsby, Riccelli, Rude, Stonier, Fey, Frame, Santos, Macri, Taylor, Davis, Pollet, Bergquist and Harris-Talley)

AN ACT Relating to making Juneteenth a legal holiday; amending RCW 1.16.050; and creating new sections.

Referred to Committee on State Government & Elections.

HB 1031 by Representatives Walen, Valdez, Leavitt, Ortiz-Self, Springer, Stonier and Santos

AN ACT Relating to the government issuance of a certificate of birth resulting in stillbirth; amending RCW 70.58A.530; creating a new section; and providing an effective date.

Referred to Committee on Health & Long Term Care.

2SHB 1044 by House Committee on Appropriations (originally sponsored by Leavitt, Simmons, J. Johnson, Eslick, Lovick, Kloba, Lekanoff, Wylie, Bateman, Senn, Goodman, Bronoske, Valdez, Callan, Ramos, Hackney, Morgan, Ormsby, Fey, Frame, Santos, Davis, Pollet and Bergquist)

AN ACT Relating to creating prison to postsecondary education pathways; amending RCW 72.09.270, 72.09.460, 72.09.465, 72.68.010, and 28B.15.067; amending 2019 c 397 s 1 (uncodified); adding a new section to chapter 72.68 RCW; adding a new section to chapter 72.09 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

E2SHB 1069 by House Committee on Finance (originally sponsored by Pollet, Duerr, Leavitt, Wylie, Tharinger, Kloba, Senn, Ryu, Callan and Fey)

FIFTIETH DAY, MARCH 1, 2021

2021 REGULAR SESSION

AN ACT Relating to local government fiscal flexibility; amending RCW 82.14.310, 82.14.320, 82.14.330, 82.14.340, 82.14.450, 82.14.460, 82.04.050, 82.04.050, 82.46.010, 82.46.015, 82.46.035, 82.46.037, 84.55.050, 35.21.290, and 35.67.210; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Housing & Local Government.

ESHB 1070 by House Committee on Finance (originally sponsored by Ryu, Macri, Walen, Chopp, Santos, Fitzgibbon, Ramel, Wylie, Ramos, Bateman, Tharinger, Simmons, Kloba, Peterson, Gregerson, Goodman, Sells, Bronoske, Valdez, Callan, Hackney, Cody, Ormsby, Riccelli, Springer, Fey, Davis, Pollet and Harris-Talley)

AN ACT Relating to modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities; amending RCW 82.14.530 and 67.28.180; and declaring an emergency.

Referred to Committee on Housing & Local Government.

E2SHB 1083 by House Committee on Appropriations (originally sponsored by Gregerson, Peterson, Wylie, Bateman, Tharinger, Ramel, Ortiz-Self, Valdez, Kloba, Morgan, Chopp, Ormsby, Santos, Macri, Orwall, Bergquist, Pollet and Harris-Talley)

AN ACT Relating to relocation assistance for tenants of closed or converted manufactured/mobile home parks; amending RCW 59.21.005, 59.21.021, and 59.21.050; and repealing RCW 59.21.025.

Referred to Committee on Housing & Local Government.

SHB 1085 by House Committee on Education (originally sponsored by Kloba, Vick, Volz, Leavitt, Ramel, Hoff, Graham, Chopp, Lovick, Stokesbary and Pollet)

AN ACT Relating to promoting a safe learning environment for students with seizure disorders; amending RCW 28A.210.260 and 28A.210.350; adding a new section to chapter 28A.210 RCW; and adding a new section to chapter 28A.235 RCW.

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

HB 1104 by Representatives Ryu and Kloba

AN ACT Relating to extending the operation of the mortgage lending fraud prosecution account until June 30, 2027; amending RCW 36.22.181 and 43.320.140; providing expiration dates; and declaring an emergency.

Referred to Committee on Business, Financial Services & Trade.

ESHB 1109 by House Committee on Public Safety (originally sponsored by Orwall, Mosbrucker, Simmons, Goodman, Leavitt, Valdez, Kloba, Graham, Morgan, Caldier, Rule and Macri)

AN ACT Relating to supporting victims of sexual assault; amending RCW 43.101.278 and 70.125.110; and adding a new section to chapter 5.70 RCW.

Referred to Committee on Law & Justice.

SHB 1114 by House Committee on Environment & Energy (originally sponsored by Dye and Ramel)

AN ACT Relating to encouraging utility mitigation of urban heat island effects; amending RCW 35.92.355, 35.92.390, 54.16.400, 80.28.260, and 80.28.300; adding a new section to chapter 54.16 RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

HB 1122 by Representatives Lovick, Klippert, Ryu, Goodman, MacEwen and Orwall

AN ACT Relating to the retirement age for state guard members; amending RCW 38.16.015; and declaring an emergency.

Referred to Committee on State Government & Elections.

ESHB 1141 by House Committee on Health Care & Wellness (originally sponsored by Rude, Macri, Stonier, Tharinger, Ormsby, Frame, Pollet, Goodman, Peterson, Thai, Ramel, J. Johnson, Bateman, Simmons, Fitzgibbon and Valdez)

AN ACT Relating to increasing access to the provisions of the Washington death with dignity act; amending RCW 70.245.010, 70.245.010, 70.245.020, 70.245.030, 70.245.040, 70.245.050, 70.245.060, 70.245.070, 70.245.080, 70.245.090, 70.245.100, 70.245.110, 70.245.120, 70.245.150, 70.245.180, 70.245.190, 70.245.220, and 70.41.520; adding a new section to chapter 70.245 RCW; adding a new section to chapter 70.41 RCW; providing effective dates; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

2SHB 1148 by House Committee on Appropriations (originally sponsored by Cody, Macri, Stonier, Lekanoff and Pollet)

AN ACT Relating to protecting patient safety in acute care hospitals through improvements in licensing and enforcement; and amending RCW 70.41.020 and 70.41.130.

Referred to Committee on Health & Long Term Care.

SHB 1151 by House Committee on Housing, Human Services & Veterans (originally sponsored by Leavitt, Shewmake, Peterson, Bronoske, Entenman, Stonier, Bateman, Chopp, Frame, Hackney, Callan, Pollet, Gregerson, Senn and J. Johnson)

AN ACT Relating to bolstering economic recovery by providing public assistance to households in need; amending RCW 74.04.660 and 74.04.770; adding a new section to chapter 74.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 1162 by House Committee on Education (originally sponsored by Stonier, Harris, Lekanoff, Hackney, Pollet, Dolan and Callan)

AN ACT Relating to creating new graduation credit and pathway options; amending RCW 28A.230.090 and 28A.655.250; and declaring an emergency.

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

HB 1172 by Representatives Lekanoff, Kloba, Ramel, Leavitt, Davis, Dolan, Fitzgibbon, Riccelli, Bateman, Gregerson and Duerr

AN ACT Relating to recognizing judicially affirmed and treaty-reserved fishing rights and promoting state-tribal cooperative agreements in the management of salmon, trout, and steelhead resources; creating a new section; and repealing RCW 77.110.010, 77.110.020, 77.110.030, 77.110.040, and 77.110.900.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

2SHB 1173 by House Committee on Capital Budget (originally sponsored by Berry, Frame, Dolan and Lekanoff)

AN ACT Relating to state lands development authorities; and adding a new chapter to Title 43 RCW.

Referred to Committee on Business, Financial Services & Trade.

E2SHB 1194 by House Committee on Appropriations (originally sponsored by Ortiz-Self, Senn, Young, Santos, Callan, Morgan, Davis and Harris-Talley)

AN ACT Relating to strengthening parent-child visitation during child welfare proceedings; amending RCW 13.34.065, 13.34.136, and 13.34.138; and creating a new section.

Referred to Committee on Human Services, Reentry & Rehabilitation.

E2SHB 1272 by House Committee on Appropriations (originally sponsored by Macri, Cody, Fitzgibbon, Davis, Hackney, Thai, Kloba, Rule, Simmons, Pollet, Dolan, Slatter, Riccelli and Harris-Talley)

AN ACT Relating to health system transparency; amending RCW 43.70.052, 70.01.040, and 70.41.470; adding a new section to chapter 43.70 RCW; adding a new section to chapter 70.41 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health & Long Term Care.

ESHB 1273 by House Committee on Appropriations (originally sponsored by Berg, Caldier, Ramel, Simmons, Taylor, Lovick, Bateman, Senn, Leavitt, Fitzgibbon, Wicks, Berry, Peterson, Goodman, Valdez, Hackney, Thai, Kloba, Frame, Ryu, Bronoske, Macri, Callan, Ormsby, Pollet, Slatter, Harris-Talley and Stonier)

AN ACT Relating to menstrual hygiene products in school and postsecondary institution bathrooms; adding a new section to chapter 28A.210 RCW; adding a new chapter to Title 28B RCW; and creating a new section.

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

E2SHB 1274 by House Committee on Appropriations (originally sponsored by Hackney, Stokesbary, Robertson, Bateman, Springer, Walen, Leavitt, Berg and Slatter)

AN ACT Relating to cloud computing solutions; amending RCW 43.105.020 and 43.105.375; creating new sections; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

2SHB 1359 by House Committee on Appropriations (originally sponsored by Stonier, MacEwen, Robertson, Shewmake, Ormsby and Macri)

AN ACT Relating to temporarily reducing liquor license fees; amending RCW 66.24.420, 66.24.590, 66.24.600, 66.24.655, 66.24.690, 66.24.140, and 66.24.146; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SHB 1363 by House Committee on Education (originally sponsored by Ortiz-Self, Callan, Davis, Ramos, Simmons, Berg, Morgan, Bergquist, Harris-Talley and Pollet)

AN ACT Relating to policies and resources to address secondary traumatic stress in the K-12 workforce; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.400 RCW; and creating a new section.

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

SHB 1373 by House Committee on Education (originally sponsored by Callan, Steele, Ortiz-Self, Dolan, J. Johnson, Slatter, Bergquist, Leavitt, Davis, Fey, Simmons, Berry, Thai, Wicks, Ryu, Kloba, Chambers, Berg, Wylie, Santos, Paul, Ormsby, Ramel, Macri, Pollet, Morgan and Harris-Talley)

AN ACT Relating to promoting student access to information about behavioral health resources; adding a new section to chapter 28A.320 RCW; and creating a new section.

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

SHB 1391 by House Committee on Capital Budget (originally sponsored by Goehner, Senn and Pollet)

AN ACT Relating to prime contractor bidding submission requirements on public works contracts; and amending RCW 39.30.060.

Referred to Committee on Housing & Local Government.

SHB 1425 by House Committee on College & Workforce Development (originally sponsored by Taylor, Leavitt, Valdez, Santos, J. Johnson, Ortiz-Self, Simmons, Rule, Ramel, Chopp, Pollet, Hackney and Morgan)

AN ACT Relating to amending the opportunity scholarship act to expand scholarships for community and technical college students; amending RCW 28B.145.010 and 28B.145.100; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

E2SHB 1480 by House Committee on Appropriations (originally sponsored by MacEwen, Kloba, Sutherland, Robertson, Ormsby, Chambers, Eslick and Tharinger) AN ACT Relating to extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic; amending RCW 66.24.175, 66.24.630, and 82.08.150; adding a new section to chapter 66.08 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1491 by Representatives Orcutt, Fitzgibbon and Lekanoff AN ACT Relating to rights-of-way for the transport of timber, minerals, stone, sand, gravel, or other valuable materials; and amending RCW 79.36.350.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 1508 by House Committee on Rural Development, Agriculture & Natural Resources (originally sponsored by Chapman and Pollet) AN ACT Relating to the sanitary control of shellfish; adding a new section to chapter 69.30 RCW; and declaring an emergency.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

MOTION

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

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

PARLIAMENTARY INQUIRY

Senator Padden: "Earlier I am not sure you saw me and that is part of the problem with this system. I just wanted to inquire on the bill that was referred to Agriculture, if you could read the title of that bill that Senator Hobbs introduced. I want to make sure it is not the one dealing with the recent *State v. Blake* case."

The Secretary read the title of Senate Bill No. 5468.

MOTION

At 11:12 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

---

AFTERNOON SESSION

---

The Senate was called to order at 1:36 p.m. by President Heck.

MOTION

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

SECOND READING

SENATE BILL NO. 5036, by Senators Dhingra, Carlyle, Darneille, Das, Hasegawa, Mullet, Nguyen, Pedersen, Stanford, Wellman, and Wilson, C.

Concerning conditional commutation by the clemency and pardons board.

MOTION

On motion of Senator Dhingra, Second Substitute Senate Bill No. 5036 was substituted for Senate Bill No. 5036 and the substitute bill was placed on the second reading and read the second time.

Revised for 2nd Substitute: Concerning the release of incarcerated individuals from total confinement prior to the expiration of a sentence.

MOTION

Senator Wagoner moved that the following floor amendment no. 265 by Senator Wilson, L. be adopted:

Beginning on page 1, line 7, strike all of sections 1 through 4 Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 8, line 22, after "(2)" strike all material through "(4)" on page 9, line 3

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

On page 9, line 3, after "terms of" strike "~~((four))~~ five" and insert "four"

On page 9, at the beginning of line 4, strike "~~((and)), but may~~ serve more than one term" and insert "and"

On page 9, line 5, after "confirmed." strike "~~((However, the))~~ The" and insert "However, the"

On page 9, at the beginning of line 6, after "the" strike "initial"

On page 9, beginning on line 12, after "shall" strike all material through "technology" on line 21 and insert "receive no compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended"

On page 9, beginning on line 22, after "provide" strike "~~((a staff as needed for the operation of))~~ legal counsel to" and insert "a staff as needed for the operation of"

Beginning on page 9, line 24, strike all of sections 6 through 8 Correct any internal references accordingly.

On page 1, line 1 of the title, after "the" strike all material through "date." on line 5 and insert "clemency and pardons board; and amending RCW 9.94A.880."

Senator Wagoner spoke in favor of adoption of the amendment. Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 265 by Senator Wilson, L. on page 1, line 7 to Second Substitute Senate Bill No. 5036.

The motion by Senator Wagoner did not carry and floor amendment no. 265 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 294 by Senator Wagoner be adopted:

On page 1, beginning on line 9, after "following" strike "~~((offenders)) individuals~~" and insert "offenders"

On page 1, line 12, after "(a)" strike "~~((Offenders)) Individuals~~" and insert "Offenders"

On page 1, line 17, after "(b)" strike "~~((Offenders)) Individuals~~" and insert "Offenders"

On page 2, beginning on line 4, after "(2)" strike all material through "individual" on line 14 and insert "Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody."

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender"

On page 2, line 34, after "of an" strike "~~((offender)) individual~~" and insert "offender"

On page 3, beginning on line 4, after "any" strike "~~((offender who is)) individual~~" and insert "offender who is"

On page 3, at the beginning of line 6, strike "~~((and))~~" and insert "and"

On page 3, line 8, after "any" strike "individual" and insert "offender"

On page 3, line 11, after "any" strike "~~((offender)) individual~~" and insert "offender"

On page 3, line 12, after "unless the" strike "~~((offender)) individual~~" and insert "offender"

On page 3, line 16, after "every" strike all material through "and" and insert "felony offender"

On page 3, line 20, after "supervise an" strike "~~((offender)) individual~~" and insert "offender"

On page 3, line 26, after "supervise an" strike "~~((offender)) individual~~" and insert "offender"

On page 3, at the beginning of line 34, strike "~~((offender)) incarcerated individual~~" and insert "offender"

On page 3, line 36, after "Any" strike "incarcerated individual" and insert "offender"

On page 3, line 38, after "until the" strike "~~((offender)) incarcerated individual~~" and insert "offender"

On page 4, line 3, after "if the" strike "incarcerated individual" and insert "offender"

On page 4, line 5, after "(b)" strike "Incarcerated individuals" and insert "Offenders"

On page 4, line 13, after "progress of" strike "~~((offenders)) individuals~~" and insert "offenders"

On page 4, line 17, after "of the" strike "~~((offender)) individual~~" and insert "offender"

On page 4, line 18, after "released" strike "~~((offender)) individual~~" and insert "offender"

On page 4, line 21, after "An" strike "~~((offender)) individual~~" and insert "offender"

On page 4, line 26, after "an" strike "~~((offender)) individual~~" and insert "offender"

On page 4, line 32, after "an" strike "~~((offender)) individual~~" and insert "offender"

On page 4, beginning on line 33, after "statutes, the" strike "~~((offender)) individual~~" and insert "offender"

On page 4, line 35, after "If the" strike "~~((offender)) individual~~" and insert "offender"

On page 4, line 37, after "the" strike "~~((offender)) individual~~" and insert "offender"

On page 5, line 3, after "If the" strike "~~((offender)) individual~~" and insert "offender"

On page 5, at the beginning of line 5, strike "~~((offender)) individual~~" and insert "offender"

On page 5, line 7, after "If the" strike "~~((offender)) individual~~" and insert "offender"

On page 5, at the beginning of line 9, strike "~~((offender)) individual~~" and insert "offender"

On page 5, line 11, after "If the" strike "~~((offender)) individual~~" and insert "offender"

On page 5, line 13, after "and the" strike "~~((offender)) individual~~" and insert "offender"

On page 5, line 15, after "If the" strike "~~((offender)) individual~~" and insert "offender"

On page 5, line 16, after "the" strike "~~((offender)) individual~~" and insert "offender"

On page 5, beginning on line 19, after "If" strike all material through "individual" on line 21 and insert "a sex offender was sentenced pursuant to RCW 9.94A.507, the offender"

On page 5, line 25, after "If the" strike "individual" and insert "offender"

On page 5, line 26, after "the" strike "individual" and insert "offender"

On page 5, line 35, after "an" strike "~~((offender)) individual~~" and insert "offender"

On page 6, line 1, after "of an" strike "~~((offender)) individual~~" and insert "offender"

On page 6, at the beginning of line 3, strike "~~((offender)) individual~~" and insert "offender"

On page 6, line 5, after "The" strike "~~((offender)) individual~~" and insert "offender"

On page 6, line 7, after "The" strike "~~((offender)) individual~~" and insert "offender"

On page 6, line 12, after "No" strike "~~((person)) incarcerated individual~~" and insert "person"

On page 6, line 17, after "An" strike "~~((offender)) incarcerated individual~~" and insert "offender"

On page 6, line 19, after "An" strike "~~((offender)) incarcerated individual~~" and insert "offender"

On page 6, line 21, after "addition," strike "~~((offenders)) incarcerated individuals~~" and insert "offenders"

On page 6, line 25, after "for an" strike "~~((offender)) incarcerated individual~~" and insert "offender"

On page 6, line 27, after "The" strike "~~((offender)) incarcerated individual~~" and insert "offender"

On page 6, beginning on line 30, after "The" strike all material through "assessed as" on line 31 and insert "offender poses a"

On page 6, line 36, after "An" strike "~~((offender)) incarcerated individual~~" and insert "offender"

On page 7, at the beginning of line 2, strike "~~((offenders)) individuals~~" and insert "offenders"

On page 7, at the beginning of line 4, strike "individual's" and insert "offender's"

On page 7, at the beginning of line 5, strike "~~((offender's)) individual's~~" and insert "offender's"

On page 7, line 6, after "for the" strike "~~((offender's)) individual's~~" and insert "offender's"

On page 7, line 11, after "by the" strike "individual's" and insert "offender's"

On page 7, line 12, after "prevents the" strike "individual" and insert "offender"

On page 7, at the beginning of line 24, strike "~~((offender's)) incarcerated individual's~~" and insert "offender's"

FIFTIETH DAY, MARCH 1, 2021

2021 REGULAR SESSION

On page 7, beginning on line 25, after "aiding the" strike "~~((offender))~~ incarcerated individual" and insert "offender"

On page 7, beginning on line 32, after "of the" strike "~~((offender's))~~ incarcerated individual's" and insert "offender's"

On page 7, beginning on line 36, after "any" strike "~~((offender))~~ incarcerated individual" and insert "offender"

On page 7, beginning on line 38, after "an" strike "~~((offender))~~ incarcerated individual" and insert "offender"

On page 8, line 1, after "An" strike "~~((offender))~~ incarcerated individual" and insert "offender"

On page 8, at the beginning of line 5, strike "~~((offender))~~ incarcerated individual" and insert "offender"

On page 8, line 10, after "Any" strike "~~((person))~~ individual" and insert "person"

On page 8, line 13, after "(2)" strike "~~((Offenders))~~ Individuals" and insert "Offenders"

On page 9, beginning on line 29, after "pardoning of" strike "~~((offenders))~~ incarcerated individuals" and insert "offenders"

On page 10, beginning on line 31, after "to the" strike "~~((offender))~~ incarcerated individual" and insert "offender"

On page 10, at the beginning of line 39, strike "incarcerated individual" and insert offender"

On page 11, line 6, after "released" strike "individual" and insert "offender"

On page 11, line 7, after "released" strike "individual's" and insert "offender's"

On page 11, at the beginning of line 18, strike "incarcerated individual" and insert "offender"

On page 11, line 19, after "if the" strike "incarcerated individual" and insert "offender"

On page 11, at the beginning of line 22, strike "incarcerated individual's" and insert "offender's"

On page 11, line 26, after "An" strike "incarcerated individual" and insert "offender"

On page 11, line 30, after "An" strike "incarcerated individual" and insert "offender"

On page 11, line 36, after "which the" strike "incarcerated individual" and insert "offender"

On page 12, beginning on line 1, after "date the" strike "incarcerated individual" and insert "offender"

On page 12, line 4, after "Notify the" strike "incarcerated individual" and insert "offender"

On page 12, line 6, after "of the" strike "incarcerated individual" and insert "offender"

On page 12, line 8, after "prepare the" strike "incarcerated individual" and insert "offender"

On page 12, line 11, after "If the" strike "incarcerated individual" and insert "offender"

On page 12, beginning on line 15, after "assist the" strike "incarcerated individual" and insert "offender"

On page 12, beginning on line 18, after "that the" strike "incarcerated individual" and insert "offender"

On page 12, beginning on line 20, after "and the" strike "incarcerated individual" and insert "offender"

On page 12, beginning on line 21, after "of the" strike "incarcerated individual" and insert "offender"

On page 12, line 23, after "of the" strike "incarcerated individual" and insert "offender"

On page 12, beginning on line 25, after "that the" strike "incarcerated individual" and insert "offender"

On page 12, at the beginning of line 28, strike "incarcerated individual's" and insert "offender's"

On page 12, at the beginning of line 30, strike "incarcerated individual" and insert "offender"

On page 12, line 31, after "recommend the" strike "incarcerated individual" and insert "offender"

On page 12, line 35, after "that the" strike "incarcerated individual" and insert "offender"

On page 12, line 38, after "because the" strike "incarcerated individual" and insert "offender"

On page 13, line 6, after "The" strike "incarcerated individual's" and insert "offender's"

On page 13, line 9, after "The" strike "incarcerated individual's" and insert "offender's"

On page 13, line 10, after "If the" strike "individual" and insert "offender"

On page 13, line 11, after "on an" strike "individual's" and insert "offender's"

On page 13, line 13, after "of the" strike "incarcerated individual's" and insert "offender's"

On page 13, line 18, after "regarding the" strike "incarcerated individual" and insert "offender"

On page 13, line 21, after "where the" strike "incarcerated individual's" and insert "offender's"

On page 13, line 23, after "the" strike "incarcerated individual" and insert "offender"

On page 13, at the beginning of line 25, strike "incarcerated individual" and insert "offender"

On page 13, at the beginning of line 32, after "the" strike "incarcerated individual showing where the incarcerated individual" and insert "offender showing where the offender"

On page 13, line 36, after "ensure the" strike "incarcerated individual" and insert "offender"

On page 14, line 7, after "released" strike "individual" and insert "offender"

On page 14, line 8, after "An" strike "incarcerated individual" and insert "offender"

On page 14, line 12, after "The" strike "incarcerated individual" and insert "offender"

On page 14, at the beginning of line 14, strike "incarcerated individual" and insert "offender"

On page 14, line 26, after "resentencing of" strike "incarcerated individuals" and insert "offenders"

On page 14, line 34, after "consideration to" strike "incarcerated individuals" and insert "offenders"

On page 14, line 37, after "that the" strike "incarcerated individual" and insert "offender"

Senators Wagoner, Padden and Fortunato spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 294 by Senator Wagoner on page 1, line 9 to Second Substitute Senate Bill No. 5036.

The motion by Senator Wagoner did not carry and floor amendment no. 294 was not adopted by voice vote.

## MOTION

At 1:46 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President to deal with some TVW audio issues.

----

The Senate was called to order at 1:49 p.m. by President Heck.

## MOTION

Senator Wagoner moved that the following floor amendment no. 295 by Senator Wagoner be adopted:

On page 3, beginning on line 31, after "~~1994~~)" strike "or chapter 10.95 RCW"

Senator Wagoner spoke in favor of adoption of the amendment.  
Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 295 by Senator Wagoner on page 3, line 31 to Second Substitute Senate Bill No. 5036.

The motion by Senator Wagoner did not carry and floor amendment no. 295 was not adopted by voice vote.

#### MOTION

Senator Rivers moved that the following floor amendment no. 264 by Senator Rivers be adopted:

On page 9, line 3, after "(4)" insert "Board members must be knowledgeable regarding the impact of crime upon victims and communities.

(5)"

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

Senators Rivers and Padden spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 264 by Senator Rivers on page 9, line 3 to Second Substitute Senate Bill No. 5036.

The motion by Senator Rivers did not carry and floor amendment no. 264 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 291 by Senator Padden be adopted:

On page 11, beginning on line 11, after "(6)" strike all material through "(7)" on line 13

Correct any internal references accordingly.

Senator Padden spoke in favor of adoption of the amendment.

Senator Darneille spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 291 by Senator Padden on page 11, line 11 to Second Substitute Senate Bill No. 5036.

The motion by Senator Padden did not carry and floor amendment no. 291 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 292 by Senator Padden be adopted:

On page 11, line 27, after "degree" insert "as their third conviction towards being designated as a persistent offender"

Senators Padden and Dhingra spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 292 by Senator Padden on page 11, line 27 to Second Substitute Senate Bill No. 5036.

The motion by Senator Padden carried and floor amendment no. 292 was adopted by voice vote.

#### MOTION

Senator Wilson, L. moved that the following floor amendment no. 266 by Senator Wilson, L. be adopted:

On page 12, beginning on line 31, strike all of subsection (5)  
Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senators Wilson, L., Wagoner, Holy and Braun spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

Senator Braun demanded a roll call.

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

#### MOTION

On motion of Senator Wagoner, Senator Ericksen was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Wilson, L. on page 12, line 31 to Second Substitute Senate Bill No. 5036.

#### ROLL CALL

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

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

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

#### MOTION

Senator Warnick moved that the following floor amendment no. 269 by Senator Warnick be adopted:

On page 13, line 10, after "(e)" insert "The incarcerated individual's acceptance of responsibility, remorse, and atonement."

Senators Warnick and Dhingra spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 269 by Senator Warnick on page 13, line 10 to Second Substitute Senate Bill No. 5036.

The motion by Senator Warnick carried and floor amendment no. 269 was adopted by voice vote.

#### MOTION

Senator Short moved that the following floor amendment no. 301 by Senator Short be adopted:

On page 13, line 38, after "safety." insert "If the offender's release plan results in the offender residing within 50 miles of the

FIFTIETH DAY, MARCH 1, 2021

2021 REGULAR SESSION

victim or the victim's children or dependents, the board must reject the petition."

Senator Short spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 301 by Senator Short on page 13, line 38 to Second Substitute Senate Bill No. 5036.

The motion by Senator Short did not carry and floor amendment no. 301 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 296 by Senator Wagoner be adopted:

On page 14, line 2 after "up to" strike "six" and insert "twelve"

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

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 296 by Senator Wagoner on page 14, line 2 to Second Substitute Senate Bill No. 5036.

The motion by Senator Wagoner did not carry and floor amendment no. 296 was not adopted by voice vote.

MOTION

Senator Brown moved that the following floor amendment no. 268 by Senator Brown be adopted:

On page 15, line 1, strike all of subsection (3)

On page 15, after line 1, insert the following:

"**NEW SECTION. Sec. 9.** This act expires December 31, 2023."

Senator Brown spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 268 by Senator Brown on page 15, line 1 to Second Substitute Senate Bill No. 5036.

The motion by Senator Brown did not carry and floor amendment no. 268 was not adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

MOTION

On motion of Senator Randall, Senator Liias was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5036.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5036 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

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

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

Excused: Senator Liias

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5164, by Senators Darneille, Das, Kuderer, Hasegawa, Liias, Saldaña, Salomon, and Wilson, C.

Resentencing of individuals sentenced as a persistent offender due to a robbery in the second degree conviction.

The measure was read the second time.

MOTION

Senator Darneille moved that the following striking floor amendment no. 253 by Senator Darneille be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) In any criminal case wherein an offender has been sentenced as a persistent offender, the offender must have a resentencing hearing if a current or past conviction for robbery in the second degree was used as a basis for the finding that the offender was a persistent offender. The prosecuting attorney for the county in which any offender was sentenced as a persistent offender shall review each sentencing document. If a current or past conviction for robbery in the second degree was used as a basis for a finding that an offender was a persistent offender, the prosecuting attorney shall, or the offender may, make a motion for relief from sentence to the original sentencing court.

(2) The sentencing court shall grant the motion if it finds that a current or past conviction for robbery in the second degree was used as a basis for a finding that the offender was a persistent offender and shall immediately set an expedited date for resentencing. At resentencing, the court shall sentence the offender as if robbery in the second degree was not a most serious offense at the time the original sentence was imposed.

(3) Notwithstanding the provisions of RCW 9.94A.345, for purposes of resentencing under this section or sentencing any person as a persistent offender after the effective date of this section, robbery in the second degree shall not be considered a most serious offense regardless of whether the offense was committed before, on, or after the effective date of chapter 187, Laws of 2019.

**Sec. 2.** RCW 9.94A.345 and 2000 c 26 s 2 are each amended to read as follows:

~~(Any)~~ Except as otherwise provided in this chapter, any sentence imposed under this chapter shall be determined in accordance with the law in effect when the current offense was committed."

On page 1, line 2 of the title, after "conviction;" strike the remainder of the title and insert "amending RCW 9.94A.345; and creating a new section."

#### MOTION

Senator Holy moved that the following floor amendment no. 263 by Senator Holy be adopted:

On page 1, beginning on line 3, after "wherein" strike all of the material through "If" on line 9

On page 1, line 12, after "attorney" strike "shall, or the offender may," and insert "for the county in which the offender was sentenced as a persistent offender may"

Senators Holy and Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 263 by Senator Holy on page 1, line 3 to striking floor amendment no. 253.

The motion by Senator Holy did not carry and floor amendment no. 263 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 290 by Senator Padden be adopted:

On page 1, line 5, after "current" strike "or past"

On page 1, line 9, after "current" strike "or past"

On page 1, line 15, after "current" strike "or past"

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 290 by Senator Padden on page 1, line 5 to striking floor amendment no. 253.

The motion by Senator Padden did not carry and floor amendment no. 290 was not adopted by voice vote.

#### MOTION

Senator Dozier moved that the following floor amendment no. 267 by Senator Dozier be adopted:

On page 1, after line 26, insert the following:

"(4) The state shall reimburse the counties for the cost of resentencing offenders under this section."

#### POINT OF INQUIRY

Senator Dozier: "Just a quick easy question Senator. Do you know how many people/offenders this bill pertains to?"

Senator Darneille: "I believe when we passed legislation 2 years ago, the estimate was 64 people would be effected by this legislation. So, they would become eligible for review."

Senator Dozier spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 267 by Senator Dozier on page 1, line 26 to striking floor amendment no. 253.

The motion by Senator Dozier did not carry and floor amendment no. 267 was not adopted by voice vote.

#### MOTION

Senator Warnick moved that the following floor amendment no. 270 by Senator Warnick be adopted:

On page 1, after line 31, insert the following:

"NEW SECTION. Sec. 3. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 2, beginning on line 2, after "9.94A.345;" strike all material through "section" on line 3 and insert "creating a new section; and providing for submission of this act to a vote of the people"

Senators Warnick, Padden, Short and Sheldon spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Warnick on page 1, line 31 to striking floor amendment no. 253.

#### ROLL CALL

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

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

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

#### MOTION

Senator Short moved that the following floor amendment no. 272 by Senator Short be adopted:

On page 1, after line 31, insert the following:

"NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 2, line 3, after "creating" strike "a new section" and insert "new sections"

FIFTIETH DAY, MARCH 1, 2021

2021 REGULAR SESSION

Senators Short, Rivers, Dozier and Sheldon spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 272 by Senator Short on page 1, line 31 to striking floor amendment no. 253.

The motion by Senator Short did not carry and floor amendment no. 272 was not adopted by voice vote.

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

The President declared the question before the Senate to be the adoption of striking floor amendment no. 253 by Senator Darneille to Senate Bill No. 5164.

The motion by Senator Darneille carried and striking floor amendment no. 253 was adopted by voice vote.

#### MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Senate Bill No. 5164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Darneille spoke in favor of passage of the bill.

Senators Padden and Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5164.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5164 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

ENGROSSED SENATE BILL NO. 5164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5071, by Senators Dhingra, Darneille, Das, Hunt, Kuderer, Nguyen, and Wilson, C.

Creating transition teams to assist specified persons under civil commitment.

#### MOTIONS

On motion of Senator Dhingra, Second Substitute Senate Bill No. 5071 was substituted for Senate Bill No. 5071 and the

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

Senator Dhingra moved that the following striking floor amendment no. 303 by Senator Dhingra be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 10.77.150 and 2010 c 263 s 5 are each amended to read as follows:

(1) Persons examined pursuant to RCW 10.77.140 may make application to the secretary for conditional release. The secretary shall, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, forward to the court of the county which ordered the person's commitment the person's application for conditional release as well as the secretary's recommendations concerning the application and any proposed terms and conditions upon which the secretary reasonably believes the person can be conditionally released. Conditional release may also contemplate partial release for work, training, or educational purposes.

(2) In instances in which persons examined pursuant to RCW 10.77.140 have not made application to the secretary for conditional release, but the secretary, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, reasonably believes the person may be conditionally released, the secretary may submit a recommendation for release to the court of the county that ordered the person's commitment. The secretary's recommendation must include any proposed terms and conditions upon which the secretary reasonably believes the person may be conditionally released. Conditional release may also include partial release for work, training, or educational purposes. Notice of the secretary's recommendation under this subsection must be provided to the person for whom the secretary has made the recommendation for release and to his or her attorney.

(3)(a) The court of the county which ordered the person's commitment, upon receipt of an application or recommendation for conditional release with the secretary's recommendation for conditional release terms and conditions, shall within thirty days schedule a hearing. The court may schedule a hearing on applications recommended for disapproval by the secretary.

(b) The prosecuting attorney shall represent the state at such hearings and shall have the right to have the ~~((patient))~~ person examined by an expert or professional person of the prosecuting attorney's choice. If the committed person is indigent, and he or she so requests, the court shall appoint a qualified expert or professional person to examine the person on his or her behalf.

(c) The issue to be determined at such a hearing is whether or not the person may be released conditionally to less restrictive alternative treatment under the supervision of a multidisciplinary transition team under conditions imposed by the court, including access to services under section 4 of this act without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security.

(d) ~~((The court, after the hearing, shall rule on the secretary's recommendations, and if it disapproves of conditional release, may do so))~~ In cases that come before the court under subsection (1) or (2) of this section, the court may deny conditional release to a less restrictive alternative only on the basis of substantial evidence. The court may modify the suggested terms and conditions on which the person is to be conditionally released. Pursuant to the determination of the court after hearing, the committed person shall thereupon be released on such conditions as the court determines to be necessary, or shall be remitted to the custody of the secretary.

~~(4) If the order of conditional release ((includes a)) provides for the conditional release of the person to a less restrictive alternative, including residential treatment or treatment in the community, the conditional release order must also include:~~

~~(a) A requirement for the committed person to ((report to a)) be supervised by a multidisciplinary transition team, including a specially trained community corrections officer, ((the order shall also specify that the conditionally released person shall be under the supervision of the secretary of corrections or such person as the secretary of corrections may designate and shall follow explicitly the instructions of the secretary of corrections including)) a representative of the department of social and health services, and a representative of the community behavioral health agency providing treatment to the person under section 4 of this act.~~

~~(i) The court may omit appointment of the representative of the community behavioral health agency if the conditional release order does not require participation in behavioral health treatment;~~

~~(ii) The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, or the safety of the person and the community;~~

~~(b) A requirement for the person to comply with conditions of supervision established by the court which shall include at a minimum reporting as directed to a ((community corrections officer)) designated member of the transition team, remaining within prescribed geographical boundaries, and notifying the ((community corrections officer)) transition team prior to making any change in the ((offender's)) person's address or employment. If the ((order of conditional release includes a requirement for the committed person to report to a community corrections officer, the community corrections officer shall notify the secretary or the secretary's designee, if the)) person is not in compliance with the court-ordered conditions of release((-)), the community corrections officer or another designated transition team member shall notify the secretary or the secretary's designee; and~~

~~((4)) (c) If the court ((determines that receiving regular or periodic medication or other medical treatment shall be a condition of the committed person's release, then the court shall require him or her to report to a physician or other medical or mental health practitioner for the medication or treatment. In addition to submitting any report required by RCW 10.77.160, the physician or other medical or mental health practitioner shall immediately upon the released person's failure to appear for the)) requires participation in behavioral health treatment, the name of the licensed or certified behavioral health agency responsible for identifying the services the person will receive under section 4 of this act, and a requirement that the person cooperate with the services planned by the licensed or certified behavioral health agency. The licensed or certified behavioral health agency must comply with the reporting requirements of RCW 10.77.160, and must immediately report to the court, prosecutor, and defense counsel any substantial withdrawal or disengagement from medication or treatment, or ((upon a)) any change in the person's mental health condition that renders ((the patient)) him or her a potential risk to the public ((report to the court, to the prosecuting attorney of the county in which the released person was committed, to the secretary, and to the supervising community corrections officer)).~~

~~(5) The role of the transition team appointed under subsection (4) of this section shall be to facilitate the success of the person on the conditional release order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need~~

or circumstances that may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan that may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

(6) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a conditional release order. Another community corrections officer may be appointed if no specially trained officer is available.

(7) Any person, whose application for conditional release has been denied, may reapply after a period of six months from the date of denial, or sooner with the support of the department.

(8) A person examined under RCW 10.77.140 or the department may make a motion for limited conditional release under this section, on the grounds that there is insufficient evidence that the person may be released conditionally to less restrictive alternative treatment under subsection (3)(c) of this section, but the person would benefit from the opportunity to exercise increased privileges while remaining under the custody and supervision of the department and with the supervision of the department these increased privileges can be exercised without substantial danger to other persons or substantial likelihood of committing criminal acts jeopardizing public safety or security. The department may respond to a person's application for conditional release by instead supporting limited conditional release.

**Sec. 2.** RCW 71.05.320 and 2020 c 302 s 45 are each amended to read as follows:

(1)(a) Subject to (b) of this subsection, if the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

(b) If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. The court may only enter an order for commitment based on a substance use disorder if there is an available approved substance use disorder treatment program with adequate space for the person.

(c) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court has made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team as provided in subsection (6)(a)(i) of this section.

FIFTIETH DAY, MARCH 1, 2021

2021 REGULAR SESSION

If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a behavioral health disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of a behavioral health disorder or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a behavioral health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional

confinement as set forth in this section are present, subject to subsection (1)(b) of this section, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(i) In cases where the court has ordered less restrictive alternative treatment and has previously made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team to supervise and assist the person on the order for less restrictive treatment, which shall include a representative of the community behavioral health agency providing treatment under RCW 71.05.585, and a specially trained supervising community corrections officer. The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, or the safety of the person and the community under (a)(ii) of this subsection.

(ii) The role of the transition team shall be to facilitate the success of the person on the less restrictive alternative order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need or circumstances which may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan which may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

(iii) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a less restrictive alternative order.

(b) At the end of the one hundred eighty-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty-day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

**Sec. 3.** RCW 71.05.320 and 2020 c 302 s 46 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the

person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment to the custody of the department of social and health services or to a facility certified for one hundred eighty-day treatment by the department or under RCW 71.05.745.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court has made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team as provided in subsection (6)(a)(i) of this section. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a behavioral health disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of a behavioral health disorder or developmental disability, a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of a behavioral health disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty-day period whenever the petition presents prima facie evidence that the person continues to suffer from a behavioral

health disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the behavioral health disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the behavioral health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the behavioral health service provider.

(i) In cases where the court has ordered less restrictive alternative treatment and has previously made an affirmative special finding under RCW 71.05.280(3)(b), the court shall appoint a multidisciplinary transition team to supervise and assist the person on the order for less restrictive treatment, which shall include a representative of the community behavioral health agency providing treatment under RCW 71.05.585, and a specially trained supervising community corrections officer. The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, or the safety of the person and the community under (a)(ii) of this subsection.

(ii) The role of the transition team shall be to facilitate the success of the person on the less restrictive alternative order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need or circumstances which may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan which may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

FIFTIETH DAY, MARCH 1, 2021

2021 REGULAR SESSION

(iii) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a less restrictive alternative order.

(b) At the end of the one hundred eighty-day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty-day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty-day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty-day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

**NEW SECTION. Sec. 4.** A new section is added to chapter 10.77 RCW to read as follows:

(1) Conditional release planning should start at admission and proceed in coordination between the department and the person's managed care organization, or behavioral health administrative services organization if the person is not eligible for medical assistance under chapter 74.09 RCW. If needed, the department shall assist the person to enroll in medical assistance in suspense status under RCW 74.09.670. The state hospital liaison for the managed care organization or behavioral health administrative services organization shall facilitate conditional release planning in collaboration with the department.

(2) Less restrictive alternative treatment pursuant to a conditional release order, at a minimum, includes the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the conditional treatment;
- (c) A psychiatric evaluation or a substance use disorder evaluation, or both;
- (d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;
- (e) A transition plan addressing access to continued services at the expiration of the order;
- (f) An individual crisis plan;
- (g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; and
- (h) Appointment of a transition team under RCW 10.77.150;
- (i) Notification to the care coordinator assigned in (a) of this subsection and to the transition team as provided in RCW 10.77.150 if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(3) Less restrictive alternative treatment pursuant to a conditional release order may additionally include requirements to participate in the following services:

- (a) Medication management;
- (b) Psychotherapy;
- (c) Nursing;
- (d) Substance use disorder counseling;
- (e) Residential treatment;
- (f) Support for housing, benefits, education, and employment; and

(g) Periodic court review.

(4) Nothing in this section prohibits items in subsection (2) of this section from beginning before the conditional release of the individual.

(5) If the person was provided with involuntary medication under RCW 10.77.094 or pursuant to a judicial order during the involuntary commitment period, the less restrictive alternative treatment pursuant to the conditional release order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(6) Less restrictive alternative treatment pursuant to a conditional release order must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(7) The care coordinator assigned to a person ordered to less restrictive alternative treatment pursuant to a conditional release order must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(8) A care coordinator may disclose information and records related to mental health treatment under RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment pursuant to a conditional release order.

(9) For the purpose of this section, "care coordinator" means a clinical practitioner within the community behavioral health agency providing less restrictive alternative treatment who coordinates the activities of less restrictive alternative treatment pursuant to a conditional release order. The care coordinator coordinates activities with the person's transition team that are necessary for enforcement and continuation of the conditional release order and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

**Sec. 5.** RCW 10.77.060 and 2016 sp.s. c 29 s 408 are each amended to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b) The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional.

(c) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator

to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

(d) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

(e) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

(f) When a defendant is ordered to be ~~((committed for inpatient evaluation))~~ evaluated under this subsection (1), or when a party or the court determines at first appearance that an order for evaluation under this subsection will be requested or ordered if charges are pursued, the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

- (a) A description of the nature of the evaluation;
- (b) A diagnosis or description of the current mental status of the defendant;
- (c) If the defendant suffers from a mental disease or defect, or has a developmental disability, an opinion as to competency;
- (d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless

the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a designated crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

**Sec. 6.** RCW 70.02.230 and 2020 c 256 s 402 are each amended to read as follows:

(1) ~~((Except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid authorization under RCW 70.02.030, the))~~ The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies ((must be confidential)) may not be disclosed except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid authorization under RCW 70.02.030.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed ~~((only))~~:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, including Indian health care providers, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

- (i) Employed by the facility;
- (ii) Who has medical responsibility for the patient's care;
- (iii) Who is a designated crisis responder;
- (iv) Who is providing services under chapter 71.24 RCW;
- (v) Who is employed by a state or local correctional facility where the person is confined or supervised; or

(vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts, including tribal courts, as necessary to the administration of chapter 71.05 RCW or to a court ordering an

FIFTIETH DAY, MARCH 1, 2021

2021 REGULAR SESSION

evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) By a care coordinator under RCW 71.05.585 or section 4 of this act assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.05 or 10.77 RCW;

(l) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

((m)) (m) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

((n)) (n) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iv). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(iv);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

((o)) (o) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

((p)) (p) Pursuant to lawful order of a court, including a tribal court;

((q)) (q) To qualified staff members of the department, to the authority, to behavioral health administrative services organizations, to managed care organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

((r)) (r) Within the mental health service agency or Indian health care provider facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

((s)) (s) Within the department and the authority as necessary to coordinate treatment for mental illness, developmental

disabilities, alcoholism, or substance use disorder of persons who are under the supervision of the department;

~~((s))~~ (t) Between the department of social and health services, the department of children, youth, and families, and the health care authority as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department of social and health services or the department of children, youth, and families;

~~((h))~~ (u) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

~~((h))~~ (v)(i) Consistent with the requirements of the federal health insurance portability and accountability act, to:

(A) A health care provider, including an Indian health care provider, who is providing care to a patient, or to whom a patient has been referred for evaluation or treatment; or

(B) Any other person who is working in a care coordinator role for a health care facility, health care provider, or Indian health care provider, or is under an agreement pursuant to the federal health insurance portability and accountability act with a health care facility or a health care provider and requires the information and records to assure coordinated care and treatment of that patient.

(ii) A person authorized to use or disclose information and records related to mental health services under this subsection (2)~~((h))~~ (v) must take appropriate steps to protect the information and records relating to mental health services.

(iii) Psychotherapy notes may not be released without authorization of the patient who is the subject of the request for release of information;

~~((h))~~ (w) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in ~~((h))~~ (v) of this subsection;

~~((h))~~ (x) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

~~((h))~~ (y) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

~~((h))~~ (z) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management

services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

~~((h))~~ (aa) To all current treating providers, including Indian health care providers, of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department or the authority may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department, or the authority, if applicable, shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. Neither the department nor the authority may release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

~~((h))~~ (bb)(i) To the secretary of social and health services and the director of the health care authority for either program evaluation or research, or both so long as the secretary or director, where applicable, adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, . . . . ., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ . . . . ."

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary, or director, where applicable;

~~((h))~~ (cc) To any person if the conditions in RCW 70.02.205 are met;

~~((h))~~ (dd) To the secretary of health for the purposes of the maternal mortality review panel established in RCW 70.54.450;

~~((h))~~ (ee) To a tribe or Indian health care provider to carry out the requirements of RCW 71.05.150(7).

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for a substance use disorder, the department or the authority may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services or the authority under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as

FIFTIETH DAY, MARCH 1, 2021

2021 REGULAR SESSION

provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

- (i) One thousand dollars; or
- (ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

**Sec. 7.** RCW 70.02.240 and 2019 c 381 s 20 are each amended to read as follows:

The fact of admission and all information and records related to mental health services obtained through inpatient or outpatient treatment of a minor under chapter 71.34 RCW must be kept confidential, except as authorized by this section or under RCW 70.02.050, 70.02.210, 70.02.230, 70.02.250, 70.02.260, and 70.02.265. Confidential information under this section may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of chapter 71.34 RCW, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To the minor, the minor's parent, including those acting as a parent as defined in RCW 71.34.020 for purposes of family-initiated treatment, and the minor's attorney, subject to RCW 13.50.100;

(4) To the courts as necessary to administer chapter 71.34 RCW;

(5) By a care coordinator under RCW 71.34.755 or section 4 of this act assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.34 or 10.77 RCW;

(6) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address must be disclosed upon request;

((6)) (7) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation

and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

((7)) (8) To the secretary of social and health services and the director of the health care authority for assistance in data collection and program evaluation or research so long as the secretary or director, where applicable, adopts rules for the conduct of such evaluation and research. The rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, . . . . ., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/ . . . . .";

((8)) (9) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

((9)) (10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

((10)) (11) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

((11)) (12) Upon the death of a minor, to the minor's next of kin;

((12)) (13) To a facility in which the minor resides or will reside;

((13)) (14) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iv). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as

required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(iv);

(c) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

~~((14))~~ (15) This section may not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the director of the health care authority or the secretary of the department of social and health services, where applicable. The fact of admission and all information obtained pursuant to chapter 71.34 RCW are not admissible as evidence in any legal proceeding outside chapter 71.34 RCW, except guardianship or dependency, without the written consent of the minor or the minor's parent;

~~((15))~~ (16) For the purpose of a correctional facility participating in the postinstitutional medical assistance system supporting the expedited medical determinations and medical suspensions as provided in RCW 74.09.555 and 74.09.295;

~~((16))~~ (17) Pursuant to a lawful order of a court.

**Sec. 8.** RCW 71.24.035 and 2020 c 256 s 202 are each amended to read as follows:

(1) The authority is designated as the state behavioral health authority which includes recognition as the single state authority for substance use disorders and state mental health authority.

(2) The director shall provide for public, client, tribal, and licensed or certified behavioral health agency participation in developing the state behavioral health program, developing related contracts, and any waiver request to the federal government under medicaid.

(3) The director shall provide for participation in developing the state behavioral health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state behavioral health program.

(4) The authority shall be designated as the behavioral health administrative services organization for a regional service area if a behavioral health administrative services organization fails to meet the authority's contracting requirements or refuses to exercise the responsibilities under its contract or state law, until such time as a new behavioral health administrative services organization is designated.

(5) The director shall:

(a) Assure that any behavioral health administrative services organization, managed care organization, or community behavioral health program provides medically necessary services to medicaid recipients consistent with the state's medicaid state plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the authority;

(b) Develop contracts in a manner to ensure an adequate network of inpatient services, evaluation and treatment services, and facilities under chapter 71.05 RCW to ensure access to treatment, resource management services, and community support services;

(c) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including managed care contracts for behavioral health services, contracts entered into under RCW 74.09.522, and contracts with public and private agencies, organizations, and individuals to pay them for behavioral health services;

(d) Define administrative costs and ensure that the behavioral health administrative services organization does not exceed an administrative cost of ten percent of available funds;

(e) Establish, to the extent possible, a standardized auditing procedure which is designed to assure compliance with

contractual agreements authorized by this chapter and minimizes paperwork requirements. The audit procedure shall focus on the outcomes of service as provided in RCW 71.24.435, 70.320.020, and 71.36.025;

(f) Develop and maintain an information system to be used by the state and behavioral health administrative services organizations and managed care organizations that includes a tracking method which allows the authority to identify behavioral health clients' participation in any behavioral health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and chapter 70.02 RCW;

(g) Monitor and audit behavioral health administrative services organizations as needed to assure compliance with contractual agreements authorized by this chapter;

(h) Monitor and audit access to behavioral health services for individuals eligible for medicaid who are not enrolled in a managed care organization;

(i) Adopt such rules as are necessary to implement the authority's responsibilities under this chapter;

(j) Administer or supervise the administration of the provisions relating to persons with substance use disorders and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(k) Require the behavioral health administrative services organizations and the managed care organizations to develop agreements with tribal, city, and county jails and the department of corrections to accept referrals for enrollment on behalf of a confined person, prior to the person's release;

(l) Require behavioral health administrative services organizations and managed care organizations, as applicable, to provide services as identified in RCW 71.05.585 and section 4 of this act to individuals committed for involuntary ~~((commitment))~~ treatment under less restrictive alternative court orders when:

(i) The individual is enrolled in the medicaid program; or

(ii) The individual is not enrolled in medicaid, does not have other insurance which can pay for the services, and the behavioral health administrative services organization has adequate available resources to provide the services; and

(m) Coordinate with the centers for medicare and medicaid services to provide that behavioral health aide services are eligible for federal funding of up to one hundred percent.

(6) The director shall use available resources only for behavioral health administrative services organizations and managed care organizations, except:

(a) To the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act; or

(b) To incentivize improved performance with respect to the client outcomes established in RCW 71.24.435, 70.320.020, and 71.36.025, integration of behavioral health and medical services at the clinical level, and improved care coordination for individuals with complex care needs.

(7) Each behavioral health administrative services organization, managed care organization, and licensed or certified behavioral health agency shall file with the secretary of the department of health or the director, on request, such data, statistics, schedules, and information as the secretary of the department of health or the director reasonably requires. A behavioral health administrative services organization, managed care organization, or licensed or certified behavioral health agency which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may be subject to the contractual

FIFTIETH DAY, MARCH 1, 2021

2021 REGULAR SESSION

remedies in RCW 74.09.871 or may have its service provider certification or license revoked or suspended.

(8) The superior court may restrain any behavioral health administrative services organization, managed care organization, or service provider from operating without a contract, certification, or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(9) Upon petition by the secretary of the department of health or the director, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary of the department of health or the director authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any behavioral health administrative services organization, managed care organization, or service provider refusing to consent to inspection or examination by the authority.

(10) Notwithstanding the existence or pursuit of any other remedy, the secretary of the department of health or the director may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a behavioral health administrative services organization, managed care organization, or service provider without a contract, certification, or a license under this chapter.

(11) The authority shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(12) The authority, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities licensed under chapter 71.12 RCW or certified under chapter 71.05 RCW. The authority shall periodically share the results of its efforts with the appropriate committees of the senate and the house of representatives.

(13) The authority may:

(a) Plan, establish, and maintain substance use disorder prevention and substance use disorder treatment programs as necessary or desirable;

(b) Coordinate its activities and cooperate with behavioral programs in this and other states, and make contracts and other joint or cooperative arrangements with state, tribal, local, or private agencies in this and other states for behavioral health services and for the common advancement of substance use disorder programs;

(c) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(d) Keep records and engage in research and the gathering of relevant statistics; and

(e) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide substance use disorder treatment programs.

**Sec. 9.** RCW 10.77.010 and 2019 c 325 s 5005 are each amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(4) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(5) "Department" means the state department of social and health services.

(6) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(7) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(8) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(9) "Developmental disability" means the condition as defined in RCW 71A.10.020(5).

(10) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(11) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(12) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

(13) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(14) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(15) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(16) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(17) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(18) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; or

(c) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(19) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(20) "Secretary" means the secretary of the department of social and health services or his or her designee.

(21) "Treatment" means any currently standardized medical or mental health procedure including medication.

(22) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

(23) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

(24) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

**Sec. 10.** RCW 10.77.195 and 2010 c 263 s 9 are each amended to read as follows:

For persons who have received court approval for conditional release, the secretary or the secretary's designee shall supervise the person's compliance with the court-ordered conditions of release in coordination with the multidisciplinary transition team appointed under RCW 10.77.150. The level of supervision

provided by the secretary shall correspond to the level of the person's public safety risk. In undertaking supervision of persons under this section, the secretary shall coordinate with any treatment providers ~~((designated pursuant to RCW 10.77.150(3), any))~~ or department of corrections staff designated pursuant to RCW 10.77.150~~((2))~~, and local law enforcement, if appropriate. The secretary shall adopt rules to implement this section.

**Sec. 11.** RCW 71.05.020 and 2020 c 302 s 3, 2020 c 256 s 301, and 2020 c 5 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

FIFTIETH DAY, MARCH 1, 2021

2021 REGULAR SESSION

(12) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(13) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(14) "Department" means the department of health;

(15) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(16) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(17) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(18) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(19) "Director" means the director of the authority;

(20) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(21) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(22) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(23) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(24) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social,

and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(25) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(26) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(27) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(28) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(29) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(30) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(31) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(32) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(33) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(34) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(35) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(36) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(37) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(38) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(52) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(53) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(54) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(55) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(56) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards.

FIFTIETH DAY, MARCH 1, 2021

2021 REGULAR SESSION

A triage facility may be structured as a voluntary or involuntary placement facility;

(57) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(58) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(59) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database.

(60) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

**Sec. 12.** RCW 71.05.020 and 2020 c 302 s 3, 2020 c 256 s 301, 2020 c 80 s 51, and 2020 c 5 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025,

facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(12) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(13) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(14) "Department" means the department of health;

(15) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(16) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(17) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(18) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(19) "Director" means the director of the authority;

(20) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(21) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(22) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated

portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(23) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(24) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(25) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(26) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(27) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(28) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(29) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(30) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(31) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(32) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(33) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(34) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(35) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(36) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(37) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(38) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

FIFTIETH DAY, MARCH 1, 2021

2021 REGULAR SESSION

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(52) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(53) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(54) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(55) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are

maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(56) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(57) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(58) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(59) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database.

(60) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

**Sec. 13.** RCW 71.05.020 and 2020 c 302 s 4, 2020 c 302 s 3, 2020 c 256 s 301, and 2020 c 5 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder

provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(12) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(13) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(14) "Department" means the department of health;

(15) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(16) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(17) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(18) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(19) "Director" means the director of the authority;

(20) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(21) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(22) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(23) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(24) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(25) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(26) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(27) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(28) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

FIFTIETH DAY, MARCH 1, 2021

2021 REGULAR SESSION

(29) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(30) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(31) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(32) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(33) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(34) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(35) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(36) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(37) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(38) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(58) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(60) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database.

(61) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

**Sec. 14.** RCW 71.05.020 and 2020 c 302 s 4, 2020 c 302 s 3, 2020 c 256 s 301, 2020 c 80 s 51, and 2020 c 5 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(8) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure withdrawal management and stabilization facilities as defined in this section, and correctional facilities operated by state and local governments;

(9) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(10) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(11) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(12) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals

FIFTIETH DAY, MARCH 1, 2021

2021 REGULAR SESSION

experiencing an acute crisis without the use of long-term hospitalization;

(13) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(14) "Department" means the department of health;

(15) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(16) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(17) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(18) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(19) "Director" means the director of the authority;

(20) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(21) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(22) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(23) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(24) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the

public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(25) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(26) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(27) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(28) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a behavioral health disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time;

(29) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(30) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(31) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(32) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(33) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(34) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(35) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(36) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(37) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(38) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(42) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(46) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(47) "Release" means legal termination of the commitment under the provisions of this chapter;

(48) "Resource management services" has the meaning given in chapter 71.24 RCW;

(49) "Secretary" means the secretary of the department of health, or his or her designee;

(50) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(51) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(52) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(56) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department, which is

FIFTIETH DAY, MARCH 1, 2021

2021 REGULAR SESSION

designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(58) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property;

(60) "Written order of apprehension" means an order of the court for a peace officer to deliver the named person in the order to a facility or emergency room as determined by the designated crisis responder. Such orders shall be entered into the Washington crime information center database.

(61) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

**Sec. 15.** RCW 71.05.740 and 2020 c 302 s 58 are each amended to read as follows:

(1) All behavioral health administrative services organizations in the state of Washington must forward historical behavioral health involuntary commitment information retained by the organization, including identifying information and dates of commitment to the authority. As soon as feasible, the behavioral health administrative services organizations must arrange to report new commitment data to the authority within twenty-four hours. Commitment information under this section does not need to be resent if it is already in the possession of the authority. Behavioral health administrative services organizations and the authority shall be immune from liability related to the sharing of commitment information under this section.

(2) All superior courts must share hearing outcomes in all hearings under this chapter with the local behavioral health administrative services organization that serves the region where the superior court is located, including in cases in which the designated crisis responder investigation occurred outside the region. The hearing outcome data must include the name of the facility to which a person has been committed.

**Sec. 16.** RCW 71.24.035 and 2020 c 256 s 202 are each amended to read as follows:

(1) The authority is designated as the state behavioral health authority which includes recognition as the single state authority for substance use disorders and state mental health authority.

(2) The director shall provide for public, client, tribal, and licensed or certified behavioral health agency participation in developing the state behavioral health program, developing related contracts, and any waiver request to the federal government under medicaid.

(3) The director shall provide for participation in developing the state behavioral health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state behavioral health program.

(4) The authority shall be designated as the behavioral health administrative services organization for a regional service area if

a behavioral health administrative services organization fails to meet the authority's contracting requirements or refuses to exercise the responsibilities under its contract or state law, until such time as a new behavioral health administrative services organization is designated.

(5) The director shall:

(a) Assure that any behavioral health administrative services organization, managed care organization, or community behavioral health program provides medically necessary services to medicaid recipients consistent with the state's medicaid state plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the authority;

(b) Develop contracts in a manner to ensure an adequate network of inpatient services, evaluation and treatment services, and facilities under chapter 71.05 RCW to ensure access to treatment, resource management services, and community support services;

(c) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including managed care contracts for behavioral health services, contracts entered into under RCW 74.09.522, and contracts with public and private agencies, organizations, and individuals to pay them for behavioral health services;

(d) Define administrative costs and ensure that the behavioral health administrative services organization does not exceed an administrative cost of ten percent of available funds;

(e) Establish, to the extent possible, a standardized auditing procedure which is designed to assure compliance with contractual agreements authorized by this chapter and minimizes paperwork requirements. The audit procedure shall focus on the outcomes of service as provided in RCW 71.24.435, 70.320.020, and 71.36.025;

(f) Develop and maintain an information system to be used by the state and behavioral health administrative services organizations and managed care organizations that includes a tracking method which allows the authority to identify behavioral health clients' participation in any behavioral health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and chapter 70.02 RCW;

(g) Monitor and audit behavioral health administrative services organizations as needed to assure compliance with contractual agreements authorized by this chapter;

(h) Monitor and audit access to behavioral health services for individuals eligible for medicaid who are not enrolled in a managed care organization;

(i) Adopt such rules as are necessary to implement the authority's responsibilities under this chapter;

(j) Administer or supervise the administration of the provisions relating to persons with substance use disorders and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(k) Require the behavioral health administrative services organizations and the managed care organizations to develop agreements with tribal, city, and county jails and the department of corrections to accept referrals for enrollment on behalf of a confined person, prior to the person's release;

(l) Require behavioral health administrative services organizations and managed care organizations, as applicable, to provide services as identified in RCW 71.05.585 to individuals committed for involuntary commitment under less restrictive alternative court orders when:

(i) The individual is enrolled in the medicaid program; or

(ii) The individual is not enrolled in medicaid((;)) ~~and~~ does not have other insurance which can pay for the services(~~(; and the behavioral health administrative services organization has adequate available resources to provide the services))~~); and

(m) Coordinate with the centers for medicare and medicaid services to provide that behavioral health aide services are eligible for federal funding of up to one hundred percent.

(6) The director shall use available resources only for behavioral health administrative services organizations and managed care organizations, except:

(a) To the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act; or

(b) To incentivize improved performance with respect to the client outcomes established in RCW 71.24.435, 70.320.020, and 71.36.025, integration of behavioral health and medical services at the clinical level, and improved care coordination for individuals with complex care needs.

(7) Each behavioral health administrative services organization, managed care organization, and licensed or certified behavioral health agency shall file with the secretary of the department of health or the director, on request, such data, statistics, schedules, and information as the secretary of the department of health or the director reasonably requires. A behavioral health administrative services organization, managed care organization, or licensed or certified behavioral health agency which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may be subject to the contractual remedies in RCW 74.09.871 or may have its service provider certification or license revoked or suspended.

(8) The superior court may restrain any behavioral health administrative services organization, managed care organization, or service provider from operating without a contract, certification, or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(9) Upon petition by the secretary of the department of health or the director, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary of the department of health or the director authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any behavioral health administrative services organization, managed care organization, or service provider refusing to consent to inspection or examination by the authority.

(10) Notwithstanding the existence or pursuit of any other remedy, the secretary of the department of health or the director may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a behavioral health administrative services organization, managed care organization, or service provider without a contract, certification, or a license under this chapter.

(11) The authority shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(12) The authority, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities licensed under chapter 71.12 RCW or certified under chapter 71.05 RCW. The authority shall periodically share the results of its efforts with the

appropriate committees of the senate and the house of representatives.

(13) The authority may:

(a) Plan, establish, and maintain substance use disorder prevention and substance use disorder treatment programs as necessary or desirable;

(b) Coordinate its activities and cooperate with behavioral programs in this and other states, and make contracts and other joint or cooperative arrangements with state, tribal, local, or private agencies in this and other states for behavioral health services and for the common advancement of substance use disorder programs;

(c) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(d) Keep records and engage in research and the gathering of relevant statistics; and

(e) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide substance use disorder treatment programs.

**Sec. 17.** RCW 71.24.045 and 2019 c 325 s 1008 are each amended to read as follows:

(1) The behavioral health administrative services organization contracted with the authority pursuant to RCW 71.24.381 shall:

(a) Administer crisis services for the assigned regional service area. Such services must include:

(i) A behavioral health crisis hotline for its assigned regional service area;

(ii) Crisis response services twenty-four hours a day, seven days a week, three hundred sixty-five days a year;

(iii) Services related to involuntary commitments under chapters 71.05 and 71.34 RCW;

(iv) Tracking of less restrictive alternative orders issued within the region by superior courts, and providing notification to a managed care organization in the region when one of its enrollees receives a less restrictive alternative order so that the managed care organization may ensure that the person is connected to services and that the requirements of RCW 71.05.585 are complied with. If the person receives a less restrictive alternative order and is returning to another region, the behavioral health administrative services organization shall notify the behavioral health administrative services organization in the home region of the less restrictive alternative order so that the home behavioral health administrative services organization may notify the person's managed care organization or provide services if the person is not enrolled in medicaid and does not have other insurance which can pay for those services.

(v) Additional noncrisis behavioral health services, within available resources, to individuals who meet certain criteria set by the authority in its contracts with the behavioral health administrative services organization. These services may include services provided through federal grant funds, provisos, and general fund state appropriations;

~~((+))~~ (vi) Care coordination, diversion services, and discharge planning for nonmedicaid individuals transitioning from state hospitals or inpatient settings to reduce rehospitalization and utilization of crisis services, as required by the authority in contract; and

~~((+))~~ (vii) Regional coordination, cross-system and cross-jurisdiction coordination with tribal governments, and capacity building efforts, such as supporting the behavioral health advisory board, the behavioral health ombuds, and efforts to support access to services or to improve the behavioral health system;

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, investigation, transportation, court-related, and other services provided as required under chapter 71.05 RCW;

(c) Coordinate services for individuals under RCW 71.05.365;

(d) Administer and provide for the availability of resource management services, residential services, and community support services as required under its contract with the authority;

(e) Contract with a sufficient number, as determined by the authority, of licensed or certified providers for crisis services and other behavioral health services required by the authority;

(f) Maintain adequate reserves or secure a bond as required by its contract with the authority;

(g) Establish and maintain quality assurance processes;

(h) Meet established limitations on administrative costs for agencies that contract with the behavioral health administrative services organization; and

(i) Maintain patient tracking information as required by the authority.

(2) The behavioral health administrative services organization must collaborate with the authority and its contracted managed care organizations to develop and implement strategies to coordinate care with tribes and community behavioral health providers for individuals with a history of frequent crisis system utilization.

(3) The behavioral health administrative services organization shall:

(a) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met;

(b) Collaborate with local government entities to ensure that policies do not result in an adverse shift of persons with mental illness into state and local correctional facilities; and

(c) Work with the authority to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases.

**NEW SECTION. Sec. 18.** A new section is added to chapter 71.24 RCW to read as follows:

The authority shall coordinate with the department of social and health services to offer contracts to community behavioral health agencies to support the nonmedicaid costs entailed in fulfilling the agencies' role as transition team members for a person recommended for conditional release to a less restrictive alternative under RCW 10.77.150, or for a person who qualifies for multidisciplinary transition team services under RCW 71.05.320(6)(a)(i). The authority may establish requirements, provide technical assistance, and provide training as appropriate and within available funding.

**NEW SECTION. Sec. 19.** The Washington state health care authority shall revise its behavioral health data system for tracking involuntary commitment orders to distinguish less restrictive alternative orders from other types of involuntary commitment orders, including being able to distinguish between initial orders and extensions.

**NEW SECTION. Sec. 20.** The provisions of this act apply to persons who are committed for inpatient treatment under chapter 10.77 or 71.05 RCW as of the effective date of this section.

**Sec. 21.** 2020 c 302 s 110 (uncodified) is amended to read as follows:

(1) Sections 4 and 28 (~~of this act~~), chapter 302, Laws of 2020 and sections 13 and 14 of this act take effect when monthly single-bed certifications authorized under RCW 71.05.745 fall below 200 reports for 3 consecutive months.

(2) The health care authority must provide written notice of the effective date of sections 4 and 28 (~~of this act~~), chapter 302, Laws of 2020 and sections 13 and 14 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

**NEW SECTION. Sec. 22.** Section 2 of this act expires July 1, 2026.

**NEW SECTION. Sec. 23.** Section 3 of this act takes effect July 1, 2026.

**NEW SECTION. Sec. 24.** Sections 11 and 13 of this act expire July 1, 2022.

**NEW SECTION. Sec. 25.** Sections 12 and 14 of this act take effect July 1, 2022."

On page 1, line 2 of the title, after "commitment;" strike the remainder of the title and insert "amending RCW 10.77.150, 71.05.320, 71.05.320, 10.77.060, 70.02.230, 70.02.240, 71.24.035, 10.77.010, 10.77.195, 71.05.740, 71.24.035, and 71.24.045; amending 2020 c 302 s 110 (uncodified); reenacting and amending RCW 71.05.020, 71.05.020, 71.05.020, and 71.05.020; adding a new section to chapter 10.77 RCW; adding a new section to chapter 71.24 RCW; creating new sections; providing effective dates; providing a contingent effective date; and providing expiration dates."

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

The President declared the question before the Senate to be the adoption of striking floor amendment no. 303 by Senator Dhingra to Second Substitute Senate Bill No. 5071.

The motion by Senator Dhingra carried and striking floor amendment no. 303 was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5071 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5071.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5071 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5259, by Senators Nobles, Carlyle, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Pedersen, Randall, Robinson, Saldaña, Stanford, Wellman, and Wilson, C.

Concerning law enforcement data collection.

## MOTION

On motion of Senator Nobles, Second Substitute Senate Bill No. 5259 was substituted for Senate Bill No. 5259 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Padden moved that the following floor amendment no. 284 by Senator Padden be adopted:

On page 7, beginning on line 14, after "bidders." strike "The office of the attorney general is the sole authority to select and award the contract to the institution of higher education."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 284 by Senator Padden on page 7, line 14 to Second Substitute Senate Bill No. 5259.

The motion by Senator Padden carried and floor amendment no. 284 was adopted by voice vote.

## MOTION

On motion of Senator Nobles, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5259 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5259.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5259 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 1; Excused, 0.

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

Voting nay: Senators Honeyford and Schoesler

Absent: Senator Ericksen

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5259, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5054, by Senators Padden, Frockt, Conway, McCune and Short

Concerning impaired driving.

The measure was read the second time.

## MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5054.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5054 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 1; Excused, 0.

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

Voting nay: Senators Hunt, Liias, Mullet, Nguyen, Randall, Robinson and Saldaña

Absent: Senator Ericksen

SENATE BILL NO. 5054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 3:53 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

---

 EVENING SESSION
 

---

The Senate was called to order at 5:45 p.m. by President Heck.

## SECOND READING

SENATE BILL NO. 5141, by Senators Saldaña, Lovelett, Carlyle, Das, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Nobles, Pedersen, Rolfes, Stanford, and Wilson, C.

Implementing the recommendations of the environmental justice task force.

## MOTION

On motion of Senator Saldaña, Second Substitute Senate Bill No. 5141 was substituted for Senate Bill No. 5141 and the substitute bill was placed on the second reading and read the second time.

Revised for 2nd Substitute: Reducing environmental and health disparities and improving the health of all Washington state residents by implementing the recommendations of the environmental justice task force.

MOTION

Senator Short moved that the following floor amendment no. 222 by Senator Short be adopted:

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

**"NEW SECTION. Sec. 2.** No application, approval, permit, or project may be subject to challenge before an agency or court on the basis of an agency's alleged failure to comply with the procedural or substantive requirements of this act."

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

Senator Short spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 222 by Senator Short on page 2, line 22 to Second Substitute Senate Bill No. 5141.

The motion by Senator Short did not carry and floor amendment no. 222 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 226 by Senator Fortunato be adopted:

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

**"NEW SECTION. Sec. 2.** An environmental justice assessment may not be used by an agency as the basis for denying any application for a permit or other similar approval."

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

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

Senators Saldaña and Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 226 by Senator Fortunato on page 2, line 22 to Second Substitute Senate Bill No. 5141.

The motion by Senator Fortunato did not carry and floor amendment no. 226 was not adopted by voice vote.

MOTION

Senator Wilson, J. moved that the following floor amendment no. 229 by Senator Wilson, J. be adopted:

On page 3, line 6, after "chapter" insert ", including the creation of jobs through agencies' approval of economic development projects"

Senator Wilson, J. spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Short: "Thank you Mr. President and with the gentleness, one of the comments that you made was that the community, you know the overburden community, and those within it, would be able to have projects you know that support their communities and my question to you as the prime sponsor is would anybody from outside of that community be able to use this law against that community who wants those jobs?"

Senator Saldaña: "Well I mean I think we have to look at the definitions and the and the specificity I mean the jobs for instance overburden community means a geographic area we're vulnerable populations face combined multiple environmental harms and health impacts and my apologies Mr. President for not asking first to be able to read the definitions in the underlying bill. May I proceed?"

President Heck: "Please proceed."

Senator Saldaña: "Thank you. And so, it's so vulnerable populations face combined multiple environmental harms and health impacts and includes but is not limited to highly impacted communities as defined in RCW 19.405.020. I think it's important for the benefit to be considered in terms of does it add more environmental health impacts and does it add communal impacts and so that would be part of the conversation as they are setting up criteria for that benefit so I'm not sure because we've pushed this out and they will report back to us about specifics around significant agency actions about which programs will be included I think it's a little premature for me to be able to definitively answer Senator Short's question but I do hope that it's clear that if it's identified benefit from that community that that is something that would take precedent in how they think about the programs and policies."

The President declared the question before the Senate to be the adoption of floor amendment no. 229 by Senator Wilson, J. on page 3, line 6 to Second Substitute Senate Bill No. 5141.

The motion by Senator Wilson, J. did not carry and floor amendment no. 229 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 223 by Senator Short be adopted:

On page 3, line 7, after "(6)" insert "(a)"

On page 3, at the beginning of line 10, strike "(a)" and insert "(i)"

On page 3, at the beginning of line 13, strike "(b)" and insert "(ii)"

On page 3, at the beginning of line 17, strike "(c)" and insert "(iii)"

On page 3, after line 17, insert the following:

"(b) "Environmental harm" also includes job loss or loss of purchasing power resulting from government regulation."

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

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 223 by Senator Short on page 3, line 7 to Second Substitute Senate Bill No. 5141.

The motion by Senator Short did not carry and floor amendment no. 223 was not adopted by voice vote.

#### MOTION

Senator Warnick moved that the following floor amendment no. 230 by Senator Warnick be adopted:

On page 3, line 14, after "substances," insert "including exposure to rare earth elements, as described in RCW 28B.156.005, in energy or transportation technologies,"

Senators Warnick, Braun, Brown and Rivers spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

#### PARLIAMENTARY INQUIRY

Senator Wilson, J.: "Thank you Mr. President. I would just like to note the previous speaker may have made an unintentional reference to a Port of Longview project. I believe that is a Port of Kalama project Mr. President, yet it still is on the same border that there is no, there is no border for the environment and jobs. And I hope that I am, that I did not make a mistake by the point of inquiry."

#### REMARKS BY SENATOR RIVERS

Senator Rivers: "Thank you Mr. President. The Millennium Bulk Terminal or rather the demised Millennium Bulk Terminal is in the Port of Longview. Thank you."

#### REMARKS BY SENATOR BRAUN

Senator Braun: "Thank you Mr. President. Just to make sure we are all clear, I think the confusion was, the confusion is between two different projects, both of which were killed by overregulation. One, the Millennium Terminal in the Port of Longview and Two, not quite dead but attempting to kill it is the methanol plant in the Port of Kalama. Thank you, Mr. President."

The President declared the question before the Senate to be the adoption of floor amendment no. 230 by Senator Warnick on page 3, line 14 to Second Substitute Senate Bill No. 5141.

The motion by Senator Warnick did not carry and floor amendment no. 230 was not adopted by voice vote.

#### MOTION

Senator Mullet moved that the following floor amendment no. 271 by Senator Mullet be adopted:

On page 4, line 4, after "population," strike "consistent" and insert "in consideration"

On page 8, line 16, after "section" strike "and the" and insert ", and while considering the suggested"

On page 8, line 18, after "agency" strike "following" and insert "considering"

On page 10, line 21, after "populations," strike "consistent with" and insert "while considering"

On page 15, line 36, after "developing a" insert "suggested"

Senator Mullet spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 271 by Senator Mullet on page 4, line 4 to Second Substitute Senate Bill No. 5141.

The motion by Senator Mullet carried and floor amendment no. 271 was adopted by voice vote.

#### MOTION

Senator Saldaña moved that the following floor amendment no. 231 by Senator Saldaña be adopted:

On page 4, beginning on line 28, after "includes" strike all material through "risks" on line 30 and insert ", but is not limited to, racial or ethnic minority, low-income populations disproportionately impacted by environmental harms or pollution, and populations of workers experiencing environmental risks"

Senator Saldaña spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 231 by Senator Saldaña on page 4, line 28 to Second Substitute Senate Bill No. 5141.

The motion by Senator Saldaña carried and floor amendment no. 231 was adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 227 by Senator Fortunato be adopted:

On page 4, line 30, after "risks" insert ", including blue collar workers who face job loss resulting from the just transition to a clean energy economy"

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

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 227 by Senator Fortunato on page 4, line 30 to Second Substitute Senate Bill No. 5141.

The motion by Senator Fortunato did not carry and floor amendment no. 227 was not adopted by voice vote.

#### MOTION

Senator Dozier moved that the following floor amendment no. 232 by Senator Dozier be adopted:

On page 9, line 2, after "action;" strike "and"

On page 9, line 3, after "(f)" insert "Identify any economic benefits and losses that may be affected by the proposed action and the impact of those benefits and losses on the overburdened communities and vulnerable populations identified in (c) of this subsection;

(g) Identify any economic benefits and losses to local governments that may be effected by the proposed action and the impact of those benefits and losses on the overburdened communities and vulnerable populations identified in (c) of this subsection; and

(h)"

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

Senator Saldaña spoke against adoption of the amendment.

#### MOTION

On motion of Senator Wagoner, Senators Ericksen and Muzzall were excused.

The President declared the question before the Senate to be the adoption of floor amendment no. 232 by Senator Dozier on page 9, line 2 to Second Substitute Senate Bill No. 5141.

The motion by Senator Dozier did not carry and floor amendment no. 232 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 224 by Senator Short be adopted:

On page 10, after line 10, insert the following:

"(8) No project that is proposed for the purpose of complying with the Washington clean energy transformation act, chapter 19.405 RCW, may be approved until an environmental justice assessment is conducted and concludes that the project will not result in environmental harms to an overburdened community."

Senator Short spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 224 by Senator Short on page 10, line 10 to Second Substitute Senate Bill No. 5141.

The motion by Senator Short did not carry and floor amendment no. 224 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 228 by Senator Fortunato be adopted:

On page 10, after line 10, insert the following:

"(8) No project that would generate credits under a clean fuel standard program may be approved until an environmental justice assessment is conducted and concludes that the project will not result in environmental harms to an overburdened community."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 228 by Senator Fortunato on page 10, line 10 to Second Substitute Senate Bill No. 5141.

The motion by Senator Fortunato did not carry and floor amendment no. 228 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Mullet and without objection, floor amendment no. 261 by Senator Mullet on page 10, line 15 to Second Substitute Senate Bill No. 5141 was withdrawn.

MOTION

Senator Hobbs moved that the following floor amendment no. 262 by Senator Hobbs be adopted:

On page 11, after line 18, insert the following:

"(5) Expenditure and funding decisions made under this section by state transportation agencies funded in the omnibus transportation appropriations act must be restricted solely to the

agency's discretionary spending authority and must be made consistent with the appropriations provided in that act."

Senator Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 262 by Senator Hobbs on page 11, line 18 to Second Substitute Senate Bill No. 5141.

The motion by Senator Hobbs carried and floor amendment no. 262 was adopted by voice vote.

MOTION

Senator Saldaña moved that the following floor amendment no. 233 by Senator Saldaña be adopted:

On page 17, after line 18, insert the following:

"(9) By November 30, 2022, the council must submit a report to the governor and the appropriate committees of the house of representatives and the senate on:

(a) The council's recommendations to agencies on the identification of significant agency actions requiring an environmental justice assessment under subsection (8)(d)(i) of this section;

(b) The summary of agency progress reports provided to the council under section 17(1) of this act, including status of agency plans for performing environmental justice assessments required by section 14 of this act; and

(c) Guidance for environmental justice implementation into agency strategic plans, environmental justice assessments, budgeting and funding criteria, and community engagement plans under subsection (8)(c)(i) of this section."

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

Senator Saldaña spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 233 by Senator Saldaña on page 17, line 18 to Second Substitute Senate Bill No. 5141.

The motion by Senator Saldaña carried and floor amendment no. 233 was adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 225 by Senator Short be adopted:

On page 17, after line 34, insert the following:

"(10) Notwithstanding any other provision of this act, the role of the council is purely advisory and council decisions are not binding on an agency, individual, or organization."

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

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

Senators Saldaña and Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 225 by Senator Short on page 17, line 34 to Second Substitute Senate Bill No. 5141.

The motion by Senator Short carried and floor amendment no. 225 was adopted by voice vote.

MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña, Lovelett and Hobbs spoke in favor of passage of the bill.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5141.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5141 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Braun: "Thank you, Mr. President. I would just like to recognize for the body that today is the anniversary of the first Covid death in our state and the date that we declared an emergency a year ago and just take a couple moments to think back on the challenges we have faced over the course of the last year. Of course, the tragic death of many of our fellow citizens and residents, but also some of the successes. I mean we started this knowing very little about the Covid virus and even once we started to get more data there were certainly different interpretations of how best to use that data. But, nonetheless, Mr. President, I think we should be proud of the people of the state of Washington, that broadly they have made good choices to protect their families and their neighbors, their employees and their customers, and while we certainly have challenges ahead of us Mr. President and in particular, I think we have a big challenge in getting our children back into school, in the classroom, and catch up on the learning loss. Nonetheless, I, I think we have done well overall, and we should, we should celebrate that success, recognize where we have got it wrong, and take action to learn from that. Cause I think you know if anyone was to take, no one would take the bet that we won't have something that this happen in the future, and we should prepare. I just want to take a moment to remind folks where we've been over the last year and a and help us think about where it might take us in the future. Thank you, Mr. President."

#### REMARKS BY THE PRESIDENT

President Heck: "Senator, the President would also like to remind the members of the body that today is both officially and unofficially recognized as national "x" day, fill in the "x" for about eight different categories. But the one we are going to adjourn in recognition on today is that it is Baby Sleep Day."

#### MOTION

At 7:41 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Tuesday, March 2, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

## FIFTY FIRST DAY

---

**MORNING SESSION**

---

Senate Chamber, Olympia  
Tuesday, March 2, 2021

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Grace Smith and Miss Penelope Settles led the Senate in the Pledge of Allegiance.

The prayer was offered by Gen Kelsang Rinzin of the Ju Shita Kadampa Buddhist Center, Seattle.

## MOTIONS

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

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

## MESSAGE FROM THE GOVERNOR

March 01, 2021

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on February 28, 2021, Governor Inslee approved the following Senate Bill entitled:

**Engrossed Substitute Senate Bill No. 5272**

Relating to temporarily waiving certain liquor and cannabis board annual licensing fees.

Sincerely,  
/s/

Drew Shirk, Executive Director of Legislative Affairs

## MOTION

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

## INTRODUCTION AND FIRST READING

SB 5469 by Senators Padden, Honeyford, and Wilson, L.

AN ACT Relating to declaring an amnesty for all civil penalties imposed on Washington residents and businesses for the violation of any activity or condition regulated under the emergency proclamations issued in direct response to the novel coronavirus COVID-19; adding a new section to chapter 43.06 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Elections.

SB 5470 by Senators Rivers, Nguyen, and Wilson, L.

AN ACT Relating to prohibiting broadband internet access service providers from applying data caps during a state of emergency; amending RCW 19.385.020; and adding a new section to chapter 19.385 RCW.

Referred to Committee on Environment, Energy & Technology.

HB 1022 by Representatives MacEwen, Kloba, Peterson, Kirby and Schmick

AN ACT Relating to Washington state horse racing commission provisions; and amending RCW 67.16.100.

Referred to Committee on Labor, Commerce & Tribal Affairs.

HB 1023 by Representatives Steele, Tharinger, Callan and Young

AN ACT Relating to predesign requirements and thresholds; amending RCW 43.88.110, 43.82.035, and 43.88.0301; and creating a new section.

Referred to Committee on Ways & Means.

ESHB 1054 by House Committee on Public Safety (originally sponsored by J. Johnson, Entenman, Dolan, Ryu, Berry, Simmons, Bateman, Kloba, Lekanoff, Duerr, Fitzgibbon, Slatter, Wylie, Ramos, Berg, Tharinger, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Valdez, Callan, Hackney, Morgan, Chopp, Cody, Ormsby, Taylor, Frame, Santos, Macri, Davis, Pollet, Bergquist and Harris-Talley)

AN ACT Relating to establishing requirements for tactics and equipment used by peace officers; amending RCW 10.31.040; adding a new chapter to Title 10 RCW; and repealing RCW 43.101.226.

Referred to Committee on Law & Justice.

2SHB 1061 by House Committee on Appropriations (originally sponsored by Senn, Dent, Leavitt, Wicks, Slatter, Wylie, Simmons, Kloba, Ortiz-Self, Gregerson, Callan, Young, Morgan, Frame, Santos, Rule and Davis)

AN ACT Relating to youth eligible for developmental disability services who are expected to exit the child welfare system; amending RCW 74.13.341; adding a new section to chapter 74.13 RCW; adding a new section to chapter 71A.12 RCW; and creating new sections.

Referred to Committee on Health & Long Term Care.

ESHB 1078 by House Committee on State Government & Tribal Relations (originally sponsored by Simmons, Young, Dolan, Berry, Fitzgibbon, J. Johnson, Wicks, Chopp, Wylie, Bateman, Ramos, Berg, Shewmake, Tharinger, Ramel, Ortiz-Self, Peterson, Gregerson, Walen, Goodman, Senn, Sells, Ryu, Valdez, Callan, Hackney, Morgan, Ormsby, Pollet, Riccelli, Taylor,

Springer, Stonier, Lekanoff, Frame, Santos, Jacobsen, Macri, Davis, Bergquist and Harris-Talley)

AN ACT Relating to restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections; amending RCW 29A.08.520, 29A.08.230, 29A.40.091, 10.64.140, 2.36.010, and 72.09.275; and adding a new section to chapter 29A.04 RCW.

Referred to Committee on State Government & Elections.

E3SHB 1091 by House Committee on Transportation (originally sponsored by Fitzgibbon, Slatter, Berry, Dolan, Bateman, Ramos, Simmons, Ramel, Senn, Peterson, Duerr, Ryu, Valdez, Callan, Kloba, Chopp, Ormsby, Frame, Macri, Pollet, Goodman and Bergquist)

AN ACT Relating to reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel; amending RCW 46.17.365, 46.25.100, 46.20.202, 46.25.052, 46.25.060, 70A.15.3150, 70A.15.3160, 19.112.110, and 19.112.120; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70A RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

E2SHB 1160 by House Committee on Appropriations (originally sponsored by Cody, Macri and Pollet)

AN ACT Relating to health provider contracts; adding new sections to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SHB 1166 by House Committee on Appropriations (originally sponsored by Leavitt, Caldier, Sutherland, Chopp, Lekanoff, Davis, Shewmake, Pollet, Ramos, Callan, Rule, Gregerson, Bateman, Harris-Talley and J. Johnson)

AN ACT Relating to expanding access to the homeless and foster care college students pilot program; amending RCW 28B.50.916 and 28B.77.850; and providing expiration dates.

Referred to Committee on Higher Education & Workforce Development.

ESHB 1184 by House Committee on Local Government (originally sponsored by Duerr, Ramel, Dolan and Harris-Talley)

AN ACT Relating to risk-based water quality standards for on-site nonpotable water systems; and adding a new section to chapter 90.46 RCW.

Referred to Committee on Housing & Local Government.

SHB 1208 by House Committee on Education (originally sponsored by Santos, Steele, Lekanoff, Paul, Callan, Ortiz-Self, Bergquist and Harris-Talley)

AN ACT Relating to modifying the learning assistance program to enable school districts to focus on identifying and addressing student academic deficits in basic skills resulting from or exacerbated by the COVID-19 pandemic by granting greater local control over, accountability for, and flexibility with program funds, and to authorize continued

flexible use of program funds through the framework of the Washington integrated student supports protocol; amending RCW 28A.300.139, 28A.165.005, 28A.165.015, 28A.165.065, 28A.165.100, 28A.300.130, 28A.305.130, 28A.320.190, and 28A.710.280; adding new sections to chapter 28A.165 RCW; creating new sections; repealing RCW 28A.165.035; providing a contingent effective date; providing a contingent expiration date; and declaring an emergency.

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

SHB 1225 by House Committee on Health Care & Wellness (originally sponsored by Stonier, Bateman, Lekanoff, J. Johnson, Davis, Cody, Santos, Thai, Ortiz-Self, Ormsby, Valdez, Riccelli and Tharinger)

AN ACT Relating to supporting school-based health centers; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

EHB 1271 by Representatives Orwall, Goehner, Goodman, Thai, Fey, Pollet and Harris-Talley

AN ACT Relating to ensuring continuity of operations in the offices of county elected officials during the current COVID-19 pandemic and future public health crises; amending RCW 2.32.050, 84.41.041, 38.52.040, 70.54.430, 43.09.230, 65.04.140, 46.20.118, 6.21.030, 6.21.040, 6.21.050, 6.21.090, 6.21.100, and 84.56.020; reenacting and amending RCW 6.01.060; creating a new section; and providing an effective date.

Referred to Committee on State Government & Elections.

E2SHB 1295 by House Committee on Appropriations (originally sponsored by Callan, Eslick, Ramel, Leavitt, Simmons, Springer, Fitzgibbon, Dolan, Bateman, Shewmake, J. Johnson, Senn, Sutherland, Walen, Peterson, Davis, Goodman, Hackney, Kloba, Fey, Ramos, Frame, Ryu, Macri, Bergquist, Pollet and Stonier)

AN ACT Relating to the provision of public education to youth in or released from institutional education facilities; amending RCW 28A.150.200, 43.41.400, and 13.04.145; reenacting and amending RCW 28A.320.192; adding new sections to chapter 28A.190 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; repealing RCW 28A.190.015 and 28A.190.020; and providing expiration dates.

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

2SHB 1325 by House Committee on Appropriations (originally sponsored by Callan, Eslick, Leavitt, Fitzgibbon, Thai, Duerr, Senn, Ortiz-Self, Davis, Bergquist, Ramos, Lekanoff, Pollet, Dent and Goodman)

AN ACT Relating to implementing policies related to children and youth behavioral health as reviewed and recommended by the children and youth behavioral health work group; amending RCW 71.24.061 and 74.09.520; and creating a new section.

Referred to Committee on Health & Long Term Care.

ESHB 1329 by House Committee on Local Government (originally sponsored by Wicks, Pollet, Taylor, Ryu, Wylie, Shewmake, Bateman, Lovick, Fey, Morgan, Lekanoff, Harris-Talley and Peterson)  
AN ACT Relating to public meeting accessibility and participation; amending RCW 42.30.010, 42.30.030, 42.30.110, and 42.30.900; adding new sections to chapter 42.30 RCW; and creating new sections.

Referred to Committee on State Government & Elections.

SHB 1348 by House Committee on Health Care & Wellness (originally sponsored by Davis, Schmick, Frame, Leavitt, Simmons, Valdez, Fitzgibbon, Orwall, Ortiz-Self, Slatter, Caldier, Stonier, Peterson, Ramel, Goodman, Taylor, Sutherland, Ryu, Hackney, Lovick, Barkis, Pollet, Macri, Callan, Santos, Ormsby, Tharinger, Riccelli, Lekanoff, Harris-Talley and Harris)  
AN ACT Relating to the provision of medical assistance to incarcerated persons; amending RCW 74.09.670; and creating new sections.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 1393 by Representatives Shewmake, Ramel, Lekanoff and Duerr  
AN ACT Relating to delaying certain implementation dates for the photovoltaic module stewardship and takeback program; and reenacting and amending RCW 70A.510.010.

Referred to Committee on Environment, Energy & Technology.

HB 1430 by Representatives Kloba and Klicker  
AN ACT Relating to the duration of state upland leases for lands managed by the department of natural resources; and amending RCW 79.13.060.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 1502 by House Committee on Transportation (originally sponsored by Wylie, Griffey, Ramel, Paul, Lekanoff, Berry, Ortiz-Self, Hackney, Harris-Talley and Pollet)  
AN ACT Relating to the procurement and design of electric ferries by counties; and adding new sections to chapter 36.32 RCW.

Referred to Committee on Transportation.

SHB 1510 by House Committee on Transportation (originally sponsored by Hackney, Fey, Sutherland, Eslick and Riccelli)  
AN ACT Relating to establishing an exemption from certain highway use requirements by nonemergency medical transportation vehicles; amending RCW 46.61.165 and 47.52.025; adding a new section to chapter 46.16A RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1525 by Representatives Walen, Hansen, Simmons and Slatter  
AN ACT Relating to enforcement of judgments; amending RCW 6.15.010 and 6.27.100; creating a new section; and providing an expiration date.

Referred to Committee on Law & Justice.

MOTIONS

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

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

SECOND READING

SENATE BILL NO. 5406, by Senators Hawkins, Mullet, Brown, Dozier, Fortunato, Hobbs, Honeyford, Hunt, Rolfes, Schoesler, Short, Stanford, Warnick, and Wilson, J.

Providing compensation for tow truck operators for keeping the public roadways clear.

MOTIONS

On motion of Senator Hawkins, Substitute Senate Bill No. 5406 was substituted for Senate Bill No. 5406 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hawkins, the rules were suspended, Substitute Senate Bill No. 5406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hawkins, Hobbs, Short and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5406.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5406 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Hasegawa

Excused: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 5406, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5401, by Senators Nguyen, Rivers, Cleveland, Das, Dhingra, Gildon, Hasegawa, Holy, Keiser,

Kuderer, Liias, Lovelett, Mullet, Saldaña, Stanford, Wellman, and Wilson, C.

Authorizing community and technical colleges to offer bachelor degrees in computer science.

#### MOTIONS

On motion of Senator Nguyen, Substitute Senate Bill No. 5401 was substituted for Senate Bill No. 5401 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nguyen, the rules were suspended, Substitute Senate Bill No. 5401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen, Holy and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5401.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5401 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 5401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5254, by Senators Salomon, Darneille, Frockt, Hasegawa, Keiser, Saldaña, Stanford, and Wilson, C.

Concerning the use of protective devices and equipment during a public health emergency.

#### MOTIONS

On motion of Senator Salomon, Substitute Senate Bill No. 5254 was substituted for Senate Bill No. 5254 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Salomon, the rules were suspended, Substitute Senate Bill No. 5254 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Salomon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5254.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5254 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 1; Excused, 1.

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

Voting nay: Senators Brown, Fortunato, Honeyford, McCune, Padden, Schoesler and Wagoner

Absent: Senator Sheldon

Excused: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 5254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5408, by Senators Stanford, Das, Dhingra, Hasegawa, Kuderer, Lovelett, Nguyen, Randall, Robinson, Rolfes, Saldaña and Wellman

Concerning the homestead exemption.

#### MOTION

On motion of Senator Stanford, Substitute Senate Bill No. 5408 was substituted for Senate Bill No. 5408 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

On motion of Senator Liias, and without objection, Senate Emergency Rule K was suspended to allow consideration of floor amendment no. 340.

#### WITHDRAWAL OF AMENDMENTS

On motion of Senator Padden and without objection, floor amendment no. 258 by Senator Padden on page 1, line 8 and floor amendment no. 257 by Senator Padden on page 2, line 31 and striking floor amendment no. 255 to Substitute Senate Bill No. 5408 were withdrawn.

#### MOTION

Senator Padden moved that the following floor amendment no. 256 by Senator Padden be adopted:

On page 1, line 9, after "(2018)" strike "," and insert "and"

On page 1, beginning on line 10, after "(2018)" strike all material through "(2015)" on line 12

Beginning on page 3, line 33, strike all of section 5

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

On page 1, line 2 of the title, after "6.13.070," strike "6.13.090,"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 256 by Senator Padden on page 1, line 9 to Substitute Senate Bill No. 5408.

FIFTY FIRST DAY, MARCH 2, 2021

2021 REGULAR SESSION

The motion by Senator Padden carried and floor amendment no. 256 was adopted by voice vote.

## MOTION

Senator Padden moved that the following floor amendment no. 340 by Senator Padden be adopted:

On page 3, line 4, after "court" strike "may" and insert "shall"

On page 3, beginning on line 5, after "or" strike all material through "licensing" on line 7 and insert ", if the Runstad department no longer provides the data, a successor entity designated by the office of financial management"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 340 by Senator Padden on page 3, line 4 to Substitute Senate Bill No. 5408.

The motion by Senator Padden carried and floor amendment no. 340 was adopted by voice vote.

## MOTION

On motion of Senator Stanford, the rules were suspended, Engrossed Substitute Senate Bill No. 5408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5408.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5408 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Schoesler and Wilson, J.

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5385, by Senators Keiser, Saldaña and Nguyen

Concerning the size of the airport a municipality must control or operate for that municipality to enact minimum labor standards for employees at the airport.

The measure was read the second time.

## MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5385.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5385 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

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

Voting nay: Senators Brown, Dozier, Ericksen, Fortunato, Honeyford, McCune, Muzzall, Padden, Schoesler, Short, Wagoner, Wilson, J. and Wilson, L.

SENATE BILL NO. 5385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5063, by Senators Honeyford, Salomon, Van De Wege and Warnick

Concerning the expiration date of the invasive species council.

The measure was read the second time.

## MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Van De Wege and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5063.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5063 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5133, by Senators Conway, Hasegawa, Keiser, Saldaña, and Wilson, C.

Concerning the definition of confidential employee for the purposes of state collective bargaining.

The measure was read the second time.

#### MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5133.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5133 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

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

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Honeyford, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson, L.

SENATE BILL NO. 5133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 8004, by Senators Hasegawa and Saldaña

Addressing "de-risking" by financial institutions.

The measure was read the second time.

#### MOTION

On motion of Senator Hasegawa, the rules were suspended, Senate Joint Memorial No. 8004 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Hasegawa and Fortunato spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8004.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8004 and the memorial passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Honeyford

SENATE JOINT MEMORIAL NO. 8004, having received the constitutional majority, was declared passed. There being no objection, the title of the memorial was ordered to stand as the title of the act.

#### MOTION

At 11:03 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

---

#### AFTERNOON SESSION

---

The Senate was called to order at 12:20 p.m. by President Heck.

#### SECOND READING

SENATE BILL NO. 5241, by Senators Dhingra, Nguyen, Darneille, Das, Hasegawa, Hunt, Keiser, Liias, Nobles, Saldaña, Stanford, and Wilson, C.

Promoting economic inclusion.

#### MOTIONS

On motion of Senator Dhingra, Second Substitute Senate Bill No. 5241 was substituted for Senate Bill No. 5241 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Second Substitute Senate Bill No. 5241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra, Gildon and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5241.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5241 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

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

FIFTY FIRST DAY, MARCH 2, 2021

2021 REGULAR SESSION

Voting nay: Senators Honeyford, Padden and Schoesler  
Absent: Senator Ericksen

SECOND SUBSTITUTE SENATE BILL NO. 5241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5022, by Senators Das, Rolfes, Carlyle, Dhingra, Keiser, Kuderer, Lias, Lovelett, Nobles, Nguyen, Pedersen, Saldaña, Salomon, Stanford, Wellman, and Wilson, C.

Concerning the management of certain materials to support recycling and waste and litter reduction.

MOTION

On motion of Senator Das, Second Substitute Senate Bill No. 5022 was substituted for Senate Bill No. 5022 and the substitute bill was placed on the second reading and read the second time.

Revised for 2nd Substitute: Managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and requiring recycled content in plastic beverage containers.

MOTION

Senator Padden moved that the following floor amendment no. 191 by Senator Padden be adopted:

On page 1, line 10, after "containers" strike "," and insert "and"

On page 1, beginning on line 10, after "packaging" strike ", and standards for customer opt-in for food service packaging and accessories"

On page 1, line 15, after "containers" strike "," and insert "and"

On page 1, beginning on line 16, after "products" strike ", and establishing optional serviceware requirements"

On page 2, beginning on line 21, strike all of subsection (4)

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

Beginning on page 2, line 36, strike all of subsection (8)

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

On page 4, beginning on line 1, strike all of subsection (13)

Beginning on page 10, line 17, strike all of section 7

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

On page 11, beginning on line 33, after "under" strike "sections 6 and 7" and insert "section 6"

On page 11, beginning on line 37, after "act" strike "and optional serviceware under section 7 of this act"

On page 12, line 1, after "implement" strike "sections 6 and 7" and insert "section 6"

On page 13, line 23, after "70A.515.060," strike "sections 6 and 7" and insert "section 6"

On page 15, line 16, after "70A.20.050," strike "sections 6 and 7" and insert "section 6"

On page 1, beginning on line 2 of the title, after "polystyrene" strike ", providing for food serviceware upon customer request,"

Senator Padden spoke in favor of adoption of the amendment.

Senators Dhingra and Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 191 by Senator Padden on page 1, line 10 to Second Substitute Senate Bill No. 5022.

The motion by Senator Padden did not carry and floor amendment no. 191 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, floor amendment no. 192 by Senator Fortunato on page 1, line 10 to Second Substitute Senate Bill No. 5022 was withdrawn.

MOTION

Senator Braun moved that the following floor amendment no. 193 by Senator Rivers be adopted:

On page 1, after line 20, insert the following:

"(3) The legislature intends that by January 1, 2030, all plastic packaging sold in the state of Washington be either recyclable or compostable."

On page 2, line 21, after "(4)" insert ""Brand" means a name, symbol, word, or mark that identifies a product, rather than its components, and attributes a covered product that is packaging utilized by the product to the brand holder of the product as the producer.

(5) "Brand holder" means a person who owns or licenses a brand or who otherwise has rights to market a product under the brand, whether or not the brand trademark is registered.

(6) "Compostable" means a covered product that is capable of undergoing aerobic biological decomposition in a system meeting the requirements of chapters 70A.205 and 70A.455 RCW, that results in the material broken down primarily into carbon dioxide, water, inorganic compounds, and biomass.

(7)"

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

On page 2, line 26, after "designates milk" insert ", as defined in RCW 15.36.012,"

On page 3, line 10, after "(10)" insert ""Infant formula" means any liquid food described or sold as an alternative for human milk for the feeding of infants.

(11)(a) "Medical food" means a food or beverage that is formulated to be consumed, or administered enterally under the supervision of a physician, and that is intended for specific dietary management of diseases or health conditions for which distinctive nutritional requirements, based on recognized scientific principles, are established by medical evaluation.

(b) "Medical food" includes a specially formulated and processed product, for the partial or exclusive feeding of a patient by means of oral intake or enteral feeding by tube, and is not a naturally occurring foodstuff used in its natural state.

(c) "Medical food" includes any product that meets the definition of "medical food" in the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 360ee(b)(3).

(12)"

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

On page 3, line 25, after "(11)" insert "(a) "Plastic packaging" means the portion of packaging made from plastic, whether alone or in combination with another material, including packaging that bonds plastic with other materials together, such as metal lids bonded to plastic bottles, blister packs combining plastic and paperboard, but excluding plastic-coated paper packaging and aseptic containers, and is: (i) Used to protect, contain, or transport

a commodity or product at any point from manufacture to its place of use; or (ii) attached to a commodity or product or its container for the purpose of marketing or communicating information about the commodity or product, and which is capable of being removed and discarded when the product is put in use without adverse effect on the quality or performance of the product.

(b) "Plastic packaging" includes packaging that is filled or unfilled and packaging that is intended to be sold as a product to customers.

(12)(a)"

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

On page 3, after line 30, insert the following:

"(b) "Postconsumer recycled content" also means the percentage of recycled plastic contained in or attributed to the plastic packaging that is made of recycled materials derived specifically from postconsumer plastic sources and processed using either mechanical or advanced recycling technologies including, but not limited to, depolymerization, gasification, pyrolysis, or solvolysis.

(c) For the purposes of this subsection, "attributed" means a methodology by which a producer using mass balance allocates an equivalent of its input feedstocks that were derived from advanced recycling processes across one or more of its products manufactured using such feedstocks.

(13)(a) "Producer" means one of the following, in descending order:

(i) The person who uses the plastic packaging under such person's own name or brand and who sells or offers for sale the covered material or product in the state;

(ii) The person who imports the plastic packaging as the owner or licensee of a trademark or brand under which the covered material or product is sold or distributed in the state;

(iii) The person that offers for sale, sells, or distributes the plastic packaging or product in the state; or

(iv) A person who elects to assume the responsibility and register in lieu of a producer as defined under (a)(i) through (iii) of this subsection.

(b) The statutory responsibility of a person higher in the hierarchy shall relieve the responsibility of a person lower in the hierarchy from the compliance requirements of this chapter.

(c) "Producer" does not include:

(i) Government agencies, municipalities, or other political subdivisions of the state;

(ii) Registered 501(c)(3) charitable organizations and 501(c)(4) social welfare organizations;

(iii) A health care facility or a health care provider as defined in RCW 70.02.010; or

(iv) A private label distributor or retailer that sells the product under the retailer's store label if the manufacturer of the product is identified on the package or for which a manufacturer of the product has undertaken responsibility under this chapter."

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

On page 4, after line 6, insert the following:

**"NEW SECTION. Sec. 3.** (1) Each year, a producer of plastic packaging must meet the following minimum postconsumer recycled content on average across a producer's entire product line subject to compliance requirements under this section for the total amount of plastic packaging sold, offered for sale, or distributed in Washington effective:

(a) For rigid packaging comprised primarily of resins numbers 3, 4, 6, and 7 as identified in RCW 70A.220.020:

(i) July 1, 2023, through December 31, 2030: No less than 15 percent postconsumer recycled plastic;

(ii) January 1, 2031, through December 31, 2035: No less than 25 percent postconsumer recycled plastic;

(iii) On and after January 1, 2036: No less than 50 percent postconsumer recycled plastic; and

(b) For food service plastic packaging comprised primarily of resins numbers 3, 4, 6, and 7 as identified in RCW 70A.220.020:

(i) July 1, 2023, through December 31, 2028: No less than five percent postconsumer recycled plastic;

(ii) January 1, 2029, through December 31, 2035: No less than 20 percent postconsumer recycled plastic;

(iii) On and after January 1, 2036: No less than 30 percent postconsumer recycled plastic.

(c) "Food service plastic packaging" for purposes of this section, means "food contact substance" as defined in section 409(h)(6) of the federal food, drug, and cosmetic act effective on January 1, 2022, as "any substance intended for use as a component of materials used in manufacturing, packing, packaging, transporting, or holding food if such use is not intended to have any technical effect in such food."

(i) "Food service plastic packaging" also means a plastic product used for serving or transporting prepared food including, but not limited to, plates, cups, bowls, trays, and hinged or lidded containers. "Food service plastic packaging" does not include beverage or bottle containers or single-use disposable items, such as straws, cup lids, plastic bags, and utensils, or single-use disposable packaging for unprepared foods.

(ii) "Prepared food" means a food or beverage prepared for consumption on or off a food service facility's premises, using any cooking or food preparation technique. "Prepared food" does not include prepackaged, sealed food that is mass produced by a third party off the premises of the food service facility.

(2)(a) Beginning in 2024, and every other year thereafter, or at the petition of a producer or the plastic packaging industry but not more than annually, the department shall consider whether the minimum postconsumer recycled content requirements established under subsection (1) of this section should be reduced. The department must consider a petition from the plastic packaging industry within 60 days of receipt and must issue a written response. A denial in part or whole of the petition must be accompanied by a written explanation and findings to each of the petition's claims. The department may consider all petitions received as part of the same agency action or proceeding.

(b) If the department determines that a minimum postconsumer recycled content requirement should be adjusted, the adjusted rate must be in effect until a new determination is made or upon the expiration of the minimum postconsumer recycled content requirement's effective period, whichever occurs first. The department may not adjust the minimum postconsumer recycled content requirements above the applicable minimum postconsumer recycled content percentage for the applicable compliance period, as established in subsection (1) of this section. The department may not adjust the minimum postconsumer recycled content requirements below the lowest applicable material compliance level set in subsection (1) of this section. In making a determination to adjust the minimum postconsumer recycled content requirements, the department must at least consider the following:

(i) Changes in market conditions, including supply and demand for postconsumer recycled plastics, collection rates, and bale availability;

(ii) Recycling rates;

(iii) The availability of recycled plastic suitable to meet the minimum postconsumer recycled content requirements;

(iv) The capacity of recycling or processing infrastructure;

(v) The progress made by plastic packaging manufacturers in meeting the requirements of this section; and

FIFTY FIRST DAY, MARCH 2, 2021

2021 REGULAR SESSION

(vi) The carbon footprint of the recycled resin.

(3) A producer, the plastic packaging industry, or a plastic packaging manufacturer may appeal adjustments to the requirement for minimum postconsumer recycled content as determined under subsections (1) and (2) of this section to the pollution control hearings board within 30 days of the department's determination.

(4) A producer that does not meet the minimum postconsumer recycled content requirements established in subsection (1) of this section is subject to a fee established in section 5 of this act.

(5) The department may grant a reduction in fees to a producer of plastic packaging. In determining whether to grant the reduction, the department shall consider, at a minimum, all of the following factors:

- (a) Anomalous market conditions;
- (b) Disruption in, or lack of supply of, recycled plastics;
- (c) Other factors that have prevented a producer from meeting the requirements; and
- (d) Other factors that have prevented a producer from meeting the requirement including, but not limited to, state or federal laws, rules, or regulations.

(6)(a) In order to receive a reduction of the fee, a producer shall submit to the department a corrective action plan detailing the reasons why the producer will fail to meet or has failed to meet the minimum postconsumer recycled content standard and the steps the producer will take to comply with the minimum postconsumer recycled content standard within the next reporting year. The department may approve the corrective action plan and must reduce fees on a producer once it approves the corrective action plan and the producer implements the plan.

(b) The department must provide a written explanation for a decision to approve or deny a corrective action plan, including:

- (i) Factors or standards used by the department in reviewing a corrective action plan;
- (ii) An explanation of how the department applied standards or factors under (b)(i) of this subsection to the corrective action plan;
- (iii) An explanation of actions a producer can take in a future corrective action plan to reduce fees or other compliance requirements; and
- (iv) An explanation of the methodology used by the department to determine the fee.

(c) The department shall provide technical assistance and an opportunity for a plastic packaging producer to update a corrective action plan before issuing fees.

(d) Fees accrue from the point of noncompliance with the minimum postconsumer recycled content standard if the department disapproves the corrective action plan or if the producer fails to implement the plan.

**NEW SECTION. Sec. 4.** (1)(a) By March 1, 2022, and annually thereafter, a producer must report to the department, in pounds and by resin type, the amount of virgin plastic and postconsumer recycled plastic used for plastic packaging subject to postconsumer recycled content requirements under section 3 of this act that is sold, offered for sale, or distributed in Washington state in the previous calendar year.

(b) The department must post aggregated information for all producers reported under this subsection on its website.

(c) A producer may submit national data allocated on a per capita basis for Washington to approximate the information required in this subsection if the producer demonstrates to the department that state level data is not available or feasible to generate.

(2) The department may: (a) Conduct audits and investigations for the purpose of ensuring compliance with this section based on the information reported under subsection (1) of this section; and

(b) adopt rules to implement, administer, and enforce the requirements of this chapter.

(3) The department shall keep confidential all business trade secrets and proprietary information about manufacturing processes and equipment that the department gathers or becomes aware of through the course of conducting audits or investigations pursuant to this chapter.

**NEW SECTION. Sec. 5.** (1) Beginning July 1, 2023, a producer that does not meet the minimum postconsumer recycled content requirements across a producer's entire product line for plastic packaging sold, offered for sale, or distributed in Washington as established under section 3 of this act, based upon the amount in pounds and in the aggregate, is subject to an annual fee.

(2) Beginning July 1, 2023, the department may assess fees for violations.

(3)(a)(i) The annual administrative fee amount assessed to a producer must equal the product of both of the following: The total pounds of plastic used multiplied by the relevant minimum postconsumer recycled plastic target percentage, less the pounds of total plastic multiplied by the percent of postconsumer recycled plastic used; multiplied by 20 cents.

(ii) Example: [(Total pounds of plastic used x minimum postconsumer recycled plastic target percentage) – (Total pounds of plastic used x postconsumer recycled plastic percentage used)] x 20 cents.

(iii) The department may structure fees to result in lower fees for producers that achieve partial compliance or as prescribed under section 3 (5) or (6) of this act.

(b) The fee structure implemented must be estimated to raise no less than \$5,000,000 per biennium and no more than \$10,000,000 per biennium.

(c) If the department estimates that fee revenue will fall below the range established in (b) of this subsection, the department must implement a base fee of 20 cents per pound and publish an estimate of revenue expected to be raised by the fee in the report required by subsection (4) of this section. The department may lower fees for individual producers under section 3 (5) or (6) of this act.

(4) Beginning January 1, 2023, the department must publish an annual report containing an annual estimate of the revenue estimated to be raised by the fee, the amounts and quantities of plastic packaging subject to the fee, and the number of producers currently and expected to be in compliance with section 3 of this act.

(5) A producer must:

- (a) Pay to the department assessed fees in quarterly installments; or
- (b) Arrange an alternative payment schedule subject to the approval of the department.

(6) A producer may appeal fees assessed under this section to the pollution control hearings board within 30 days of assessment.

(7) A producer shall pay the fees assessed pursuant to this section, as applicable, based on the information reported to the department as required under section 4 of this act in the form and manner prescribed by the department.

(8) The department shall not spend more than 10 percent of the collected fees on administration or enforcement of this chapter.

**NEW SECTION. Sec. 6.** (1) The recycling improvement account is created in the state treasury. All receipts from the fee imposed on plastic packaging in section 5 of this act must be deposited in the account. However, until June 30, 2024, \$1,000,000 from the fee imposed on plastic packaging in section 5 of this act must be deposited in the waste reduction, recycling, and litter control account created in RCW 70A.200.140, with the

remainder deposited in the recycling improvement account. Moneys in the account may be spent only after appropriation.

(2)(a) One hundred percent of the expenditures from the account must be used for distributions by the department to cities and counties that are eligible for financial assistance under RCW 70A.205.080 for the purposes specified in (b) of this subsection, and for the department's administration of this chapter.

(b)(i) Cities and counties must use all funds received under this section for the development and implementation of:

(A) Actions or investments to improve recycling infrastructure and the recyclability of plastic packaging through curbside recycling programs;

(B) Depots or collection points for plastics not effectively collected or processed through curbside programs; and

(C) Solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70A.205 RCW.

(ii) In adopting rules governing the distribution of funds under this subsection, the department may incorporate the fund prioritization criteria and process adopted by the department under RCW 70A.205.080. The rules adopted by the department must distribute funds to counties based on the population of the county, after distributing a set minimum amount to each county.

(iii) The department shall develop rules governing the distribution of funds under this section in conjunction with an advisory committee convened by the department that includes five members appointed by the Washington association of county solid waste managers and five members appointed by the Washington state association of local public health officials. These rules must include a requirement that local governments annually report to the department on how the funds are used to improve plastics recycling infrastructure and the recyclability of plastic packaging. These reports must be posted on the department's public website.

**NEW SECTION. Sec. 7.** (1) Until January 1, 2032, the department shall exempt the following plastic packaging from the provisions of sections 3 through 5 and 12 through 14 of this act:

(a) Plastic packaging and food serviceware provided for the purpose of serving prepared food: (i) Via a drive through; (ii) in a packaged form for takeout or takeaway; or (iii) from food trucks, stands, delis, or kiosks that may or may not provide shelter or seating for consumers;

(b) Plastic bags subject to postconsumer recycled content requirements under chapter 70A.530 RCW;

(c) Compostable packaging determined by the department to meet the requirements of chapter 70A.455 RCW;

(d) Any material that is used in the packaging of a product that is regulated as a drug, medical device, or dietary supplement by the United States food and drug administration under the federal food, drug, and cosmetic act (21 U.S.C. Sec. 321 et seq.) as well as drugs used for veterinary medicine, including parasiticide products for animals. This includes plastic packaging that contains:

(i) Dairy milk, medical food, or infant formula;

(ii) Wine, or wine from which alcohol has been removed, in whole or in part, whether or not sparkling or carbonated;

(iii) Distilled spirits;

(iv) One hundred percent fruit juice in containers that are 46 ounces or more in volume; and

(v) One hundred percent vegetable juice in containers of 16 ounces or more in volume;

(e) Plastic packaging containers that contain products regulated by the federal insecticide, fungicide, and rodenticide act (7 U.S.C. Sec. 136 et seq.);

(f) Plastic packaging containers that are manufactured for use in the shipment of hazardous materials and are prohibited from

being manufactured with used material by federal packaging material specifications and testing standards set forth in 49 C.F.R. Secs. 178.509 and 178.522, or are subject to testing standards set forth in 49 C.F.R. Secs. 178.600 through 178.609, inclusive, or to which recommendations of the United Nations on the transport of dangerous goods are applicable;

(g) Architectural paint defined in and included in a stewardship plan under chapter 70A.515 RCW;

(h) Products regulated under 49 C.F.R. Sec. 178.33b;

(i) Three and five gallon water cooler containers that are part of a water cooler system;

(j) Packaging not intended to be discarded but instead used for the long-term or permanent storage or protection of a durable product and that is intended to transport, protect, or store the product on an ongoing basis, such as an included reusable carrying case for the product; and

(k) Blister packs comprised primarily of paper but bonded with foil and plastic, such as pharmaceutical blister packaging for pills.

(2) After the adoption of initial rules to implement this chapter, the department must periodically reengage the stakeholder work group under this section to review the exemptions, exceptions, or alternative compliance requirements adopted by rule under this section.

(3) By January 1, 2030, the department shall convene a stakeholder work group that includes representation from all relevant stakeholders to reevaluate exemptions included in this section. The work group shall make recommendations and the department may adopt exemptions by rule.

**NEW SECTION. Sec. 8.** (1) A city, town, county, or municipal corporation may not implement local recycled content requirements for plastic packaging that are inconsistent with minimum postconsumer recycled content as required under section 3 of this act.

(2) Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of this chapter, may not be enacted and are preempted.

**NEW SECTION. Sec. 9.** A new section is added to chapter 42.56 RCW to read as follows:

Information submitted to the department of ecology under chapter 70A.--- RCW (the new chapter created in section 24 of this act), that contains business trade secrets or proprietary information about manufacturing processes and equipment, is exempt from disclosure under this chapter.

**NEW SECTION. Sec. 10.** (1) Prior to use of any advanced technology for conversion of postuse plastic polymers for the purpose of producing recycled material to be counted toward compliance obligations under sections 3 through 5 of this act, a producer or the plastics packaging industry must provide the department with a third-party assessment prepared to examine the impact of the advanced technology on the following:

(a) Air and water pollution and release or creation of any hazardous pollutants; and

(b) The greenhouse gas emissions resulting from processes of the advanced technology facility, taking into account the full life cycle.

(2) For purposes of this section, advanced technology includes, but is not limited to, depolymerization, gasification, pyrolysis, or solvolysis.

**Sec. 11.** RCW 70A.200.140 and 2020 c 20 s 1076 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the waste reduction, recycling, and litter control account. Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

FIFTY FIRST DAY, MARCH 2, 2021

2021 REGULAR SESSION

(a) Forty percent to the department of ecology, primarily for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for litter collection programs under RCW 70A.200.170. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide; to support employment of youth in litter cleanup as intended in RCW 70A.200.020, and for litter pick up using other authorized agencies; and for statewide public awareness programs under RCW 70A.200.150(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, recycling, and composting so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b)(i) Twenty percent to the department for local government funding programs for waste reduction, litter control, recycling activities, and composting activities by cities and counties under RCW 70A.200.190, to be administered by the department of ecology; (ii) any unspent funds under (b)(i) of this subsection may be used to create and pay for a matching fund competitive grant program to be used by local governments for the development and implementation of contamination reduction and outreach plans for inclusion in comprehensive solid waste management plans or by local governments and nonprofit organizations for local or statewide education programs designed to help the public with litter control, waste reduction, recycling, and composting of primarily the products taxed under chapter 82.19 RCW. Recipients under this subsection include programs to reduce wasted food and food waste that are designed to achieve the goals established in RCW 70A.205.715(1) and that are consistent with the plan developed in RCW 70A.205.715(3). Grants must adhere to the following requirements: (A) No grant may exceed sixty thousand dollars; (B) grant recipients shall match the grant funding allocated by the department by an amount equal to twenty-five percent of eligible expenses. A local government's share of these costs may be met by cash or contributed services; (C) the obligation of the department to make grant payments is contingent upon the availability of the amount of money appropriated for this subsection (1)(b); and (D) grants are managed under the guidelines for existing grant programs; ~~(and)~~

(c) ~~(Forty)~~ Beginning June 30, 2021, until June 30, 2022:

(i) Four percent to the department of ecology to implement and enforce chapter 70A.--- RCW (the new chapter created in section 24 of this act);

(ii) Thirty-six percent to the department of ecology to: ~~((+))~~ (A) Implement activities under RCW 70A.200.150 for waste reduction, recycling, and composting efforts; ~~((+))~~ (B) provide technical assistance to local governments and commercial businesses to increase recycling markets and recycling and composting programs primarily for the products taxed under chapter 82.19 RCW designed to educate citizens about waste reduction, litter control, and recyclable and compostable products and programs; ~~((+))~~ (C) increase access to waste reduction, composting, and recycling programs, particularly for food packaging and plastic bags and appropriate composting techniques; and ~~((+))~~ (D) for programs to reduce wasted food and food waste that are designed to achieve the goals established in RCW 70A.205.715(1) and that are consistent with the plan developed in RCW 70A.205.715(3); and

(d) After June 30, 2022, 40 percent to the department of ecology: (i) To implement activities under RCW 70A.200.150 for waste reduction, recycling, and composting efforts; (ii) to provide

technical assistance to local governments and commercial businesses to increase recycling markets and recycling and composting programs primarily for the products taxed under chapter 82.19 RCW designed to educate citizens about waste reduction, litter control, and recyclable and compostable products and programs; (iii) to increase access to waste reduction, composting, and recycling programs, particularly for food packaging and plastic bags and appropriate composting techniques; and (iv) for programs to reduce wasted food and food waste that are designed to achieve the goals established in RCW 70A.205.715(1) and that are consistent with the plan developed in RCW 70A.205.715(3).

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70A.200.170 for the remainder of the funds, so that the most effective waste reduction, litter control, recycling, and composting programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) Funds in the waste reduction, recycling, and litter control account, collected under chapter 82.19 RCW, must be prioritized for the products identified under RCW 82.19.020 solely for the purposes of recycling, composting, and litter collection, reduction, and control programs."

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

On page 14, line 36, after "act," insert "to set minimum postconsumer recycled content for plastic packaging and to assess fees, and sections 12 through 14 of this act."

On page 16, after line 30, insert the following:

"NEW SECTION. Sec. 23. Nothing in this chapter changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this chapter change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020."

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

On page 16, line 31, after "through" strike "11" and insert "8, 10, 12 through 20, and 23"

On page 1, line 4 of the title, after "containers;" strike all material through "penalties" on line 6 and insert "amending RCW 70A.200.140 and 43.21B.300; reenacting and amending RCW 43.21B.110; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70A RCW; creating a new section; and prescribing penalties"

Senator Braun spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, floor amendment no. 193 by Senator Rivers on page 1, line 20 to Second Substitute Senate Bill No. 5022 was withdrawn.

#### MOTION

Senator Warnick moved that the following floor amendment no. 194 by Senator Warnick be adopted:

On page 2, line 15, after "formula" insert "and products containing dairy milk as defined in RCW 15.36.012"

On page 2, line 18, after "Washington" insert "except for producers and manufacturers of products containing dairy milk as defined in RCW 15.36.012"

On page 2, beginning on line 26, strike all of subsection (5)

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

On page 5, line 10, after "(3)" strike "(a)"

On page 5, beginning on line 14, after "Washington" strike "effective for beverages except dairy milk"

On page 5, at the beginning of line 16, strike "(i)" and insert "(a)"

On page 5, at the beginning of line 18, strike "(ii)" and insert "(b)"

On page 5, at the beginning of line 20, strike "(iii)" and insert "(c)"

On page 5, beginning on line 22, strike all material through "weight." on line 28

Senators Warnick, Honeyford, Wagoner and Fortunato spoke in favor of adoption of the amendment.

Senators Dhingra and Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 194 by Senator Warnick on page 2, line 15 to Second Substitute Senate Bill No. 5022.

The motion by Senator Warnick failed and floor amendment no. 194 was not adopted by voice vote.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, floor amendment no. 329 by Senator Rivers on page 9, line 3 to Second Substitute Senate Bill No. 5022 was withdrawn.

#### MOTION

Senator Das moved that the following striking floor amendment no. 330 by Senator Das be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. FINDINGS—INTENT.** (1) The legislature finds that minimum recycled content requirements for plastic beverage containers, trash bags, and household cleaning and personal care product containers, bans on problematic and unnecessary plastic packaging, and standards for customer opt-in for food service packaging and accessories are among actions needed to improve the state's recycling system as well as reduce litter.

(2) By implementing a minimum recycled content requirement for plastic beverage containers, trash bags, and household cleaning and personal care product containers; prohibiting the sale and distribution of certain expanded polystyrene products; and establishing optional serviceware requirements as provided for in this chapter; the legislature intends to take another step

towards ensuring plastic packaging and other packaging materials are reduced, recycled, and reused.

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

(1) "Beverage" means beverages identified in (a) through (f) of this subsection, intended for human or animal consumption, and in a quantity more than or equal to two fluid ounces and less than or equal to one gallon:

(a) Water and flavored water;

(b) Beer or other malt beverages;

(c) Wine;

(d) Distilled spirits;

(e) Mineral water, soda water, and similar carbonated soft drinks; and

(f) Any beverage other than those specified in this subsection, except infant formula or medical food as defined in 21 U.S.C. Sec. 360ee(b)(3).

(2) "Beverage manufacturer" means a manufacturer of one or more beverages described in subsection (1) of this section, that are sold, offered for sale, or distributed in a plastic beverage container in Washington.

(3) "Beverage manufacturing industry" means an association that represents companies that manufacture beverages.

(4) "Condiment packaging" means packaging used to deliver single-serving condiments to customers. Condiment packaging includes, but is not limited to, single-serving packaging for ketchup, mustard, relish, mayonnaise, hot sauce, coffee creamer, salad dressing, jelly and jam, and soy sauce.

(5) "Dairy milk" means a beverage that designates milk as the predominant (first) ingredient in the ingredient list on the container's label.

(6) "Department" means the department of ecology.

(7) "Expanded polystyrene" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

(8) "Food service business" means a business selling or providing food for consumption on or off the premises, and includes full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts, home delivery services, delivery services provided through an online application, and business or institutional cafeterias.

(9) "Food service product" means a product including, but not limited to, containers, plates, bowls, cups, lids, beverage containers, meat trays, deli rounds, utensils, sachets, straws, condiment packaging, clamshells and other hinged or lidded containers, wrap, portion cups, and other food service products that are intended for one-time use and used for food or drink offered for sale or use.

(10) "Household cleaning and personal care product" means products identified in (a) through (f) of this subsection:

(a) Laundry detergents, softeners, and stain removers;

(b) Household cleaning products;

(c) Liquid soap;

(d) Shampoo, conditioner, styling sprays and gels, and other hair care products;

(e) Lotion, moisturizer, facial toner, and other skin care products; or

(f) Oral hygiene products.

(11) "Household cleaning and personal care product manufacturing industry" means an association that represents

FIFTY FIRST DAY, MARCH 2, 2021

2021 REGULAR SESSION

companies that manufacture household cleaning and personal care products.

(12) "Plastic beverage container" means a bottle or other rigid container that is capable of maintaining its shape when empty, comprised solely of one or multiple plastic resins and containing a beverage. Plastic beverage container does not include:

(a) Refillable beverage containers (i.e., containers that are sufficiently durable for multiple rotations of their original or similar purpose and are intended to function in a system of reuse);

(b) Rigid plastic containers or plastic bottles that are medical devices, medical products that are required to be sterile, and nonprescription and prescription drugs, dietary supplements as defined in RCW 82.08.0293, and packaging used for those products;

(c) Bladders or pouches that contain wine; or

(d) Liners, caps, corks, closures, labels, and other items added externally or internally but otherwise separate from the structure of the bottle or container.

(13) "Plastic household cleaning and personal care product container" means a bottle, jug, or other rigid container with a neck or mouth narrower than the base, a minimum capacity of eight fluid ounces or its equivalent volume, a maximum capacity of five fluid gallons or its equivalent volume that is capable of maintaining its shape when empty, comprised solely of one or multiple plastic resins, and containing a household cleaning or personal care product. "Plastic household cleaning and personal care product container" does not include:

(a) Refillable household cleaning and personal care product containers (i.e., containers that are sufficiently durable for multiple rotations of their original or similar purpose and are intended to function in a system of reuse); and

(b) Rigid plastic containers or plastic bottles that are medical devices, medical products that are required to be sterile, and nonprescription and prescription drugs, dietary supplements as defined in RCW 82.08.0293, and packaging used for those products.

(14) "Plastic trash bag" means a bag that is made of noncompostable plastic, is at least 0.70 mils thick, and is designed and manufactured for use as a container to hold, store, or transport materials to be discarded or recycled, and includes, but is not limited to, a garbage bag, recycling bag, lawn or leaf bag, can liner bag, kitchen bag, or compactor bag. "Plastic trash bag" does not include any compostable bags meeting the requirements of chapter 70A.455 RCW.

(15) "Plastic trash bag manufacturing industry" means an association that represents companies that manufacture plastic trash bags.

(16) "Postconsumer recycled content" means the content of a product or packaging made of recycled materials derived specifically from recycled material generated by households or by commercial, industrial, and institutional facilities in their role as end users of the product that can no longer be used for its intended purpose. This includes returns of material from the distribution chain.

(17)(a) "Producer of household cleaning and personal care product containers" means a manufacturer or entity that uses containers that are sold, offered for sale, or distributed at a physical retail location or remote sale in this state, in the following hierarchy:

(i) A manufacturer or entity who uses a container and sells, offers for sale, or distributes a product in a container under their own brand;

(ii) If the container is used by a person other than the brand owner, the producer of the container is the person who is the

owner or licensee of a brand or trademark under which a container is sold, offered for sale, or distributed in or into this state;

(iii) If there is no person described in (a)(i) and (ii) of this subsection within the United States, the producer of the container is the person who imports the container into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the container in this state; or

(iv) The manufacturer or entity under (a)(i) of this subsection who uses a container, under their own brand, may notify the department of another manufacturer or third-party entity that has agreed to fulfill the duties of a producer for designated containers used under this chapter. The notification must be submitted jointly with the manufacturer or third-party entity. In the event that the brand no longer maintains a contract with the manufacturer or entity, the original producer in (a)(i) of this subsection must notify the state within 30 days that the product container has been removed from the market and is no longer reportable for that brand.

(b) A "producer of household cleaning and personal care product containers" does not include:

(i) Government agencies, municipalities, or other political subdivisions of the state;

(ii) Registered 501(c)(3) charitable organizations and 501(c)(4) social welfare organizations; or

(iii) De minimis producers that annually sell, offer for sale, distribute, or import into the country for sale in Washington:

(A) Less than one ton of household cleaning and personal care product containers each year; or

(B) Household cleaning and personal care products that in aggregate generate less than \$1,000,000 in revenue each year.

(18)(a) "Producer of plastic trash bags that are sold, offered for sale, or distributed at physical retail location or remote sale in this state" means, in the following hierarchy:

(i) A manufacturer or entity who sells, offers for sale, or distributes plastic trash bags under their own brand;

(ii) The person who is the owner or licensee of a brand or trademark under which the plastic trash bags are sold, offered for sale, or distributed in or into this state;

(iii) If there is no person described in (a)(i) and (ii) of this subsection within the United States, the producer of the plastic trash bags is the person who imports the plastic trash bags into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the plastic trash bags in this state; or

(iv) The manufacturer or entity under (a)(i) of this subsection who sells, offers for sale, or distributes plastic trash bags under their own brand, may notify the department of another manufacturer or third-party entity that has agreed to fulfill the duties of a producer under this chapter. The notification must be submitted jointly with the manufacturer or third-party entity. In the event that the brand no longer maintains a contract with the manufacturer or entity, the original producer in (a)(i) of this subsection must notify the state within 30 days that the product has been removed from the market and is no longer reportable for that brand.

(b) A "producer of plastic trash bags" does not include:

(i) Government agencies, municipalities, or other political subdivisions of the state;

(ii) Registered 501(c)(3) charitable organizations and 501(c)(4) social welfare organizations; or

(iii) De minimis producers that annually sell, offer for sale, distribute, or import into the country for sale in Washington:

(A) Less than one ton of plastic trash bags each year; or

(B) Plastic trash bags that in aggregate generate less than \$1,000,000 each year in revenue.

(19)(a) "Retail establishment" means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides merchandise, goods, or materials directly to a customer.

(b) "Retail establishment" includes, but is not limited to, food service businesses, grocery stores, department stores, hardware stores, home delivery services, pharmacies, liquor stores, restaurants, catering trucks, convenience stores, or other retail stores or vendors, including temporary stores or vendors at farmers markets, street fairs, and festivals.

(20)(a) "Utensil" means a product designed to be used by a consumer to facilitate the consumption of food or beverages, including knives, forks, spoons, cocktail picks, chopsticks, splash sticks, and stirrers.

(b) "Utensil" does not include plates, bowls, cups, and other products used to contain food or beverages.

**NEW SECTION. Sec. 3. POSTCONSUMER RECYCLED CONTENT IN PLASTIC BEVERAGE CONTAINERS.** (1) Beginning January 1, 2023, beverage manufacturers that offer for sale, sell, or distribute in Washington beverages in plastic beverage containers must meet minimum postconsumer recycled content as required under subsection (3) of this section.

(2)(a) On or before April 1, 2022, and annually thereafter, beverage manufacturers that offer for sale, sell, or distribute in Washington beverages in plastic beverage containers must register with the department individually or through a third-party representative registering on behalf of a group of beverage manufacturers.

(b) After January 1, 2023, a beverage manufacturer that offers for sale, sells, or distributes in Washington beverages in plastic beverage containers not registered with the department either individually or through a third party may not sell or supply beverage containers in or into Washington state.

(c) Registration information must include a list of the beverage manufacturers and the brand names of the beverages represented in the registration submittal. Beginning April 1, 2024, registration information may accompany the annual reporting required under section 4 of this act.

(d)(i) By January 31, 2022, and every January 31st thereafter, the department must identify the annual costs it will incur to implement this section and sections 4 and 5 of this act in the next fiscal year, including rule making, and invoices of costs for beverage manufacturers or their third-party representatives. The department must determine an annual payment by beverage manufacturers or their third-party representative that is adequate to cover, but not exceed, the department's full costs to implement, administer, and enforce this chapter in the next fiscal year, including rule making. The department must equitably determine payment amounts for an individual beverage manufacturer and third-party representatives.

(ii) The department must:

(A) Apply any remaining annual payment funds from the current year to the annual payment for the coming year, if the collected annual payment exceeds the department's costs for a given year; and

(B) Increase annual payments for the coming year to cover the department's costs, if the collected annual payment was less than the department's costs for a given year.

(e) By April 1, 2022, and every April 1st thereafter, beverage manufacturers or their third-party representative must submit a payment as determined by the department under (d) of this subsection.

(3)(a) A beverage manufacturer that sells, offers for sale, or distributes plastic beverage containers in or into Washington must meet the following annual minimum postconsumer recycled content percentage for the total quantity of plastic beverage

containers, by weight, that are sold, offered for sale, or distributed in Washington effective for beverages except dairy milk:

(i) January 1, 2023, through December 31, 2025: No less than 15 percent postconsumer recycled content plastic by weight;

(ii) January 1, 2026, through December 31, 2030: No less than 25 percent postconsumer recycled content plastic by weight; and

(iii) On and after January 1, 2031: No less than 50 percent postconsumer recycled content plastic by weight.

(b) For dairy milk:

(i) January 1, 2028, through December 31, 2030: No less than 15 percent postconsumer recycled content plastic by weight;

(ii) January 1, 2031, through December 31, 2035: No less than 25 percent postconsumer recycled content plastic by weight; and

(iii) On and after January 1, 2036: No less than 50 percent postconsumer recycled content plastic by weight.

(4)(a) Beginning January 1, 2025, the department may, on an annual basis, review and determine whether to adjust the minimum postconsumer recycled content percentage required pursuant to subsection (3) of this section. The department's review may be initiated by the department or at the petition of the beverage manufacturing industry not more than once annually. The department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled content percentages required pursuant to subsection (3) of this section. In making a determination pursuant to this subsection, the department must consider, at a minimum, all of the following factors:

(i) Changes in market conditions, including supply and demand for postconsumer recycled content plastics, collection rates, and bale availability both domestically and globally;

(ii) Recycling rates;

(iii) The availability of recycled plastic suitable to meet the minimum postconsumer recycled content requirements pursuant to subsection (3) of this section, including the availability of high quality recycled plastic, and food-grade recycled plastic from beverage container recycling programs;

(iv) The capacity of recycling or processing infrastructure; and

(v) The progress made by beverage manufacturers in achieving the goals of this section.

(b) The beverage manufacturing industry or a beverage manufacturer may appeal the department's decision under (a) of this subsection to the pollution control hearings board within 30 days of the department's determination.

(5) A beverage manufacturer that does not achieve the postconsumer recycled content requirements established under this section is subject to a penalty established in section 5 of this act.

(6) A city, town, county, or municipal corporation may not implement local recycled content requirements for plastic beverage containers that are subject to minimum postconsumer recycled content as required under this section.

(7) The department may enter into a contract for the services required to implement this chapter and related duties of the department.

**NEW SECTION. Sec. 4. BEVERAGE MANUFACTURER REPORTING REQUIREMENTS.** (1)(a) Beginning April 1, 2024, beverage manufacturers, individually or through a third party representing a group of manufacturers, must provide an annual report to the department that includes the amount of virgin plastic and the amount of postconsumer recycled content by resin type used for plastic beverage containers for beverages manufactured by the beverage manufacturer that are sold, offered for sale, or distributed into Washington state, including the total postconsumer recycled content resins as a percentage of total weight. The report must be submitted in a format and manner prescribed by the department. A manufacturer

FIFTY FIRST DAY, MARCH 2, 2021

2021 REGULAR SESSION

may submit national data allocated on a per capita basis for Washington to approximate the information required in this subsection if the manufacturer demonstrates to the department that state level data is not available or feasible to generate.

(b) The department must post the information reported under this subsection on its website.

(2) A beverage manufacturer that submits information or records to the department under this chapter may request that the information or records be made available only for the confidential use of the department, the director, or the appropriate division of the department. The director of the department must give consideration to the request and if this action is not detrimental to the public interest and is otherwise in accordance with the policies and purposes of chapter 43.21A RCW, the director must grant the request for the information to remain confidential as authorized in RCW 43.21A.160.

**NEW SECTION. Sec. 5. PENALTIES FOR PLASTIC BEVERAGE CONTAINERS.** (1)(a) Beginning January 1, 2023, a beverage manufacturer that does not meet the minimum postconsumer recycled content requirements pursuant to section 3 of this act is subject to a penalty pursuant to this section. Beginning March 1, 2024, the penalty must be collected annually, if a penalty reduction has not been approved pursuant to subsection (3) of this section and calculated in accordance with subsection (2) of this section.

(b) A beverage manufacturer that is assessed a penalty pursuant to this section may pay the penalty to the department in quarterly installments or arrange an alternative payment schedule subject to the approval of the department, not to exceed a 12-month payment plan unless an extension is needed due to unforeseen circumstances, such as a public health emergency, state of emergency, or natural disaster.

(2) Beginning June 1, 2024, and annually thereafter, the department shall invoice any assessed penalty for the previous calendar year based on the postconsumer recycled content requirement of the previous calendar year. The department shall calculate the amount of the penalty based upon the amounts in pounds in the aggregate of virgin plastic, postconsumer recycled content plastic, and any other plastic used by the beverage manufacturer to produce beverage containers sold or offered for sale in the state, in accordance with the following:

(a)(i) The annual penalty amount assessed to a beverage manufacturer must equal the product of both of the following: The total pounds of plastic used multiplied by the relevant minimum postconsumer recycled plastic target percentage, less the pounds of total plastic multiplied by the percent of postconsumer recycled plastic used; multiplied by 20 cents.

(ii) Example: [(Total pounds of plastic used x minimum postconsumer recycled plastic target percentage) – (Total pounds of plastic used x postconsumer recycled plastic percentage used)] x 20 cents.

(b) For the purposes of (a) of this subsection, both of the following apply:

(i) The total pounds of plastic used must equal the sum of the amount of virgin plastic, postconsumer recycled content plastic, and any other plastic used by the beverage manufacturer, as reported pursuant to section 4 of this act.

(ii) If the product calculated pursuant to (a) of this subsection is equal to or less than zero, a penalty may not be assessed.

(3)(a)(i) The department shall consider granting a reduction of penalties assessed pursuant to this section for the purpose of meeting the minimum postconsumer recycled content requirements required pursuant to section 3 of this act.

(ii) In determining whether to grant the reduction pursuant to (a)(i) of this subsection, the department shall consider, at a minimum, all of the following factors:

(A) Anomalous market conditions;

(B) Disruption in, or lack of supply of, recycled plastics; and

(C) Other factors that have prevented a beverage manufacturer from meeting the requirements.

(b) In lieu of or in addition to assessing a penalty under this section, the department may require a beverage manufacturer to submit a corrective action plan detailing how the beverage manufacturer plans to come into compliance with section 3 of this act.

(4) A beverage manufacturer shall pay the penalty assessed pursuant to this section, as applicable, based on the information reported to the department as required under section 4 of this act in the form and manner prescribed by the department.

(5) A beverage manufacturer may appeal the penalty assessed under this section to the pollution control hearings board within 30 days of assessment.

**NEW SECTION. Sec. 6. POSTCONSUMER RECYCLED CONTENT IN PLASTIC HOUSEHOLD CLEANING AND PERSONAL CARE PRODUCT CONTAINERS.** (1) Beginning January 1, 2025, household cleaning and personal care product producers that offer for sale, sell, or distribute in Washington household cleaning and personal care products in plastic household cleaning and personal care product containers must meet minimum postconsumer recycled content as required under subsection (3) of this section.

(2)(a) On or before April 1, 2024, and annually thereafter, household cleaning and personal care product producers that offer for sale, sell, or distribute in Washington household cleaning and personal care products in plastic household cleaning and personal care product containers must register with the department individually or through a third-party representative registering on behalf of a group of household cleaning and personal care product producers.

(b) After January 1, 2025, a household cleaning and personal care product producer that offers for sale, sells, or distributes in Washington household cleaning and personal care products in plastic household cleaning and personal care product containers not registered with the department either individually or through a third party may not sell or supply plastic household cleaning and personal care product containers in or into Washington state.

(c) Registration information must include a list of the household cleaning and personal care product producers and the brand names of the household cleaning and personal care products represented in the registration submittal. Beginning April 1, 2026, registration information may accompany the annual reporting required under section 7 of this act.

(d)(i) By January 31, 2024, and every January 31st thereafter, the department must identify the annual costs it will incur to implement this section and sections 7 and 8 of this act in the next fiscal year, including rule making, and invoices of costs for household cleaning and personal care product producers or their third-party representatives. The department must determine an annual payment by household cleaning and personal care product producers or their third-party representatives that is adequate to cover, but not exceed, the department's full costs to implement, administer, and enforce this section and sections 7 and 8 of this act in the next fiscal year, including rule making. The department must equitably determine payment amounts for an individual household cleaning and personal care product producer and third-party representatives.

(ii) The department must:

(A) Apply any remaining annual payment funds from the current year to the annual payment for the coming year, if the collected annual payment exceeds the department's costs for a given year; and

(B) Increase annual payments for the coming year to cover the department's costs, if the collected annual payment was less than the department's costs for a given year.

(e) By April 1, 2024, and every April 1st thereafter, household cleaning and personal care product producers or their third-party representatives must submit a payment as determined by the department under (d) of this subsection.

(3) A household cleaning and personal care product producer that sells, offers for sale, or distributes plastic household cleaning and personal care product containers in or into Washington must meet the following annual minimum postconsumer recycled content percentage for the total quantity, by weight, of plastic household cleaning and personal care product containers that are sold, offered for sale, or distributed in Washington:

(a) January 1, 2025, through December 31, 2027: No less than 15 percent postconsumer recycled content plastic by weight;

(b) January 1, 2028, through December 31, 2030: No less than 25 percent postconsumer recycled content plastic by weight; and

(c) On and after January 1, 2031: No less than 50 percent postconsumer recycled content plastic by weight.

(4)(a) Beginning January 1, 2025, the department may, on an annual basis, review and determine whether to adjust the minimum postconsumer recycled content percentage required pursuant to subsection (3) of this section. The department's review may be initiated by the department or at the petition of the household cleaning and personal care product manufacturing industry not more than once annually. The department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled content percentages required pursuant to subsection (3) of this section or below a minimum of 10 percent. In making a determination pursuant to this subsection, the department must consider, at a minimum, all of the following factors:

(i) Changes in market conditions, including supply and demand for postconsumer recycled content plastics, collection rates, and bale availability both domestically and globally;

(ii) Recycling rates;

(iii) The availability of recycled plastic suitable to meet the minimum postconsumer recycled content requirements pursuant to subsection (3) of this section, including the availability of high quality recycled plastic from plastic container recycling programs;

(iv) The capacity of recycling or processing infrastructure;

(v) The technical feasibility of achieving the minimum postconsumer recycled content requirements pursuant to subsection (3) of this section in plastic household cleaning and personal care product containers that are regulated under 21 C.F.R., chapter I, subchapter G, 7 U.S.C. Sec. 136, 15 U.S.C. Sec. 1471, or 40 C.F.R. Sec. 152.10; and

(vi) The progress made by household cleaning and personal care product producers in achieving the goals of this section.

(b) The household cleaning and personal care product manufacturing industry or a household cleaning and personal care product producer may appeal the department's decision under (a) of this subsection to the pollution control hearings board within 30 days of the department's determination.

(5) A household cleaning and personal care product producer that does not achieve the postconsumer recycled content requirements established under this section is subject to a penalty established in section 8 of this act.

(6) A city, town, county, or municipal corporation may establish local purchasing requirements that include recycled

content standards that exceed the minimum recycled content requirements established by this chapter for plastic household cleaning and personal care product containers purchased by a city, town, or municipal corporation, or its contractor. A city, town, county, or municipal corporation may not implement local recycled content requirements for the sale, distribution, or use of plastic household cleaning and personal care product containers that are subject to minimum postconsumer recycled content as required under this section within its jurisdiction.

NEW SECTION. Sec. 7. HOUSEHOLD CLEANING AND PERSONAL CARE PRODUCT PRODUCER REPORTING REQUIREMENTS. (1)(a) Beginning April 1, 2026, household cleaning and personal care product producers, individually or through a third party representing a group of producers, must provide an annual report submitted to the department in a format and manner prescribed by the department that includes the amount, by weight, of virgin plastic and the amount, by weight, of postconsumer recycled content, by resin type, used by the household cleaning and personal care product producer for plastic household cleaning and personal care product containers sold, offered for sale, or distributed into Washington state, including the total amount of postconsumer recycled content resins as a percentage of total weight. A producer may submit national data allocated on a per capita basis for Washington to approximate the information required in this subsection if the producer declares that state level data are not available or feasible to generate.

(b) The department must post the information reported under this subsection on its website.

(2) A household cleaning and personal care product producer that submits information or records to the department under this chapter may request that the information or records be made available only for the confidential use of the department, the director, or the appropriate division of the department. The director of the department must give consideration to the request, and if this action is not detrimental to the public interest and is otherwise in accordance with the policies and purposes of chapter 43.21A RCW, the director must grant the request for the information to remain confidential as authorized in RCW 43.21A.160.

NEW SECTION. Sec. 8. POSTCONSUMER RECYCLED CONTENT IN PLASTIC HOUSEHOLD CLEANING AND PERSONAL CARE PRODUCT CONTAINERS—PENALTIES.

(1)(a) Beginning January 1, 2025, a household cleaning and personal care product producer that does not meet the minimum postconsumer recycled content requirements pursuant to section 6 of this act is subject to a penalty pursuant to this section. Beginning May 1, 2026, the penalty must be collected annually, if a penalty reduction has not been approved pursuant to subsection (3) of this section and calculated in accordance with subsection (2) of this section.

(b) A household cleaning and personal care product producer that is assessed a penalty pursuant to this section may pay the penalty to the department in quarterly installments or arrange an alternative payment schedule subject to the approval of the department, not to exceed a 12-month payment plan unless an extension is needed due to unforeseen circumstances, such as a public health emergency, state of emergency, or natural disaster.

(2) Beginning June 1, 2026, and annually thereafter, the department shall invoice any assessed penalty for the previous calendar year based on the postconsumer recycled content requirement of the previous calendar year. The department shall calculate the amount of the penalty based upon the amounts in pounds in the aggregate of virgin plastic, postconsumer recycled content plastic, and any other plastic used by the household cleaning and personal care product producer to produce plastic

FIFTY FIRST DAY, MARCH 2, 2021

2021 REGULAR SESSION

household cleaning and personal care product containers sold or offered for sale in the state, in accordance with the following:

(a)(i) The annual penalty amount assessed to a household cleaning and personal care product producer must equal the product of both of the following: The total pounds of plastic used multiplied by the relevant minimum postconsumer recycled plastic target percentage, less the pounds of total plastic multiplied by the percent of postconsumer recycled plastic used; multiplied by 20 cents.

(ii) Example: [(Total pounds of plastic used x minimum postconsumer recycled plastic target percentage) – (Total pounds of plastic used x postconsumer recycled plastic percentage used)] x 20 cents.

(b) For the purposes of (a) of this subsection, both of the following apply:

(i) The total pounds of plastic used must equal the sum of the amount of virgin plastic, postconsumer recycled content plastic, and any other plastic used by the household cleaning and personal care product producer, as reported pursuant to section 7 of this act.

(ii) If the product calculated pursuant to (a) of this subsection is equal to or less than zero, a penalty may not be assessed.

(3)(a)(i) The department shall consider granting a reduction of penalties assessed pursuant to this section for the purpose of meeting the minimum postconsumer recycled content requirements required pursuant to section 6 of this act.

(ii) In determining whether to grant the reduction pursuant to (a)(i) of this subsection, the department shall consider, at a minimum, all of the following factors:

(A) Anomalous market conditions;

(B) Disruption in, or lack of supply of, recycled plastics; and

(C) Other factors that have prevented a household cleaning and personal care product producer from meeting the requirements.

(b) In lieu of or in addition to assessing a penalty under this section, the department may require a household cleaning and personal care product producer to submit a corrective action plan detailing how the household cleaning and personal care product producer plans to come into compliance with section 6 of this act.

(4) A household cleaning and personal care product producer shall pay the penalty assessed pursuant to this section, as applicable, based on the information reported to the department as required under section 7 of this act in the form and manner prescribed by the department.

**NEW SECTION. Sec. 9. POSTCONSUMER RECYCLED CONTENT IN PLASTIC HOUSEHOLD CLEANING AND PERSONAL CARE PRODUCT CONTAINERS—DEPARTMENT DUTIES.** (1) The department may conduct audits and investigations for the purpose of ensuring compliance with section 6 of this act based on the information reported under section 7 of this act.

(2) The department shall annually publish a list of registered producers and associated brand names, their compliance status, and other information the department deems appropriate on the department's website.

**NEW SECTION. Sec. 10. POSTCONSUMER RECYCLED CONTENT IN TRASH BAGS.** (1)(a) Beginning January 1, 2023, plastic trash bag producers that offer for sale, sell, or distribute in Washington plastic trash bags must meet minimum postconsumer recycled content as required under subsection (3) of this section.

(b) Beginning January 1, 2023, plastic trash bag producers shall label each container of plastic trash bags sold, offered for sale, or distributed in Washington with:

(i) The name of the producer and the city, state, and country where the producer is located, which may be designated as the location of the producer's corporate headquarters; or

(ii) A uniform resource locator or quick response code to an internet website that contains the information required pursuant to (b)(i) of this subsection.

(c) The provisions of (a) of this subsection shall not apply to a bag that is designed and manufactured to hold, store, or transport dangerous waste or biomedical waste. For the purposes of this subsection, "dangerous waste" means any waste defined as dangerous waste under RCW 70A.300.010; and "biomedical waste" means any waste defined as that term under RCW 70A.228.010.

(2)(a) On or before April 1, 2022, and annually thereafter, plastic trash bag producers that offer for sale, sell, or distribute in Washington plastic trash bags must register with the department individually or through a third-party representative registering on behalf of a group of plastic trash bag producers.

(b) After January 1, 2023, a plastic trash bag producer that offers for sale, sells, or distributes in Washington plastic trash bags not registered with the department either individually or through a third party may not sell or supply plastic trash bags in or into Washington state.

(c) Registration information must include a list of the plastic trash bag producers and the brand names of the plastic trash bags represented in the registration submittal. Beginning April 1, 2024, registration information may accompany the annual reporting required under section 11 of this act.

(d)(i) By January 31, 2022, and every January 31st thereafter, the department must identify the annual costs it will incur to implement this section and sections 11 and 12 of this act in the next fiscal year, including rule making, and invoices of costs for plastic trash bag producers or their third-party representatives. The department must determine an annual payment by plastic trash bag producers or their third-party representatives that is adequate to cover, but not exceed, the department's full costs to implement, administer, and enforce this chapter in the next fiscal year, including rule making. The department must equitably determine payment amounts for an individual plastic trash bag producer and third-party representatives.

(ii) The department must:

(A) Apply any remaining annual payment funds from the current year to the annual payment for the coming year, if the collected annual payment exceeds the department's costs for a given year; and

(B) Increase annual payments for the coming year to cover the department's costs, if the collected annual payment was less than the department's costs for a given year.

(e) By April 1, 2022, and every April 1st thereafter, plastic trash bag producers or their third-party representatives must submit a payment as determined by the department under (d) of this subsection.

(3) A plastic trash bag producer that sells, offers for sale, or distributes plastic trash bags in or into Washington must meet the following annual minimum postconsumer recycled content percentage on average for the total quantity, by weight, of plastic trash bags that are sold, offered for sale, or distributed in Washington:

(a) January 1, 2023, through December 31, 2024: No less than 10 percent postconsumer recycled content plastic by weight;

(b) January 1, 2025, through December 31, 2026: No less than 15 percent postconsumer recycled content plastic by weight; and

(c) On and after January 1, 2027: No less than 20 percent postconsumer recycled content plastic by weight.

(4)(a) Beginning January 1, 2024, the department may, on an annual basis, review and determine whether to adjust the minimum postconsumer recycled content percentage required pursuant to subsection (3) of this section. The department's review may be initiated by the department or at the petition of the plastic trash bag manufacturing industry not more than once annually. The department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled content percentages required pursuant to subsection (3) of this section or below the minimum percentage required in subsection (3)(a) of this section. In making a determination pursuant to this subsection, the department must consider, at a minimum, all of the following factors:

(i) Changes in market conditions, including supply and demand for postconsumer recycled content plastics, collection rates, and bale availability both domestically and globally;

(ii) Recycling rates;

(iii) The availability of recycled plastic suitable to meet the minimum postconsumer recycled content requirements pursuant to subsection (3) of this section, including the availability of high quality recycled plastic from flexible plastic recycling programs;

(iv) The capacity of recycling or processing infrastructure; and

(v) The progress made by plastic trash bag producers in achieving the goals of this section.

(b) The plastic trash bag manufacturing industry or a plastic trash bag producer may appeal the department's decision under (a) of this subsection to the pollution control hearings board within 30 days of the department's determination.

(5) A plastic trash bag producer that does not achieve the postconsumer recycled content requirements established under this section is subject to a penalty established in section 12 of this act.

(6) A city, town, county, or municipal corporation may establish local purchasing requirements that include recycled content standards that exceed the minimum recycled content requirements established by this chapter for plastic trash bags purchased by a city, town, or municipal corporation, or its contractor. A city, town, county, or municipal corporation may not implement local recycled content requirements for the sale, distribution, or use of plastic trash bags that are subject to minimum postconsumer recycled content as required under this section within its jurisdiction.

(7) The department may enter into a contract for the services required to implement this chapter and related duties of the department.

**NEW SECTION. Sec. 11. PLASTIC TRASH BAG PRODUCER REPORTING REQUIREMENTS.** (1)(a) Beginning April 1, 2024, plastic trash bag producers, individually or through a third party representing a group of producers, must provide an annual report submitted to the department in a format and manner prescribed by the department, that includes:

(i) The amount of virgin plastic and the amount of postconsumer recycled content by resin type used for plastic trash bags manufactured by the plastic trash bag producer that are sold, offered for sale, or distributed into Washington state, including the total postconsumer recycled content resins as a percentage of total weight. A producer may submit national data allocated on a per capita basis for Washington to approximate the information required in this subsection if the producer declares that state level data is not available or feasible to generate.

(ii) Proof of certification conducted by a third-party certification entity of the recycled content for each type of plastic trash bag containing postconsumer recycled content offered for sale, sold, or distributed in Washington.

(b) The department must post the information reported under this subsection on its website.

(2) A plastic trash bag producer that submits information or records to the department under this chapter may request that the information or records be made available only for the confidential use of the department, the director, or the appropriate division of the department. The director of the department must give consideration to the request, and if this action is not detrimental to the public interest and is otherwise in accordance with the policies and purposes of chapter 43.21A RCW, the director must grant the request for the information to remain confidential as authorized in RCW 43.21A.160.

**NEW SECTION. Sec. 12. POSTCONSUMER RECYCLED CONTENT IN TRASH BAGS—PENALTIES.**

(1)(a) Beginning January 1, 2023, a plastic trash bag producer that does not meet the minimum postconsumer recycled content requirements pursuant to section 10 of this act is subject to a penalty pursuant to this section. Beginning March 1, 2024, the penalty must be collected annually, if a penalty reduction has not been approved pursuant to subsection (3) of this section and calculated in accordance with subsection (2) of this section.

(b) A plastic trash bag producer that is assessed a penalty pursuant to this section may pay the penalty to the department in quarterly installments or arrange an alternative payment schedule subject to the approval of the department, not to exceed a 12-month payment plan unless an extension is needed due to unforeseen circumstances, such as a public health emergency, state of emergency, or natural disaster.

(2) Beginning June 1, 2024, and annually thereafter, the department shall invoice any assessed penalty for the previous calendar year based on the postconsumer recycled content requirement of the previous calendar year. The department shall calculate the amount of the penalty based upon the amounts in pounds in the aggregate of virgin plastic, postconsumer recycled content plastic, and any other plastic used by the plastic trash bag producer to produce plastic trash bags sold or offered for sale in the state, in accordance with the following:

(a)(i) The annual penalty amount assessed to a plastic trash bag producer must equal the product of both of the following: The total pounds of plastic used multiplied by the relevant minimum postconsumer recycled plastic target percentage, less the pounds of total plastic multiplied by the percent of postconsumer recycled plastic used; multiplied by 20 cents.

(ii) Example: [(Total pounds of plastic used x minimum postconsumer recycled plastic target percentage) – (Total pounds of plastic used x postconsumer recycled plastic percentage used)] x 20 cents.

(b) For the purposes of (a) of this subsection, both of the following apply:

(i) The total pounds of plastic used must equal the sum of the amount of virgin plastic, postconsumer recycled content plastic, and any other plastic used by the plastic trash bag producer, as reported pursuant to section 11 of this act.

(ii) If the product calculated pursuant to (a) of this subsection is equal to or less than zero, a penalty may not be assessed.

(3)(a)(i) The department shall consider granting a reduction of penalties assessed pursuant to this section for the purpose of meeting the minimum postconsumer recycled content requirements required pursuant to section 10 of this act.

(ii) In determining whether to grant the reduction pursuant to (a)(i) of this subsection, the department shall consider, at a minimum, all of the following factors:

(A) Anomalous market conditions;

(B) Disruption in, or lack of supply of, recycled plastics; and

(C) Other factors that have prevented a plastic trash bag producer from meeting the requirements.

(b) In lieu of or in addition to assessing a penalty under this section, the department may require a plastic trash bag producer

FIFTY FIRST DAY, MARCH 2, 2021

2021 REGULAR SESSION

to submit a corrective action plan detailing how the plastic trash bag producer plans to come into compliance with section 10 of this act.

(4) A plastic trash bag producer shall pay the penalty assessed pursuant to this section, as applicable, based on the information reported to the department as required under section 11 of this act in the form and manner prescribed by the department.

**NEW SECTION. Sec. 13. POSTCONSUMER RECYCLED CONTENT IN TRASH BAGS—DEPARTMENT DUTIES.** (1) The department may conduct audits and investigations for the purpose of ensuring compliance with section 10 of this act based on the information reported under section 11 of this act.

(2) The department shall annually publish a list of registered producers and associated brand names, their compliance status, and other information the department deems appropriate on the department's website.

**NEW SECTION. Sec. 14.** A new section is added to chapter 39.26 RCW to read as follows:

**POSTCONSUMER RECYCLED CONTENT IN PLASTIC TRASH BAGS—PURCHASING PRIORITY.**

(1) Beginning January 1, 2023, all state agencies shall purchase plastic trash bags manufactured by plastic trash bag producers that comply with the minimum recycled content requirements pursuant to section 10 of this act.

(2) By June 1, 2022, the department of ecology shall provide to the department a list of the plastic trash bag producer brands that comply with the minimum recycled content requirements pursuant to section 10 of this act, in order for state agencies to purchase compliant products, updated annually.

**NEW SECTION. Sec. 15. EXPANDED POLYSTYRENE PROHIBITIONS.** (1) Beginning June 1, 2023, the sale and distribution of the following expanded polystyrene products in or into the state is prohibited:

(a) A portable container that is designed or intended to be used for cold storage, except for expanded polystyrene containers used for drugs, medical devices, and biological materials as defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or shipping perishable commodities from a wholesale or retail establishment;

(b) Food service products that include food containers, plates, clam shell-style containers, and hot and cold beverage cups. For the purposes of this subsection (1)(b), food service products do not include: Packaging for raw, uncooked, or butchered meat, fish, poultry, or seafood, vegetables, fruit, or egg cartons; and

(c) Void filling packaging products, which means loose fill packaging material, also referred to as packing peanuts.

(2)(a) The department must provide technical assistance and guidance to manufacturers of prohibited expanded polystyrene products, as requested. For manufacturers out of compliance with the requirements of this section, the department shall provide written notification and offer information to manufacturers that sell prohibited expanded polystyrene products who are in violation of this section. For the purposes of this section, written notification serves as notice of the violation. The department must issue at least two notices of violation by certified mail prior to assessing a penalty.

(b) A manufacturer of products in violation of this section is subject to a civil penalty for each violation in an amount not to exceed:

- (i) \$250 if it is the manufacturer's first penalty; and
- (ii) \$1,000 if the manufacturer has previously been issued a civil penalty under this section.

(c) Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180.

(d) Penalties issued under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(3) A city, town, county, or municipal corporation may not implement a local ordinance restricting products prohibited under subsection (1) of this section unless the ordinance was filed by April 1, 2021, and enacted by June 1, 2021. An ordinance restricting products specified under subsection (1) of this section that was not enacted as of June 1, 2021, is preempted by this section.

(4) For the purposes of this section, "manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that:

- (a) Produces the products subject to restrictions in subsection (1) of this section; or
- (b) Is an importer or domestic distributor of a product subject to restrictions in subsection (1) of this section sold or offered for sale in or into the state.

**NEW SECTION. Sec. 16. OPTIONAL SERVICEWARE.** (1) Beginning January 1, 2022:

(a) Except as provided in (c) of this subsection, a food service business at which the opportunity is provided for the on-site consumption of food or beverages may provide the following types of single-use food service products only upon request:

- (i) Utensils;
- (ii) Straws;
- (iii) Condiment packaging; and
- (iv) Beverage cup lids.

(b) Except as provided in (c) of this subsection, the following food service businesses may provide types of single-use food service products identified in (a) of this subsection only after affirming that the customer wants the single-use food service products:

- (i) A food service business at which no opportunity is provided for the on-site consumption of food or beverages; or
- (ii) A food service business serving food or beverages to customers via a drive-through.

(c) A food service business may provide beverage cup lids without request for:

- (i) Hot beverages;
- (ii) Beverages provided through delivery service or curbside pickup; and
- (iii) Beverages served to customers via a drive-through.

(2) Nothing in this section prohibits a food service business from making utensils, straws, condiments, and beverage cup lids available to customers using cylinders, bins, dispensers, containers, or other means of allowing for single-use utensils, straws, condiments, and beverage cup lids to be obtained at the affirmative volition of the customer. Utensils provided by a food service business for use by customers may not be bundled or packaged in plastic in such a way that a customer is unable to take only the type of single-use utensil or utensils desired without also taking a different type or types of utensil.

(3)(a) The department may issue a civil penalty of no less than \$150 per day and no more than \$2,000 per day to the owner or operator of a food service business for each day single-use food service products are provided in violation of this section.

(b) The department must issue at least two notices of violation by certified mail prior to assessing a penalty.

(c) Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180.

(d) A food service business may appeal penalties assessed under this subsection to the pollution control hearings board within 30 days of assessment.

(4) Beginning July 1, 2021, a city, town, county, or municipal corporation may not enact an ordinance to reduce pollution from single-use food service products by requiring a request of single-use food service products by the customer of the food service business or other retail establishment.

**NEW SECTION. Sec. 17. DEPARTMENT DUTIES.** (1) The department may conduct audits and investigations for the purpose of ensuring compliance with sections 3, 6, and 10 of this act based on the information reported under sections 4, 7, and 11 of this act.

(2) To assist with the requirements specified under sections 15 and 16 of this act, the department:

(a) Must prepare and post on its website information regarding the prohibitions on the sale and distribution of expanded polystyrene products as specified under section 15 of this act and optional serviceware under section 16 of this act;

(b) For education and outreach to help implement sections 15 and 16 of this act, may develop culturally appropriate and translated educational materials and resources for the state's diverse ethnic populations from existing materials used by local jurisdictions and other states.

(3) The department may adopt rules as necessary to administer, implement, and enforce this chapter.

**NEW SECTION. Sec. 18. RECYCLING ENHANCEMENT ACCOUNT.** The recycling enhancement account is created in the custody of the state treasurer. All penalties collected by the department pursuant to sections 5, 8, and 12 of this act must be deposited in the account. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used by the department only for providing grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

**NEW SECTION. Sec. 19. RECYCLED CONTENT ACCOUNT.** The recycled content account is created in the custody of the state treasurer. All receipts received by the department under sections 3, 6, and 10 of this act must be deposited in the account. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used by the department only for implementing, administering, and enforcing the requirements of sections 3 through 13 of this act.

**NEW SECTION. Sec. 20. MARKET STUDY.** (1) Subject to the availability of amounts appropriated for this specific purpose prior to January 1, 2028, the department shall contract with a research university or an independent third-party consultant to study the polyethylene terephthalate and high-density polyethylene markets for all of the following:

(a) Analyzing market conditions and opportunities in the state's recycling industry for meeting the minimum postconsumer recycled content requirements for plastic beverage containers pursuant to sections 3 and 4 of this act;

(b) Determining the data needs and tracking opportunities to increase the transparency and support of a more effective, fact-based public understanding of the recycling industry; and

(c) Recommending further policy modifications and measures to achieve the state's recycling targets with the least cost and optimal efficiency.

(2) If funding is provided pursuant to subsection (1) of this section and the department undertakes the study, the study must be completed by May 1, 2029.

**Sec. 21.** RCW 43.21B.110 and 2020 c 138 s 11 and 2020 c 20 s 1035 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, sections 15 and 16 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, sections 3, 6, and 10 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or

FIFTY FIRST DAY, MARCH 2, 2021

2021 REGULAR SESSION

to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under sections 3, 5, 6, 8, 10, and 12 of this act, to assess penalties and to set recycled minimum postconsumer content for plastic beverage containers.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 22.** RCW 43.21B.300 and 2020 c 20 s 1038 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, sections 15 and 16 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within thirty days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority thirty days after the date of receipt by the person penalized of the notice imposing the penalty or thirty days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In

these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.300.090, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

**Sec. 23.** RCW 70A.220.020 and 2020 c 20 s 1228 are each amended to read as follows:

~~((1) The provisions of this section and any rules adopted under this section shall be interpreted to conform with nationwide plastics industry standards.~~

~~((2)) Except as provided in RCW 70A.220.030(2), after January 1, 1992, no person may distribute, sell, or offer for sale in this state a plastic bottle or rigid plastic container unless the container is labeled with a code identifying the appropriate resin type used to produce the structure of the container. ~~((The code shall consist of a number placed within three triangulated arrows and letters placed below the triangle of arrows. The triangulated arrows shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The pointer (arrowhead) of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints shall depict a clockwise path around the code number.))~~ The numbers and letters used shall be as follows:~~

- (a) 1.= PETE (polyethylene terephthalate)
- (b) 2.= HDPE (high density polyethylene)
- (c) 3.= V (vinyl) or PVC (polyvinyl chloride)
- (d) 4.= LDPE (low density polyethylene)
- (e) 5.= PP (polypropylene)
- (f) 6.= PS (polystyrene)
- (g) 7.= OTHER

NEW SECTION. **Sec. 24.** Sections 2 through 13 and 15 through 20 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 25.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 3 of the title, after "and" strike the remainder of the title and insert "addressing plastic packaging; amending RCW 43.21B.300 and 70A.220.020; reenacting and amending RCW 43.21B.110; adding a new section to chapter 39.26 RCW; adding a new chapter to Title 70A RCW; creating a new section; and prescribing penalties."

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 334 by Senator Padden on page 1, line 6 to striking floor amendment no. 330 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, floor amendment no. 331 by Senator Fortunato on page 1, line 6 to striking floor amendment no. 330 was withdrawn.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Warnick and without objection, floor amendment no. 332 by Senator Warnick on page 2, line 2 to striking floor amendment no. 330 was withdrawn.

## MOTION

Senator Rivers moved that the following floor amendment no. 333 by Senator Rivers be adopted:

On page 13, line 39, after "1471," insert "49 C.F.R. Sec. 178.33b,"

Senators Rivers, Das and Wagoner spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 333 by Senator Rivers on page 13, line 39 to striking floor amendment no. 330.

The motion by Senator Rivers carried and floor amendment no. 333 was adopted by voice vote.

## MOTION

Senator Rivers moved that the following floor amendment no. 339 by Senator Rivers be adopted:

On page 22, after line 36, insert the following:

**"NEW SECTION. Sec. 15.** (1) By May 1, 2021, the department of commerce shall convene a stakeholder advisory committee to make recommendations on the development of mandatory postconsumer recycled content requirements for plastic packaging. By November 15, 2021, the department of commerce shall submit a report to the legislature containing the recommendations of the stakeholder advisory committee. The report must include recommendations where general stakeholder consensus has been achieved and note dissenting opinions where stakeholder consensus has not been achieved. The stakeholder advisory committee shall make recommendations using consensus-based decision making on the following:

- (a) Definitions;
- (b) Methods for determining responsible parties;
- (c) Methods for determining, reporting, and certifying recycled content compliance;
- (d) The rates of mandatory postconsumer recycled content required by material type and target implementation dates;
- (e) Methods for verifying claims on recycled content;
- (f) Registration of producers;
- (g) Administration of the program created in this act;
- (h) Enforcement; and
- (i) Exemptions and exceptions.

(2) The stakeholder advisory committee shall consider information and findings by a variety of authoritative bodies related to recycled content, including mechanical and advanced recycling technologies.

(3) The president of the senate and the speaker of the house of representatives shall jointly appoint at least one member to the stakeholder advisory committee from each of the following:

- (a) The department of commerce;
- (b) The department of ecology;
- (c) The utilities and transportation commission;
- (d) Cities, including both small and large cities and cities located in urban and rural counties;
- (e) Counties, including both small and large counties and urban and rural counties;
- (f) Municipal collectors;

(g) A representative from the private sector waste and recycling industry that owns or operates a curbside recycling program and a material recovery facility;

(h) A solid waste collection company regulated under chapter 81.77 RCW that provides curbside recycling services;

(i) A material recovery facility operator that processes municipal solid waste from curbside recycling programs;

(j) A company that provides curbside recycling service pursuant to a municipal contract under RCW 81.77.020;

(k) A trade association that represents the private sector solid waste industry;

(l) Recycled plastic feedstock users;

(m) A trade association representing the plastics recycling industry;

(n) A recycled content certification organization;

(o) An environmental justice organization;

(p) An environmental nonprofit organization;

(q) An environmental nonprofit organization that specializes in waste and recycling issues;

(r) Plastic converters/manufacturers of resins;

(s) A manufacturer of plastic packaging;

(t) A statewide general business trade association;

(u) Associations that represent consumer brand companies;

(v) Representatives of consumer brands;

(w) A consumer-oriented organization;

(x) Representatives of the state's most marginalized communities;

(y) A retailer or representative of the retail association;

(z) A representative of an advanced recycling technology provider that processes plastic material;

(aa) An association that represents cities;

(bb) An association that represents county solid waste managers;

(cc) A representative from a retail grocery association; and

(dd) A representative from a Washington headquartered online retailer.

(4) The definitions in section 2 of this act apply throughout this section unless the context clearly requires otherwise.

(5) This section expires January 1, 2023."

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

On page 31, line 14, after "15 through" strike "20" and insert "21"

On page 31, line 24, after "creating" strike all material through "penalties" and insert "new sections; prescribing penalties; and providing an expiration date"

Senators Rivers and Das spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 339 by Senator Rivers on page 22, line 36 to striking floor amendment no. 330.

The motion by Senator Rivers carried and floor amendment no. 339 was adopted by voice vote.

Senators Das, Holy, Fortunato and Rolfes spoke in favor of adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 330 by Senator Das as amended to Second Substitute Senate Bill No. 5022.

The motion by Senator Das carried and striking floor amendment no. 330 as amended was adopted by voice vote.

## MOTION

FIFTY FIRST DAY, MARCH 2, 2021

2021 REGULAR SESSION

On motion of Senator Das, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Das, Hunt and Wellman spoke in favor of passage of the bill.

Senators Fortunato and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5022.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5022 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

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

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

Excused: Senator Ericksen

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5097, by Senators Robinson, Conway, Darneille, Das, Hasegawa, Hunt, Keiser, Liias, Lovelett, Nguyen, Saldaña, Stanford, Van De Wege, and Wilson, C.

Expanding coverage of the paid family and medical leave program.

MOTION

On motion of Senator Robinson, Substitute Senate Bill No. 5097 was substituted for Senate Bill No. 5097 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator King and without objection, striking floor amendment no. 136 by Senator King to Substitute Senate Bill No. 5097 was withdrawn.

MOTION

Senator Robinson moved that the following striking floor amendment no. 336 by Senator Robinson be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to prevent impacts, based on this act, to the family and medical leave insurance account or the application of a solvency surcharge.

**Sec. 2.** RCW 50A.05.010 and 2020 c 125 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

(1)(a) "Casual labor" means work that:

(i) Is performed infrequently and irregularly; and

(ii) If performed for an employer, does not promote or advance the employer's customary trade or business.

(b) For purposes of casual labor:

(i) "Infrequently" means work performed twelve or fewer times per calendar quarter; and

(ii) "Irregularly" means work performed not on a consistent cadence.

(2) "Child" includes a biological, adopted, or foster child, a stepchild, a child's spouse, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

(3) "Commissioner" means the commissioner of the department or the commissioner's designee.

(4) "Department" means the employment security department.

(5)(a) "Employee" means an individual who is in the employment of an employer.

(b) "Employee" does not include employees of the United States of America.

(6) "Employee's average weekly wage" means the quotient derived by dividing the employee's total wages during the two quarters of the employee's qualifying period in which total wages were highest by twenty-six. If the result is not a multiple of one dollar, the department must round the result to the next lower multiple of one dollar.

(7)(a) "Employer" means: (i) Any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, limited liability company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the legal representative of a deceased person, having any person in employment or, having become an employer, has not ceased to be an employer as provided in this title; (ii) the state, state institutions, and state agencies; and (iii) any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision.

(b) "Employer" does not include the United States of America.

(8)(a) "Employment" means personal service, of whatever nature, unlimited by the relationship of master and servant as known to the common law or any other legal relationship performed for wages or under any contract calling for the performance of personal services, written or oral, express or implied. The term "employment" includes an individual's entire service performed within or without or both within and without this state, if:

(i) The service is localized in this state; or

(ii) The service is not localized in any state, but some of the service is performed in this state; and

(A) The base of operations of the employee is in the state, or if there is no base of operations, then the place from which such service is directed or controlled is in this state; or

(B) The base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(b) "Employment" does not include:

(i) Self-employed individuals;

(ii) Casual labor;

(iii) Services for remuneration when it is shown to the satisfaction of the commissioner that:

(A)(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service; or

(B) As a separate alternative:

(I) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(II) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed; and

(III) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or such individual has a principal place of business for the work the individual is conducting that is eligible for a business deduction for federal income tax purposes; and

(IV) On the effective date of the contract of service, such individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting; and

(V) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, such individual has established an account with the department of revenue, and other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(VI) On the effective date of the contract of service, such individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting; or

(iv) Services that require registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW rendered by an individual when:

(A) The individual has been and will continue to be free from control or direction over the performance of the service, both under the contract of service and in fact;

(B) The service is either outside the usual course of business for which the service is performed, or the service is performed outside of all the places of business of the enterprise for which the service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed;

(C) The individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or the individual has a principal place of business for the business the individual is conducting that is eligible for a business deduction for federal income tax purposes, other than that furnished by the employer for which the business has contracted to furnish services;

(D) On the effective date of the contract of service, the individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting;

(E) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, the individual has an active and valid certificate of registration with the department of revenue, and an active and valid account with any other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington;

(F) On the effective date of the contract of service, the individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business that the individual is conducting; and

(G) On the effective date of the contract of service, the individual has a valid contractor registration pursuant to chapter 18.27 RCW or an electrical contractor license pursuant to chapter 19.28 RCW.

(9) "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions.

(10) "Family leave" means any leave taken by an employee from work:

(a) To participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member;

(b) To bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of a child under the age of eighteen with the employee; or

(c) Because of any qualifying exigency as permitted under the federal family and medical leave act, 29 U.S.C. Sec. 2612(a)(1)(E) and 29 C.F.R. Sec. 825.126(b)(1) through (9), as they existed on October 19, 2017, for family members as defined in subsection ~~((40))~~ (11) of this section.

(11) "Family member" means a child, grandchild, grandparent, parent, sibling, or spouse of an employee, and also includes any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care.

(12) "Grandchild" means a child of the employee's child.

(13) "Grandparent" means a parent of the employee's parent.

(14) "Health care provider" means: (a) A person licensed as a physician under chapter 18.71 RCW or an osteopathic physician and surgeon under chapter 18.57 RCW; (b) a person licensed as an advanced registered nurse practitioner under chapter 18.79 RCW; or (c) any other person determined by the commissioner to be capable of providing health care services.

(15) "Medical leave" means any leave taken by an employee from work made necessary by the employee's own serious health condition.

(16) "Paid time off" includes vacation leave, personal leave, medical leave, sick leave, compensatory leave, or any other paid leave offered by an employer under the employer's established policy.

(17) "Parent" means the biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a child.

(18) "Period of incapacity" means an inability to work, attend school, or perform other regular daily activities because of a

FIFTY FIRST DAY, MARCH 2, 2021

2021 REGULAR SESSION

serious health condition, treatment of that condition or recovery from it, or subsequent treatment in connection with such inpatient care.

(19) "Premium" or "premiums" means the payments required by RCW 50A.10.030 and paid to the department for deposit in the family and medical leave insurance account under RCW 50A.05.070.

(20) "Qualifying period" means the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar quarters immediately preceding the application for leave.

(21)(a) "Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash.

(b) Previously accrued compensation, other than severance pay or payments received pursuant to plant closure agreements, when assigned to a specific period of time by virtue of a collective bargaining agreement, individual employment contract, customary trade practice, or request of the individual compensated, is considered remuneration for the period to which it is assigned. Assignment clearly occurs when the compensation serves to make the individual eligible for all regular fringe benefits for the period to which the compensation is assigned.

(c) Remuneration also includes settlements or other proceeds received by an individual as a result of a negotiated settlement for termination of an individual written employment contract prior to its expiration date. The proceeds are deemed assigned in the same intervals and in the same amount for each interval as compensation was allocated under the contract.

(d) Remuneration does not include:

(i) The payment of tips;

(ii) Supplemental benefit payments made by an employer to an employee in addition to any paid family or medical leave benefits received by the employee; or

(iii) Payments to members of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

(22)(a) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

(i) Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or

(ii) Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(A) A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(I) Treatment two or more times, within thirty days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services, such as a physical therapist, under orders of, or on referral by, a health care provider; or

(II) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;

(B) Any period of incapacity due to pregnancy, or for prenatal care;

(C) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(I) Requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(II) Continues over an extended period of time, including recurring episodes of a single underlying condition; and

(III) May cause episodic rather than a continuing period of incapacity, including asthma, diabetes, and epilepsy;

(D) A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider, including Alzheimer's, a severe stroke, or the terminal stages of a disease; or

(E) Any period of absence to receive multiple treatments, including any period of recovery from the treatments, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for: (I) Restorative surgery after an accident or other injury; or (II) a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, or kidney disease.

(b) The requirement in (a)(i) and (ii) of this subsection for treatment by a health care provider means an in-person visit to a health care provider. The first, or only, in-person treatment visit must take place within seven days of the first day of incapacity.

(c) Whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty-day period shall be determined by the health care provider.

(d) The term extenuating circumstances in (a)(ii)(A)(I) of this subsection means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the thirty-day period, but the health care provider does not have any available appointments during that time period.

(e) Treatment for purposes of (a) of this subsection includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Under (a)(ii)(A)(II) of this subsection, a regimen of continuing treatment includes, but is not limited to, a course of prescription medication, such as an antibiotic, or therapy requiring special equipment to resolve or alleviate the health condition, such as oxygen. A regimen of continuing treatment that includes taking over-the-counter medications, such as aspirin, antihistamines, or salves, or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of this title.

(f) Conditions for which cosmetic treatments are administered, such as most treatments for acne or plastic surgery, are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, and periodontal disease are examples of conditions that are not serious health conditions and do not qualify for leave under this title. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this section are met. Mental illness resulting from stress or allergies

may be serious health conditions, but only if all the conditions of this section are met.

(g)(i) Substance abuse may be a serious health condition if the conditions of this section are met. However, leave may only be taken for treatment for substance abuse by a health care provider or by a licensed substance abuse treatment provider. Absence because of the employee's use of the substance, rather than for treatment, does not qualify for leave under this title.

(ii) Treatment for substance abuse does not prevent an employer from taking employment action against an employee. The employer may not take action against the employee because the employee has exercised his or her right to take medical leave for treatment. However, if the employer has an established policy, applied in a nondiscriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking medical leave. An employee may also take family leave to care for a covered family member who is receiving treatment for substance abuse. The employer may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

(h) Absences attributable to incapacity under (a)(ii)(B) or (C) of this subsection qualify for leave under this title even though the employee or the family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

(23) "Service is localized in this state" has the same meaning as described in RCW 50.04.120.

(24) "Spouse" means a husband or wife, as the case may be, or state registered domestic partner.

(25) "State average weekly wage" means the most recent average weekly wage calculated under RCW 50.04.355 and available on January 1st of each year.

(26) "Supplemental benefit payments" means payments made by an employer to an employee as salary continuation or as paid time off. Such payments must be in addition to any paid family or medical leave benefits the employee is receiving.

(27) "Typical workweek hours" means:

(a) For an hourly employee, the average number of hours worked per week by an employee within the qualifying period; and

(b) Forty hours for a salaried employee, regardless of the number of hours the salaried employee typically works.

(28) "Wage" or "wages" means:

(a) For the purpose of premium assessment, the remuneration paid by an employer to an employee. The maximum wages subject to a premium assessment are those wages as set by the commissioner under RCW 50A.10.030;

(b) For the purpose of payment of benefits, the remuneration paid by one or more employers to an employee for employment during the employee's qualifying period. At the request of an employee, wages may be calculated on the basis of remuneration payable. The department shall notify each employee that wages are calculated on the basis of remuneration paid, but at the employee's request a redetermination may be performed and based on remuneration payable; and

(c) For the purpose of a self-employed person electing coverage under RCW 50A.10.010, the meaning is defined by rule.

NEW SECTION. **Sec. 3.** (1) The employment security department must collaborate with the paid family and medical leave advisory committee to collect and analyze disaggregated data relating to employment protections under Title 50A RCW.

(2) By December 1, 2021, the employment security department must submit a report to the appropriate committees of the legislature with the following information:

(a) Program utilization by employees covered under approved voluntary plans compared to employees covered under the state plan;

(b) Program utilization by employees working for employers with 50 or more employees compared to employees working for employers with fewer than 50 employees;

(c) The number of employees who took leave from an employer and did not appear on that employer's subsequent quarterly premium reports after leave had been completed. This data will be broken out between employers with 50 or more employees, by employment sector, and by employee earnings level. It will also include available employee demographic information, including data broken out by race and gender; and

(d) The lengths of leave employees took for different purposes, broken out between employers with 50 or more employees and employers with fewer than 50 employees, whether the employee appeared on subsequent quarterly premium reports after leave had been completed, by employment sector, and by employee earnings level. It will also include available employee demographic information, including data broken out by race and gender.

(3) By June 30, 2022, and June 30, 2023, the employment security department must submit a report to the appropriate committees of the legislature with the following information:

(a) The number of individuals who used leave under Title 50A RCW in the preceding 12 months as a result of the amended definition of family member in this act; and

(b) The effects, if any, on the family and medical leave insurance account as a result of the amended definition of family member in this act."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 50A.050.010; and creating new sections."

#### MOTION

Senator Mullet moved that the following floor amendment no. 338 by Senator Mullet be adopted:

On page 11, after line 31, insert "NEW SECTION. **Sec. 5.** If the number of individuals utilizing leave under Title 50A RCW as a result of the amended definition of family member in this act exceeds 500 individuals in any calendar year before July 1, 2023, the expenses of the additional leave must be paid by the general fund into the family and medical leave insurance account created in RCW 50A.05.070."

Senator Mullet spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 338 by Senator Mullet on page 11, line 31 to striking floor amendment no. 336.

The motion by Senator Mullet carried and floor amendment no. 338 was adopted by voice vote.

Senator Robinson spoke in favor of adoption of the striking amendment as amended.

FIFTY FIRST DAY, MARCH 2, 2021

2021 REGULAR SESSION

The President declared the question before the Senate to be the adoption of striking floor amendment no. 336 by Senator Robinson, as amended, to Substitute Senate Bill No. 5097.

The motion by Senator Robinson carried and striking floor amendment no. 336, as amended, was adopted by voice vote.

MOTION

On motion of Senator Robinson, the rules were suspended, Engrossed Substitute Senate Bill No. 5097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Robinson spoke in favor of passage of the bill.

Senator King spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5097.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5097 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

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

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

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5342, by Senators Schoesler, Dozier, Hunt and Mullet

Concerning irrigation district elections.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5342 was substituted for Senate Bill No. 5342 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler, Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5342.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5342 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 5342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:31 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

----

The Senate was called to order at 4:14 p.m. by President Heck.

SECOND READING

SENATE BILL NO. 5287, by Senators Das, Kuderer, Conway, Keiser, Liias, Nguyen, Nobles, Pedersen, Randall, Salomon, and Wilson, C.

Concerning affordable housing incentives.

MOTION

On motion of Senator Das, Second Substitute Senate Bill No. 5287 was substituted for Senate Bill No. 5287 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wagoner and without objection, floor amendment no. 297 by Senator Wagoner on page 2, line 32 to Second Substitute Senate Bill No. 5287 was withdrawn.

WITHDRAWAL OF AMENDMENTS

On motion of Senator Wagoner and without objection, floor amendment no. 298 by Senator Wagoner on page 2, line 32 and floor amendment no. 299 by Senator Wagoner on page 2, line 38 to Second Substitute Senate Bill No. 5287 were withdrawn.

MOTION

Senator Rivers moved that the following floor amendment no. 311 by Senator Rivers be adopted:

On page 2, line 38, after "city" insert "that otherwise does not meet the qualifications under (a) through (c) of this subsection"

On page 2, at the beginning of line 39, after "84.14.020(1)(a)(iii)" strike "and" and insert "or"

On page 5, line 29, after "2024," insert "for a city as defined in RCW 84.14.010(3)(d)."

On page 7, line 24, after "for" strike "twelfth" and insert "twelve-"

On page 7, line 26, after "with" strike "an option" and insert "rental relocation assistance as provided"

Beginning on page 7, line 28, after "(8)" strike all material through "chapter" on page 8, line 5, and insert "For any 12-year exemption authorized under subsection (1)(a)(ii)(B) or (iii) of this section after the effective date of this section, or for any 12-year exemption extension authorized under subsection (6) of this section, before the expiration of the exemption the applicant must provide tenant relocation assistance in an amount equal to one month's rent at the time the exemption expires to a qualified tenant, unless affordability requirements consistent, at a minimum, with those required under subsection (1)(a)(ii)(B) or (iii) of this section remain in place on the unit after the expiration of the exemption. To be eligible for tenant relocation assistance under this subsection, the tenant must occupy an income-restricted unit and qualify as a low-income household under this chapter"

On page 13, line 16, after "2024," insert "for a city as defined in RCW 84.14.010(3)(d)."

Senators Rivers and Das spoke in favor of adoption of the amendment.

Senator Salomon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 311 by Senator Rivers on page 2, line 38 to Second Substitute Senate Bill No. 5287.

The motion by Senator Rivers carried and floor amendment no. 311 was adopted by voice vote.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Wagoner and without objection, floor amendment no. 300 by Senator Wagoner on page 2, line 38 to Second Substitute Senate Bill No. 5287 was withdrawn.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 312 by Senator Wagoner be adopted:

On page 2, line 38, after "December 31," strike "2024" and insert "2031"

On page 2, line 39, after "84.14.020(1)(a)(iii)" strike "and" and insert "or"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 312 by Senator Wagoner on page 2, line 38 to Second Substitute Senate Bill No. 5287.

The motion by Senator Wagoner carried and floor amendment no. 312 was adopted by voice vote.

#### MOTION

Senator Gildon moved that the following floor amendment no. 313 by Senator Gildon be adopted:

On page 17, line 24, after "later," insert "For preliminary or final applications submitted on or before February 15, 2020, that

have been impacted by delays due to the COVID-19 public health crisis, including applications with any outstanding requirements such as obtaining a temporary certificate of occupancy, the city or county must extend the deadline for completion until such time as reasonably necessary to offset such delays, not to exceed 18 months after the effective date of this section. The extension is added immediately following the completion of any outstanding applications or previously authorized extensions, whichever is later."

Senator Gildon spoke in favor of adoption of the amendment.

Senator Das spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 313 by Senator Gildon on page 17, line 24 to Second Substitute Senate Bill No. 5287.

The motion by Senator Gildon did not carry and floor amendment no. 313 was not adopted by voice vote.

#### MOTION

On motion of Senator Das, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5287 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Das, Fortunato, Salomon, Rivers, Wagoner, King and Kuderer spoke in favor of passage of the bill.

Senators Conway and Darneille spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5287.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5287 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

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

Voting nay: Senators Conway, Darneille, Hasegawa, Honeyford and Schoesler

Excused: Senator Ericksen

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5399, by Senators Randall, Cleveland, Das, Dhingra, Frockt, Hunt, Kuderer, Liias, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Stanford, Van De Wege, Wellman, and Wilson, C.

Concerning the creation of a universal health care commission.

#### MOTION

FIFTY FIRST DAY, MARCH 2, 2021

2021 REGULAR SESSION

On motion of Senator Randall, Second Substitute Senate Bill No. 5399 was substituted for Senate Bill No. 5399 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 321 by Senator Wilson, L. be adopted:

On page 2, line 14, after "individuals" strike "over time"

Senator Wilson, L. spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 321 by Senator Wilson, L. on page 2, line 14 to Second Substitute Senate Bill No. 5399.

The motion by Senator Wilson, L. did not carry and floor amendment no. 321 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 326 by Senator Short be adopted:

On page 2, beginning on line 21, after "access" strike all material through "system," on line 22

On page 3, beginning on line 30, after "(i)" strike all material through "(ii)" on line 32

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

On page 4, beginning on line 12, after "(c)" strike all material through "(d)" on line 18

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

Senator Short spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 326 by Senator Short on page 2, line 21 to Second Substitute Senate Bill No. 5399.

The motion by Senator Short did not carry and floor amendment no. 326 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, floor amendment no. 319 by Senator Braun on page 2, line 38 to Second Substitute Senate Bill No. 5399 was withdrawn.

MOTION

Senator Muzzall moved that the following floor amendment no. 324 by Senator Muzzall be adopted:

On page 2, line 38, after "(h)" insert "An individual representing local health jurisdictions;

(i)"

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

Senators Muzzall and Randall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 324 by Senator Muzzall on page 2, line 38 to Second Substitute Senate Bill No. 5399.

The motion by Senator Muzzall carried and floor amendment no. 324 was adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 320 by Senator Rivers be adopted:

On page 3, line 37, after "containment" insert "and savings"

Senators Rivers and Cleveland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 320 by Senator Rivers on page 3, line 37 to Second Substitute Senate Bill No. 5399.

The motion by Senator Rivers carried and floor amendment no. 320 was adopted by voice vote.

MOTION

Senator Muzzall moved that the following floor amendment no. 323 by Senator Muzzall be adopted:

On page 4, line 24, after "feasible" insert "and cost-efficient"

Senator Muzzall spoke in favor of adoption of the amendment. Senator Randall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 323 by Senator Muzzall on page 4, line 24 to Second Substitute Senate Bill No. 5399.

The motion by Senator Muzzall did not carry and floor amendment no. 323 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 322 by Senator Wilson, L. be adopted:

On page 4, line 26, after "(9)" insert "By November 1, 2024, the commission must submit a separate report to the legislature and the governor detailing the costs for implementing a universal health care system.

(10)"

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

Senator Wilson, L. spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 322 by Senator Wilson, L. on page 4, line 26 to Second Substitute Senate Bill No. 5399.

The motion by Senator Wilson, L. did not carry and floor amendment no. 322 was not adopted by voice vote.

MOTION

Senator Randall moved that the following floor amendment no. 318 by Senator Randall be adopted:

On page 4, at the beginning of line 34, strike "(10)" and insert "(12)"

Senator Randall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 318 by Senator Randall on page 4, line 34 to Second Substitute Senate Bill No. 5399.

The motion by Senator Randall carried and floor amendment no. 318 was adopted by voice vote.

#### MOTION

On motion of Senator Randall, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5399 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Wilson, L. and Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5399.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5399 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

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

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

Excused: Senator Ericksen

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5377, by Senators Frockt, Keiser, Conway, Das, Dhingra, Hunt, Kuderer, Liias, Lovelett, Wilson, C., Nguyen, Pedersen, Saldaña and Salomon

Increasing affordability of standardized plans on the individual market.

#### MOTION

On motion of Senator Frockt, Second Substitute Senate Bill No. 5377 was substituted for Senate Bill No. 5377 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Muzzall moved that the following floor amendment no. 317 by Senator Muzzall be adopted:

On page 2, line 11, after "enrolled in a" strike "silver or gold standard plan" and insert "qualified health plan"

Senator Muzzall spoke in favor of adoption of the amendment. Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 317 by Senator Muzzall on page 2, line 11 to Second Substitute Senate Bill No. 5377.

The motion by Senator Muzzall did not carry and floor amendment no. 317 was not adopted by voice vote.

#### MOTION

Senator Rivers moved that the following floor amendment no. 316 by Senator Rivers be adopted:

On page 7, beginning on line 9, after "authority" strike "or the health benefit exchange"

On page 7, line 13, after "authority" strike "and the exchange"

On page 7, line 17, after "authority" strike "or the exchange"

Senators Rivers and Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 316 by Senator Rivers on page 7, line 9 to Second Substitute Senate Bill No. 5377.

The motion by Senator Rivers carried and floor amendment no. 316 was adopted by voice vote.

#### MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5377 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, Rivers and Cleveland spoke in favor of passage of the bill.

Senator Muzzall spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5377.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5377 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

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

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

Excused: Senator Ericksen

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

FIFTY FIRST DAY, MARCH 2, 2021

2021 REGULAR SESSION

SENATE BILL NO. 5441, by Senators Wellman, Cleveland, Das and Lovelett

Concerning informed consent for breast implant surgery.

## MOTION

On motion of Senator Wellman, Substitute Senate Bill No. 5441 was substituted for Senate Bill No. 5441 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Wellman moved that the following floor amendment no. 325 by Senator Wellman be adopted:

On page 2, line 15, after "(d)" insert "Information on any surgical mesh used during breast implant surgery including, but not limited to, mesh made of nondegradable synthetic materials, biodegradable synthetic materials, or animal or human derived tissues. This information must include a warning that no surgical mesh has been approved by the food and drug administration for use with breast implants;

(e)"

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

Senator Wellman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 325 by Senator Wellman on page 2, line 15 to Substitute Senate Bill No. 5441.

The motion by Senator Wellman carried and floor amendment no. 325 was adopted by voice vote.

## MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute Senate Bill No. 5441 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Muzzall, Cleveland and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5441.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5441 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5441, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5045, by Senators Warnick, Lovelett, Robinson, Rolfes, Schoesler, Short and Van De Wege

Establishing a state meat and poultry inspection program.

## MOTIONS

On motion of Senator Warnick, Second Substitute Senate Bill No. 5045 was substituted for Senate Bill No. 5045 and the substitute bill was placed on the second reading and read the second time.

Revised for 2nd Substitute: Expanding opportunities for meat and poultry processing and inspection.

On motion of Senator Warnick, the rules were suspended, Second Substitute Senate Bill No. 5045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick, Van De Wege and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5045.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5045 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Ericksen

SECOND SUBSTITUTE SENATE BILL NO. 5045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 5:54 p.m., on motion of Senator Lias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, March 3, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**FIFTY SECOND DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
 Wednesday, March 3, 2021

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Avery Taylor led the Senate in the Pledge of Allegiance. Miss Taylor is the daughter of Ms. Beth Taylor, Intern to Senator Padden.

The prayer was offered by Reverend David Robinson of the Center for Spiritual Living, Olympia.

**MOTIONS**

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

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

**MESSAGE FROM THE HOUSE**

March 1, 2021

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1086,

HOUSE BILL NO. 1105,

SUBSTITUTE HOUSE BILL NO. 1107,

SECOND SUBSTITUTE HOUSE BILL NO. 1127,

SUBSTITUTE HOUSE BILL NO. 1145,

SUBSTITUTE HOUSE BILL NO. 1155,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216,

HOUSE BILL NO. 1315,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1320,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1365,

HOUSE BILL NO. 1399,

SUBSTITUTE HOUSE BILL NO. 1411,

SUBSTITUTE HOUSE BILL NO. 1416,

SUBSTITUTE HOUSE BILL NO. 1423,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426,

ENGROSSED HOUSE BILL NO. 1471,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

**MOTION**

At 10:09 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

**AFTERNOON SESSION**

The Senate was called to order at 12:14 p.m. by President Heck.

**MOTION**

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

**SECOND READING**

SENATE BILL NO. 5152, by Senators Nguyen, Rivers, Carlyle, Das, Kuderer, Muzzall, Saldaña, and Wilson, C.

Enhancing data stewardship and privacy protections for vehicle and driver data.

**MOTIONS**

On motion of Senator Nguyen, Substitute Senate Bill No. 5152 was substituted for Senate Bill No. 5152 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nguyen, the rules were suspended, Substitute Senate Bill No. 5152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen, Rivers and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5152.

**ROLL CALL**

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5152 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**SECOND READING**

SENATE BILL NO. 5191, by Senators Darneille, King, Billig, Carlyle, Conway, Das, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Nguyen, Nobles, Randall, Salomon, Stanford, and Wilson, C.

Regulating unfair business practices and prohibiting predatory price increases during states of emergency.

MOTION

On motion of Senator Darneille, Substitute Senate Bill No. 5191 was substituted for Senate Bill No. 5191 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 346 by Senator Padden be adopted:

On page 2, line 7, after "than" strike "15" and insert "25"  
 On page 2, line 16, after "more than" strike "15" and insert "25"

Senators Padden, Wagoner and Fortunato spoke in favor of adoption of the amendment.

Senators Pedersen and Darneille spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 346 by Senator Padden on page 2, line 7 to Substitute Senate Bill No. 5191.

The motion by Senator Padden did not carry and floor amendment no. 346 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 347 by Senator Padden on page 5, line 9 to Substitute Senate Bill No. 5191 was withdrawn.

MOTION

Senator Pedersen moved that the following floor amendment no. 348 by Senator Pedersen be adopted:

On page 5, line 24, after "violation." insert "No additional civil penalty shall be assessed for the same violation under the consumer protection act pursuant to RCW 19.86.140."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 348 by Senator Pedersen on page 5, line 24 to Substitute Senate Bill No. 5191.

The motion by Senator Pedersen carried and floor amendment no. 348 was adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Substitute Senate Bill No. 5191 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5191.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5191 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5210, by Senators Dhingra, Darneille, Kuderer, Nguyen, and Wilson, C.

Concerning updates to competency restoration order requirements.

MOTIONS

On motion of Senator Dhingra, Substitute Senate Bill No. 5210 was substituted for Senate Bill No. 5210 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Substitute Senate Bill No. 5210 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5210.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5210 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5318, by Senator Warnick

Concerning fertilizer fees.

## MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 5318 was substituted for Senate Bill No. 5318 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 5318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Van De Wege spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5318.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5318 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5253, by Senators Liias, Warnick, Das, Dhingra, Hasegawa, Hunt, Lovelett, Rolfes, Saldaña, Van De Wege and Wagoner

Implementing the recommendations of the pollinator health task force.

## MOTIONS

On motion of Senator Liias, Second Substitute Senate Bill No. 5253 was substituted for Senate Bill No. 5253 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Second Substitute Senate Bill No. 5253 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5253.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5253 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE SENATE BILL NO. 5253, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 1:10 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

----

The Senate was called to order at 2:17 p.m. by President Heck.

## SECOND READING

SENATE BILL NO. 5214, by Senators Nguyen, Dhingra, Darneille, Das, Frockt, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Nobles, Robinson, Stanford, and Wilson, C.

Concerning economic assistance programs.

## MOTIONS

On motion of Senator Nguyen, Second Substitute Senate Bill No. 5214 was substituted for Senate Bill No. 5214 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nguyen, the rules were suspended, Second Substitute Senate Bill No. 5214 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen, Gildon and Darneille spoke in favor of passage of the bill.

Senators Braun and Schoesler spoke against passage of the bill.

## MOTION

On motion of Senator Randall, Senator Dhingra was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5214.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5214 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 1; Excused, 0.

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

FIFTY SECOND DAY, MARCH 3, 2021

2021 REGULAR SESSION

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

Absent: Senator Ericksen

SECOND SUBSTITUTE SENATE BILL NO. 5214, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5328, by Senators Lovelett, Dhingra, Darneille, Das, Frockt, Nguyen, Nobles, and Wilson, C.

Concerning clubhouses for persons with mental illness.

The measure was read the second time.

MOTION

Senator Lovelett moved that the following striking floor amendment no. 352 by Senator Lovelett be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that:

(1) A clubhouse is a member organization where people living with mental illness can find fellowship, hope, opportunity, and recovery. Clubhouse programs offer vocational training, wellness programs, employment opportunities, participative community, and an end to isolation for persons whose lives have been severely disrupted by mental illness.

(2) Strong evidence supports the clubhouse model when implemented with fidelity. The most effective clubhouses obtain development training, support, and accreditation through clubhouse international.

(3) Washington state supports several clubhouse programs using general fund dollars, but can go farther to help clubhouses gain access to medicaid funds while allowing them to maintain fidelity to evidence-based models. As a result, clubhouse programs receive insufficient funding and support, which prevents these programs from spreading widely throughout the state or reaching their full potential to assist persons with mental illness to find community and new purpose in recovery. Similar issues are confronted in Washington state by other peer-run organizations.

(4) Assisting clubhouses and peer-run organizations to access sustainable medicaid and nonmedicaid funding while remaining true to their evidence-based models and essential character as clubhouses and peer-run organizations requires careful attention to detail, ranging from the level of the design of the state medicaid plan to the design and enforcement of regulations for the licensure and operations of clubhouses and peer-run organizations by the department of health. The state must provide a streamlined behavioral health agency licensing process which is tailored for clubhouses and other peer-run organizations. Regulations for medicaid services provided in a clubhouse or peer-run organization should be adapted to allow these entities to leverage federal funding to the extent possible while allowing them to maintain fidelity to their evidence-based models and essential character as clubhouses and peer-run organizations. In the case of clubhouses, funding should be structured to provide incentives and support for the clubhouses to move towards accreditation by clubhouse international.

**NEW SECTION. Sec. 2.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to the availability of amounts provided for this specific purpose, the authority shall:

(1) Make sufficient funding available to establish clubhouse services in every region of the state provided by a clubhouse which is accredited by clubhouse international or in the process of pursuing accreditation by that body;

(2) Establish a learning collaborative to assist clubhouses and peer-run organizations to achieve fidelity to appropriate evidence-based models;

(3) Collaborate with the department to design the state medicaid program to be as accommodating as possible to clubhouses and peer-run organizations to allow these entities to maximize opportunities to access medicaid funding while at the same time maintaining fidelity to evidence-based models and their essential character as clubhouses and peer-run organizations; and

(4) Facilitate partnerships if needed between independent clubhouses or peer-run organizations and licensed or certified behavioral health agencies to help the clubhouses or peer-run organizations obtain referrals, client evaluations, or other assistance needed to meet requirements necessary for them to access funding under the medicaid program.

**NEW SECTION. Sec. 3.** (1) The department of health shall collaborate with the Washington state health care authority and appropriate stakeholders to review and redesign the licensure and oversight process for clubhouses and peer-run organizations in order to accommodate to their ability to obtain medicaid reimbursement while simultaneously maintaining fidelity to evidence-based models and their essential character as clubhouses and peer-run organizations. This shall include efforts to:

(a) Identify changes to behavioral health agency rules to streamline licensure requirements for clubhouses and peer-run organizations and to create accessible pathways towards licensure;

(b) Identify changes to operational rules for providing medicaid services within clubhouses and peer-run organizations, including but not limited to day support services which are within allowable federal guidelines, and to the extent possible allow these entities to provide those services to be provided with fidelity to evidence-based models while maintaining their essential character as clubhouses and peer-run organizations; and

(c) Allow independent clubhouses and peer-run organizations to meet requirements in part by forming partnerships with licensed and certified behavioral health agencies to assist them with federally required tasks that are not an essential part of maintaining fidelity to their evidence-based model.

(2) The department shall adopt necessary rule changes by June 30, 2022."

On page 1, line 1 of the title, after "clubhouses" strike the remainder of the title and insert "and peer-run organizations for persons with mental illness; adding a new section to chapter 71.24 RCW; and creating new sections."

Senators Lovelett and Wagoner spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 352 by Senator Lovelett to Senate Bill No. 5328.

The motion by Senator Lovelett carried and striking floor amendment no. 352 was adopted by voice vote.

MOTION

On motion of Senator Lovelett, the rules were suspended, Engrossed Senate Bill No. 5328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

#### MOTION

On motion of Senator Wagoner, Senator Ericksen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5328.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5328 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Ericksen

ENGROSSED SENATE BILL NO. 5328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5062, by Senators Carlyle, Nguyen, Billig, Darneille, Das, Dhingra, Holy, Hunt, Lovelett, Mullet, Pedersen, Salomon, Sheldon, Wellman, and Wilson, C.

Concerning the management, oversight, and use of data.

#### MOTIONS

On motion of Senator Carlyle, Second Substitute Senate Bill No. 5062 was substituted for Senate Bill No. 5062 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carlyle, the rules were suspended, Second Substitute Senate Bill No. 5062 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlyle, Rivers and Kuderer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5062.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5062 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

SECOND SUBSTITUTE SENATE BILL NO. 5062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5000, by Senators Hawkins, Lovelett, Billig, Braun, Carlyle, Conway, Das, Ericksen, Fortunato, Gildon, Hasegawa, Holy, Hunt, King, Kuderer, Mullet, Muzzall, Nguyen, Padden, Pedersen, Rivers, Robinson, Salomon, Sheldon, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., and Wilson, J.

Creating a hydrogen fuel cell electric vehicle pilot sales and use tax exemption program.

#### MOTIONS

On motion of Senator Hawkins, Second Substitute Senate Bill No. 5000 was substituted for Senate Bill No. 5000 and the substitute bill was placed on the second reading and read the second time.

Revised for 2nd Substitute: Concerning hydrogen fuel cell electric vehicles.

On motion of Senator Hawkins, the rules were suspended, Second Substitute Senate Bill No. 5000 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5000.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5000 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE SENATE BILL NO. 5000, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

FIFTY SECOND DAY, MARCH 3, 2021

2021 REGULAR SESSION

SENATE BILL NO. 5227, by Senators Randall, Nobles, Das, Lovelett, Wilson, C., Hasegawa, Hunt, Keiser, Kuderer, Liias, Nguyen and Stanford

Requiring diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education.

MOTIONS

On motion of Senator Randall, Second Substitute Senate Bill No. 5227 was substituted for Senate Bill No. 5227 and the substitute bill was placed on the second reading and read the second time.

Revised for 2nd Substitute: Concerning diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education.

REMARKS BY THE PRESIDENT

President Heck: "Before we get into this debate, the President would like to note that the content of this bill is similar to that of one we dealt with last week. That was very challenging and difficult and shouldn't really surprise anybody when you consider the fact that this is a difficult and challenging subject matter and discussion in this country. We're emblematic of that. Concentrated form of it. But here's what's different, here are we, here we are guided by precedent, rulings, rules in Reeds. It is timely to note a couple. Reeds Rule no. 216 says that all debate should be relevant confined to the subject to debate. It goes on however to say the patient presiding officer and a good-natured assembly can do much to confine debate to its proper channels. The best course for a presiding officer in most cases is to interfere only when the irrelevancy is very great and is leading to confusion. Latitude will be granted. At the same time our own rules, adopted by this body, provide that debate shall be courteous. A good word for courteous is respectful. A good rule of thumb is if you have to ask yourself this if is this courteous or not is it probably isn't. The presiding officer could have done a better job last week. I will try harder. I respectfully request that each of you do as well."

MOTION

Senator Short moved that the following floor amendment no. 214 by Senator Short be adopted:

On page 2, line 17, after "inclusion." insert "The content framework for professional development must be posted on each institution's public website for parents and community members."

On page 3, line 20, after "practices." insert "The state board for community and technical colleges and the council of presidents must post a list of model standards and promising practices for professional development on their public websites for parents and community members."

On page 5, line 12, after "inclusion" insert ". The content framework for each program must be posted on each institution's public website for parents and community members"

On page 5, line 28, after "practices." insert "The state board for community and technical colleges and the council of presidents must post a list of model standards and promising practices for programs on their public websites for parents and community members."

Senators Short, Randall and Wilson, J. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 214 by Senator Short on page 2, line 17 to Second Substitute Senate Bill No. 5227.

The motion by Senator Short carried and floor amendment no. 214 was adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 215 by Senator Holy be adopted:

On page 2, line 31, after "racism" insert "against all races"  
On page 5, line 17, after "racism" insert "against all races"

Senators Holy and Randall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 215 by Senator Holy on page 2, line 31 to Second Substitute Senate Bill No. 5227.

The motion by Senator Holy carried and floor amendment no. 215 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendment no. 250 by Senator Ericksen on page 2, line 33 to Second Substitute Senate Bill No. 5227 was withdrawn.

MOTION

Senator Padden moved that the following floor amendment no. 251 by Senator Ericksen be adopted:

On page 2, line 33, after "communities." insert "Professional development curriculum may not include critical race theory."  
On page 5, line 19, after "communities." insert "Program curriculum may not include critical race theory."

Senators Padden and Fortunato spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 251 by Senator Ericksen on page 2, line 33 to Second Substitute Senate Bill No. 5227.

The motion by Senator Padden did not carry and floor amendment no. 251 was not adopted by voice vote.

Second Substitute Senate Bill No. 5227 was withdrawn.

MOTION

Senator Fortunato moved that the following floor amendment no. 252 by Senator Ericksen be adopted:

On page 2, line 33, after "communities." insert "The proposed curriculum may not, in any way, disparage a person of another race, color, or creed."

On page 5, line 19, after "communities." insert "The proposed curriculum may not, in any way, disparage a person of another race, color, or creed."

Senators Fortunato and Padden spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

Senator Padden demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 2, line 33 to Second Substitute Senate Bill No. 5227.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Ericksen and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 1; Excused, 0.

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

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

Absent: Senator Ericksen.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 216 by Senator Fortunato be adopted:

On page 2, line 37, after "education" strike "must" and insert "may"

On page 3, line 1, after "program" strike "must" and insert "may"

On page 3, line 4, after "institution" strike "must" and insert "may"

On page 3, line 7, after "section." insert "An institution of higher education may not reprimand, penalize, or impose a policy that would in any way negatively impact faculty or staff who choose not to participate in the professional development program."

On page 5, line 22, after "education" strike "must" and insert "may"

On page 5, line 24, after "student." insert "An institution of higher education may not reprimand, penalize, or impose a policy that would in any way negatively impact a student choosing not to participate in the program."

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

Senator Randall spoke against adoption of the amendment.

#### MOTION

On motion of Senator Wilson, C., Senator Wellman was excused.

The President declared the question before the Senate to be the adoption of floor amendment no. 216 by Senator Fortunato on page 2, line 37 to Second Substitute Senate Bill No. 5227.

The motion by Senator Fortunato did not carry and floor amendment no. 216 was not adopted by voice vote.

#### MOTION

Senator Dozier moved that the following floor amendment no. 218 by Senator Dozier be adopted:

On page 3, line 1, after "evaluation." insert "Each evaluation is confidential. Information or data from evaluations may not be

stored in any database nor shared with any outside entity unless in the aggregate."

On page 4, line 14, after "issues." insert "Each evaluation is confidential. Information or data from evaluations may not be stored in any database nor shared with any outside entity unless in the aggregate."

On page 5, line 15, after "education." insert "Each evaluation is confidential. Information or data from evaluations may not be stored in any database nor shared with any outside entity unless in the aggregate."

Senator Dozier spoke in favor of adoption of the amendment.

Senator Nguyen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 218 by Senator Dozier on page 3, line 1 to Second Substitute Senate Bill No. 5227.

The motion by Senator Dozier did not carry and floor amendment no. 218 was not adopted by voice vote.

#### MOTION

Senator Mullet moved that the following floor amendment no. 327 by Senator Mullet be adopted:

On page 3, at the beginning of line 6, strike "annually" and insert "over a two-year period"

On page 5, line 21, after "(3)" strike "Beginning with" and insert "During"

On page 5, line 21, after "year," insert "all"

On page 5, at the beginning of line 23, strike "annually"

On page 5, line 24, after "student." insert "Beginning with the 2025-26 academic year, the program is only required for students who are new or have transferred to the institution and have not yet participated in a required diversity, equity, inclusion, and antiracism program at an institution of higher education."

Senators Mullet and Randall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 327 by Senator Mullet on page 3, line 6 to Second Substitute Senate Bill No. 5227.

The motion by Senator Mullet carried and floor amendment no. 327 was adopted by voice vote.

#### MOTION

Senator Short moved that the following floor amendment no. 213 by Senator Short be adopted:

On page 4, line 14, after "issues." insert "The campus climate assessment may not be standardized or uniform and must be designed for the unique and diverse community it is assessing."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 213 by Senator Short on page 4, line 14 to Second Substitute Senate Bill No. 5227.

The motion by Senator Short carried and floor amendment no. 213 was adopted by voice vote.

#### MOTION

Senator Gildon moved that the following floor amendment no. 219 by Senator Gildon be adopted:

FIFTY SECOND DAY, MARCH 3, 2021

2021 REGULAR SESSION

On page 4, line 25, after "presidents." insert "The institutions of higher education must also publish annually on the institution's public website the results of either the campus climate assessment or listening and feedback sessions."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 219 by Senator Gildon on page 4, line 25 to Second Substitute Senate Bill No. 5227.

The motion by Senator Gildon carried and floor amendment no. 219 was adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 212 by Senator Short be adopted:

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

"NEW SECTION. Sec. 5. A new section is added to chapter 28B.10 RCW to read as follows:

Every institution of higher education that employs diversity officers must have at least one diversity officer to represent each race in the student population of the institution."

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

Senator Short spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 212 by Senator Short on page 6, line 2 to Second Substitute Senate Bill No. 5227.

The motion by Senator Short did not carry and floor amendment no. 212 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 217 by Senator Fortunato be adopted:

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

"NEW SECTION. Sec. 5. A new section is added to chapter 28B.10 RCW to read as follows:

(1) No institution of higher education may discharge, threaten to discharge, demote, deny a promotion to, sanction, discipline, retaliate against, harass, or otherwise discriminate against a faculty or staff member who refuses to participate in the professional development required in section 2 of this act.

(2) No institution of higher education may suspend, threaten to suspend, sanction, discipline, retaliate against, harass, or otherwise discriminate against a student who refuses to participate in the program required in section 4 of this act."

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

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

MOTION

On motion of Senator Wagoner, Senator Ericksen was excused.

The President declared the question before the Senate to be the adoption of floor amendment no. 217 by Senator Fortunato on page 6, line 2 to Second Substitute Senate Bill No. 5227.

The motion by Senator Fortunato did not carry and floor amendment no. 217 was not adopted by voice vote.

MOTION

On motion of Senator Randall, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall, Gildon, Braun and Wilson, J. spoke in favor of passage of the bill.

Senators Holy and Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5227.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5227 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

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

Voting nay: Senators Brown, Dozier, Ericksen, Fortunato, Holy, Honeyford, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner and Wilson, L.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Padden: "Thank you Mr. President and having participated in this last debate something became very apparent to me and I want to thank, Mr. President, the work of LEG-TECH, our leaders in both caucus for their work and trying to handle a virtual session. But Mr. President, a hundred and fifty, hundred and sixty thousand residents of the 42<sup>nd</sup> District were disenfranchised during this debate due to technical problems and the inability of the good senator, Senator Doug Erickson, from being able to participate in the debate. Earlier in the session the good lady from the 27<sup>th</sup> District, Senator Darneille, was unable to participate and also today we ended up with a thumbs up rather than a verbal vote by our friend Senator Sam Hunt from the 22<sup>nd</sup> District. In addition to all that, virtually, I wouldn't say every talk, but maybe every third talk there is at least a slight audio interruption and that's even happened sometimes Mr. President when you were speaking. Now I thank LEG-TECH for all the work they've done but I really believe Mr. President the time has come, our caseload is cratering downward, the vaccination rate is going up, other states are..."

REMARKS BY THE PRESIDENT

President Heck: "Senator Padden, the President has allowed you considerable latitude here for what is not, in the President's opinion, a point of personal privilege. Your point nonetheless about the challenges and difficulties that beset us through this mechanism of conducting a legislative session are well taken. We will double down, if that were possible, on our efforts to assure that they are absolutely minimized. I do thank you for your remarks sir."

#### SECOND READING

SENATE BILL NO. 5265, by Senators Hunt, Das, Nguyen, Wellman, and Wilson, C.

Creating a bridge year pilot program.

#### MOTION

On motion of Senator Liias, Second Substitute Senate Bill No. 5265 was substituted for Senate Bill No. 5265 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Braun moved that the following floor amendment no. 354 by Senator Braun be adopted:

On page 11, after line 26, insert the following:

"Sec. 6. RCW 28A.335.030 and 1990 c 33 s 353 are each amended to read as follows:

(1) A school district may close a school for emergency reasons, as set forth in RCW 28A.150.290(2) (a) and (b), without complying with the requirements of RCW 28A.335.020.

(2)(a) A school district may not remain closed for in-person learning for more than 10 consecutive scheduled school days, after which the school district must offer the option of in-person learning to all students unless in-person learning is prohibited by an order, proclamation, or directive by the governor, secretary of health, or a local health officer.

(b) This subsection does not apply to online courses or online school programs.

(3) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020 and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools established under chapter 28A.715 RCW.

(4) For the purposes of this section, "school day" has the same meaning as in RCW 28A.150.203."

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

On page 11, line 27, after "Sec. 6." strike "This" and insert "Except for section 6 of this act, this"

On page 1, line 2 of the title, after "28A.600.290" strike "and 28A.600.330" and insert ", 28A.600.330, and 28A.335.030"

Senator Braun spoke in favor of adoption of the amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, floor amendment no. 354 by Senator Braun on page 11, line 26 to Second Substitute Senate Bill No. 5265 was withdrawn.

#### MOTION

On motion of Senator Liias, the rules were suspended, Second Substitute Senate Bill No. 5265 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Hawkins spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Senator Schoesler: "Thank you Senator. If Second Substitute Senate Bill No. 5265 passed as before us today, would students receive a extra year of athletic eligibility to participate in extracurricular student organizations?"

Senator Wellman: "One of the very important things that we heard was that being able to participate in activities, for many students, are in fact, the highlight of their high school career. We had objections to, by the national organizations and the state organization to just simply granting that and so what the bill currently allows is, or recommends, or even in fact says is available, is for the school to inform the students, any and all students who are participating in this program, of a waiver that is available for them to request. Whether they get the waiver or not is not up to me or any of the Legislatures but it will be up to the school and it really requires participation on the part of the parent, the counselor, and the school itself."

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

Senator Rolfes spoke in favor of passage of the bill.

Senator King spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5265.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5265 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

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

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

SECOND SUBSTITUTE SENATE BILL NO. 5265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5242, by Senators Liias, Short, Frockt, Hunt, Keiser, Nguyen, Saldaña, and Wilson, C.

Supporting media literacy and digital citizenship.

The measure was read the second time.

#### MOTION

On motion of Senator Liias, the rules were suspended, Senate Bill No. 5242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Hawkins and Frockt spoke in favor of passage of the bill.

Senator Braun spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5242.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5242 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

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

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Honeyford, McCune, Padden, Schoesler and Wilson, L.

SENATE BILL NO. 5242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5245, by Senators Brown, Wilson, L., Rolfes and Wagoner

Concerning the safety of crime victims.

MOTION

On motion of Senator Brown, Substitute Senate Bill No. 5245 was substituted for Senate Bill No. 5245 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Dhingra moved that the following floor amendment no. 248 by Senator Dhingra be adopted:

On page 2, line 12, after "(2)" strike "The" and insert "((The)) Except as provided in subsection (10) of this section, the"

On page 4, after line 14, insert the following:

"(10) The notice requirements in subsection (2) of this section do not apply if release is ordered due to a court order pursuant to RCW 36.27.130."

Senators Dhingra and Brown spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 248 by Senator Dhingra on page 2, line 12 to Substitute Senate Bill No. 5245.

The motion by Senator Dhingra carried and floor amendment no. 248 was adopted by voice vote.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Substitute Senate Bill No. 5245 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5245.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5245 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5417, by Senators King, Conway, Nguyen, Randall, and Wilson, C.

Extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 5417 was substituted for Senate Bill No. 5417 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Keiser, Mullet and Braun spoke in favor of passage of the bill.

Senator Rivers spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5417.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5417 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon,

Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Carlyle, Darneille, Hasegawa, Honeyford, Kuderer and Van De Wege

SUBSTITUTE SENATE BILL NO. 5417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5299, by Senators Wellman, Kuderer, Hunt, Mullet, Nguyen, and Wilson, C.

Allowing the use of computer science credits for the purpose of graduation requirements.

The measure was read the second time.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Senate Bill No. 5299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Hawkins and Wilson, L. spoke in favor of passage of the bill.

#### REMARKS BY THE PRESIDENT

President Heck: “Before you speak sir, I’ve granted quite a bit of latitude on addressing the issue of openness in school versus this bill before us. Would respectfully request all members to speak to the bill.”

#### PARLIAMENTARY INQUIRY

Senator Braun: “Are you saying I can not speak about schools being closed in the context of a K-12, a bill that came through K-12, is specifically focused on K-12, and is directly relevant to whether, it can’t be done without schools being open? Not to be difficult, I am just saying this is a very relevant topic.”

#### REMARKS BY THE PRESIDENT

President Heck: “The bill before us deals with allowing the use of computer science credits for the purpose of graduation requirements. Please proceed.”

The President declared the question before the Senate to be the final passage of Senate Bill No. 5299.

Senator Braun spoke in favor of passage of the bill.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5299 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato,

Froct, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5249, by Senators Wellman, Nobles, Das, Dhingra, Hasegawa, Kuderer, Nguyen, Saldaña, and Wilson, C.

Supporting mastery-based learning.

#### MOTIONS

On motion of Senator Wellman, Substitute Senate Bill No. 5249 was substituted for Senate Bill No. 5249 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wellman, the rules were suspended, Substitute Senate Bill No. 5249 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Hawkins and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5249.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5249 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5249, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 5:15 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Thursday, March 4, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia  
Thursday, March 4, 2021

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Richard McCain led the Senate in the Pledge of Allegiance. Mr. McCain is a former U.S. Navy Master Chief Petty Officer and a guest of Senator Jeff Wilson.

The prayer was offered by Reverend Sandy Ward of Tumwater United Methodist Church.

MOTIONS

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

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

MESSAGE FROM THE HOUSE

March 2, 2021

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041,  
HOUSE BILL NO. 1115,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1117,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214,

SECOND SUBSTITUTE HOUSE BILL NO. 1219,  
SUBSTITUTE HOUSE BILL NO. 1269,

SUBSTITUTE HOUSE BILL NO. 1322,  
SUBSTITUTE HOUSE BILL NO. 1355,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1382,

ENGROSSED HOUSE BILL NO. 1386,  
HOUSE BILL NO. 1437,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1443,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5471 by Senator Padden

AN ACT Relating to knowing possession of a controlled substance; amending RCW 69.50.4011, 69.50.4013, 69.50.4014, 69.41.030, and 69.41.030; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Law & Justice.

E2SHB 1086 by House Committee on Appropriations (originally sponsored by Simmons, Caldier, Bateman, Ortiz-Self, Shewmake, Ryu, Chopp, Cody, Goodman, Fey, Stonier, Macri, Fitzgibbon, Frame and Davis)

AN ACT Relating to the creation of the state office of behavioral health consumer advocacy; amending RCW 71.24.045 and 71.24.380; adding a new chapter to Title 71 RCW; creating a new section; repealing RCW 71.24.350; and providing an effective date.

Referred to Committee on Health & Long Term Care.

HB 1105 by Representatives Kloba, Simmons, Fitzgibbon, Dolan, Ortiz-Self, Goodman, Vick, Ormsby, Riccelli, Santos, Macri and Davis

AN ACT Relating to arrest protections for the medical use of cannabis; amending RCW 69.51A.040, 69.51A.055, and 69.51A.060; and repealing RCW 69.51A.043.

Referred to Committee on Law & Justice.

SHB 1107 by House Committee on Transportation (originally sponsored by Chapman, Barkis, Corry, Tharinger and Graham)

AN ACT Relating to expanding certain nonresident vessel permit provisions; amending RCW 88.02.620, 88.02.640, and 82.32.865; amending 2017 c 323 §§ 302 and 303 (uncodified); and providing expiration date.

Referred to Committee on Transportation.

2SHB 1127 by House Committee on Appropriations (originally sponsored by Slatter, Boehnke, Valdez, Kloba, Graham, Macri and Pollet)

AN ACT Relating to protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities; amending RCW 42.56.360; adding a new chapter to Title 70 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SHB 1145 by House Committee on Environment & Energy (originally sponsored by Rude)

AN ACT Relating to allowing the use of nonwood renewable fiber in recycled content paper carryout bags; and amending RCW 70A.530.010, 70A.530.020, and 70A.530.005.

Referred to Committee on Environment, Energy & Technology.

SHB 1155 by House Committee on Finance (originally sponsored by Riccelli, Ormsby and Lekanoff)

AN ACT Relating to sales and use tax for emergency communication systems and facilities; and amending RCW 82.14.420.

Referred to Committee on Housing & Local Government.

E2SHB 1216 by House Committee on Appropriations (originally sponsored by Ramos, Callan, Lekanoff, Fitzgibbon, Kloba, Ortiz-Self, Ormsby, Hackney and Ramel)

AN ACT Relating to urban and community forestry; amending RCW 76.15.005, 76.15.007, 76.15.010, 76.15.020, 76.15.030, 76.15.050, 76.15.060, 76.15.090, 35.92.390, 35A.80.040, 80.28.300, 89.08.520, 79.105.150, 43.155.120, 70A.135.070, 79A.15.040, 36.01.260, 54.16.400, 89.08.590, 79.105.630, and 79A.15.150; adding new sections to chapter 76.15 RCW; creating new sections; and repealing RCW 35.105.010, 35.105.020, 35.105.030, 35.105.040, 35.105.050, 35.105.060, 35.105.070, 35.105.080, 35.105.090, 35.105.100, 35.105.110, 35.105.120, 76.15.070, and 76.15.080.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1315 by Representatives Mosbrucker, Orwall, Ryu, Simmons, Leavitt, Sells, Wylie, Ortiz-Self, Davis, Valdez, J. Johnson, Ormsby, Rule, Lekanoff, Duerr and Goodman

AN ACT Relating to creating a task force to identify the role of the workplace in helping curb domestic violence; creating new sections; and providing expiration dates.

Referred to Committee on Labor, Commerce & Tribal Affairs.

E2SHB 1320 by House Committee on Appropriations (originally sponsored by Goodman, Thai, Fitzgibbon, Hackney, Wylie, Gregerson, Senn, Ortiz-Self, Davis, Valdez, Lekanoff, Macri, Slatter and Peterson)

AN ACT Relating to modernizing, harmonizing, and improving the efficacy and accessibility of laws concerning civil protection orders; amending RCW 7.--.--, 7.--.--, 7.--.--, 9.41.040, 9.41.075, 9.41.801, 10.99.045, 26.55.010, 26.55.020, 26.55.030, 26.55.040, 26.55.050, 2.28.210, 4.08.050, 4.24.130, 7.77.060, 7.77.080, 9.41.010, 9.41.070, 9.41.173, 9.94A.411, 9.94A.515, 9.94A.525, 9.94A.637, 9.94A.660, 9.94A.662, 9.94A.703, 9.96.060, 9A.36.041, 9A.40.104, 9A.46.040, 9A.46.060, 9A.46.085, 9A.46.110, 9A.88.170, 9A.88.180, 10.01.240, 10.05.020, 10.05.030, 10.22.010, 10.31.100, 10.66.010, 10.95.020, 10.99.040, 10.99.050, 10.99.090, 11.92.195, 11.130.257, 11.130.335, 12.04.140, 12.04.150, 19.220.010, 26.09.003, 26.09.015, 26.09.050, 26.09.060, 26.09.191, 26.09.300, 26.12.260, 26.12.802, 26.26A.470, 26.26B.020, 26.26B.050, 26.28.015, 26.44.020, 26.51.020, 26.52.010, 26.52.070, 36.18.020, 43.43.754, 48.18.550, 49.76.020, 59.18.575, 71.09.305, 71.32.090, 71.32.200, 72.09.712, 72.09.714, 74.34.020, 74.34.020, 74.34.110, 7.90.150, and 7.92.160; reenacting and amending RCW 9.41.800, 9.41.300, 9.94A.030, 10.99.020, 36.28A.410, 41.04.655, 43.43.842, 50.20.050, 59.18.570, and 71.32.260; adding a new section to chapter 9.41 RCW; adding new sections to chapter 26.55 RCW; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 70.123 RCW; adding a new section to

chapter 9A.44 RCW; adding a new section to chapter 9A.46 RCW; adding a new chapter to Title 7 RCW; creating new sections; recodifying RCW 26.50.150, 26.50.250, 7.90.150, and 7.92.160; repealing RCW 7.90.005, 7.90.010, 7.90.020, 7.90.030, 7.90.040, 7.90.050, 7.90.052, 7.90.053, 7.90.054, 7.90.055, 7.90.060, 7.90.070, 7.90.080, 7.90.090, 7.90.100, 7.90.110, 7.90.120, 7.90.121, 7.90.130, 7.90.140, 7.90.155, 7.90.160, 7.90.170, 7.90.180, 7.90.190, 7.90.900, 7.92.010, 7.92.020, 7.92.030, 7.92.040, 7.92.050, 7.92.060, 7.92.070, 7.92.080, 7.92.090, 7.92.100, 7.92.110, 7.92.120, 7.92.125, 7.92.130, 7.92.140, 7.92.150, 7.92.170, 7.92.180, 7.92.190, 7.92.900, 7.92.901, 7.94.010, 7.94.020, 7.94.030, 7.94.040, 7.94.050, 7.94.060, 7.94.070, 7.94.080, 7.94.090, 7.94.100, 7.94.110, 7.94.120, 7.94.130, 7.94.140, 7.94.150, 7.94.900, 10.14.010, 10.14.020, 10.14.030, 10.14.040, 10.14.045, 10.14.050, 10.14.055, 10.14.060, 10.14.065, 10.14.070, 10.14.080, 10.14.085, 10.14.090, 10.14.100, 10.14.105, 10.14.110, 10.14.115, 10.14.120, 10.14.125, 10.14.130, 10.14.140, 10.14.150, 10.14.155, 10.14.160, 10.14.170, 10.14.180, 10.14.190, 10.14.200, 10.14.210, 10.14.800, 26.50.010, 26.50.020, 26.50.021, 26.50.025, 26.50.030, 26.50.035, 26.50.040, 26.50.050, 26.50.055, 26.50.060, 26.50.070, 26.50.080, 26.50.085, 26.50.090, 26.50.095, 26.50.100, 26.50.110, 26.50.115, 26.50.120, 26.50.123, 26.50.125, 26.50.130, 26.50.135, 26.50.140, 26.50.160, 26.50.165, 26.50.200, 26.50.210, 26.50.220, 26.50.230, 26.50.240, 26.50.900, 26.50.901, 74.34.115, 74.34.120, 74.34.130, 74.34.135, 74.34.140, 74.34.145, 74.34.150, 74.34.160, 74.34.163, 74.34.210, and 26.10.115; prescribing penalties; providing effective dates; and providing expiration dates.

Referred to Committee on Law & Justice.

E2SHB 1365 by House Committee on Appropriations (originally sponsored by Gregerson, Stonier, Ramos, Callan, Simmons, J. Johnson, Taylor, Lovick, Leavitt, Ortiz-Self, Berg, Fitzgibbon, Ryu, Morgan, Wicks, Tharinger, Duerr, Ormsby, Hansen, Berry, Dolan, Valdez, Cody, Bronoske, Senn, Bateman, Bergquist, Kloba, Riccelli, Davis, Macri, Ramel, Harris-Talley, Pollet and Sells)

AN ACT Relating to procuring and supporting appropriate computers and devices for public school students and instructional staff; amending RCW 28A.650.010; adding new sections to chapter 28A.650 RCW; creating new sections; and repealing RCW 28A.650.005, 28A.650.015, 28A.650.020, 28A.650.025, 28A.650.030, 28A.650.900, and 28A.650.901.

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

HB 1399 by Representatives Vick, Kirby, Jacobsen, Simmons, Dufault, Dolan and Young

AN ACT Relating to reducing barriers to professional licensure for individuals with previous criminal convictions; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Business, Financial Services & Trade.

SHB 1411 by House Committee on Health Care & Wellness (originally sponsored by Simmons, Davis, Santos, Valdez, Berry and Fitzgibbon)

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

AN ACT Relating to health care workforce eligibility for persons with prior involvement with the criminal justice system; amending RCW 9.97.020, 43.20A.710, 70.128.120, 70.128.120, and 70.128.130; adding a new section to chapter 43.20A RCW; adding a new section to chapter 74.39A RCW; creating new sections; providing an effective date; and providing expiration dates.

SENATE BILL NO. 5160, by Senators Kuderer, Lias, Conway, Das, Lovelett, Saldaña, and Wilson, C.

Addressing landlord-tenant relations by providing certain tenant protections during and after public health emergencies, providing for legal representation in eviction cases, and authorizing landlord access to state rental assistance programs.

Referred to Committee on Health & Long Term Care.

MOTION

SHB 1416 by House Committee on Civil Rights & Judiciary (originally sponsored by Walen and Santos)  
AN ACT Relating to the reporting of debt information by insurers to enhance the collection of past-due child support; amending RCW 26.23.070; adding new sections to chapter 26.23 RCW; creating new sections; and providing an effective date.

On motion of Senator Kuderer, Second Substitute Senate Bill No. 5160 was substituted for Senate Bill No. 5160 and the substitute bill was placed on the second reading and read the second time.

Revised for 2nd Substitute: Addressing landlord-tenant relations by providing certain tenant protections during the public health emergency, providing for legal representation in eviction cases, establishing an eviction resolution pilot program for nonpayment of rent cases, and authorizing landlord access to certain rental assistance programs.

Referred to Committee on Law & Justice.

MOTION

SHB 1423 by House Committee on Environment & Energy (originally sponsored by Fitzgibbon, Springer and Dent)  
AN ACT Relating to smoke management civil enforcement; amending RCW 70A.15.3160 and 76.04.205; and prescribing penalties.

Senator Kuderer moved that the following floor amendment no. 234 by Senator Kuderer be adopted:

Referred to Committee on Environment, Energy & Technology.

On page 3, beginning on line 4, after "(6)" strike all material through "(7)" on line 6

ESHB 1426 by House Committee on Education (originally sponsored by Santos, Lekanoff, J. Johnson, Ortiz-Self, Davis, Simmons, Bergquist, Callan, Berg and Pollet)  
AN ACT Relating to specifying minimum continuing education requirements for administrator and teacher certificate renewals that focus on equity-based school and classroom practices; and adding a new section to chapter 28A.410 RCW.

On page 4, line 11, after "offer" insert "the tenant"

On page 4, line 15, after "offer" strike "or" and insert ", the landlord may proceed with an unlawful detainer action as set forth in RCW 59.12.030(3) but subject to any requirements under the eviction resolution pilot program established under section 7 of this act. If the tenant"

On page 5, line 3, after "RCW 59.12.030" insert "(3)"

On page 9, line 2, after "(1)(b)" insert "and (d)"

On page 9, line 3, after "damages" insert "or any remaining unpaid rent"

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

On page 9, line 7, after "damages" insert "or any remaining unpaid rent"

EHB 1471 by Representatives Santos, Harris-Talley and Lekanoff  
AN ACT Relating to community preservation and development authorities; and amending RCW 43.167.010.

Senator Kuderer spoke in favor of adoption of the amendment. Senator Fortunato spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 234 by Senator Kuderer on page 3, line 4 to Second Substitute Senate Bill No. 5160.

The motion by Senator Kuderer carried and floor amendment no. 234 was adopted by voice vote.

Referred to Committee on Housing & Local Government.

MOTIONS

MOTION

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

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

Senator Hasegawa announced a meeting of the Democratic Caucus.

----

Senator Gildon moved that the following floor amendment no. 337 by Senator Gildon be adopted:

On page 3, beginning on line 10, after "for" strike all material through ""Tenant"" on line 11 and insert "30 days or more prior to March 1, 2020. "Tenant" does not include any individual residing in a hotel or motel or camping area as their primary dwelling for more than 30 days after March 1, 2020, if the hotel or motel or camping area has provided the individual with a seven-day eviction notice, which must include the following language: "For no-cost legal assistance, please call 2-1-1 or the Northwest Justice Project CLEAR Hotline outside King County (888) 201-1014 weekdays between 9:15 a.m. – 12:15 p.m., or

The Senate was called to order at 11:33 a.m. by President Heck.

SECOND READING

(888) 387-7111 for seniors (age 60 and over). You may find additional resource information at <http://www.washingtonlawhelp.org>. "Tenant" also"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 337 by Senator Gildon on page 3, line 10 to Second Substitute Senate Bill No. 5160.

The motion by Senator Gildon carried and floor amendment no. 337 was adopted by voice vote.

#### MOTION

Senator Short moved that the following floor amendment no. 328 by Senator Short be adopted:

On page 8, line 19, after "(4)" insert "(a)"

On page 8, line 19, after "(1)(b)" strike "and (d)"

On page 8, after line 24, insert the following:

"(b) Claims pursuant to subsection (1)(d) of this section related to a tenancy must total at least \$500 in order for a claim to be eligible for reimbursement from the program. While claims may exceed \$20,000, total reimbursement from the program may not exceed \$20,000 per tenancy."

Senators Short, Padden, Fortunato and Gildon spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 328 by Senator Short on page 8, line 19 to Second Substitute Senate Bill No. 5160.

The motion by Senator Short did not carry and floor amendment no. 328 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 180 by Senator Fortunato be adopted:

On page 12, line 32, after "(7)" insert "Any superior court, in collaboration with the dispute resolution center that is located within or serving the same county, participating in the eviction resolution pilot program must report annually to the administrative office of the courts beginning January 1, 2022, until January 1, 2023, on the following:

(a) The number of unlawful detainer actions for nonpayment of rent that were subject to program requirements;

(b) The number of referrals made to dispute resolution centers;

(c) The number of nonpayment of rent cases resolved by the program;

(d) How many instances the tenant had legal representation either at the conciliation stage or formal mediation stage;

(e) The number of certifications issued by dispute resolution centers and filed by landlords with the court; and

(f) Any other information that relates to the efficacy of the pilot program.

(8) By July 1, 2022, until July 1, 2023, the administrative office of the courts must provide a report to the legislature summarizing the report data shared by the superior courts and dispute resolution centers under subsection (7) of this section.

(9)"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 180 by Senator Fortunato on page 12, line 32 to Second Substitute Senate Bill No. 5160.

The motion by Senator Fortunato carried and floor amendment no. 180 was adopted by voice vote.

#### MOTION

Senator Gildon moved that the following floor amendment no. 307 by Senator Gildon be adopted:

On page 13, line 6, after "aid." insert "A tenant must fill out the indigency screening form to be eligible for legal services under this section."

Senator Gildon spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 307 by Senator Gildon on page 13, line 6 to Second Substitute Senate Bill No. 5160.

The motion by Senator Gildon did not carry and floor amendment no. 307 was not adopted by voice vote.

#### MOTION

Senator Hunt moved that the following floor amendment no. 259 by Senator Hunt be adopted:

On page 18, after line 18, insert the following:

"**Sec. 13.** RCW 36.18.012 and 2009 c 479 s 20 and 2009 c 417 s 1 are each reenacted and amended to read as follows:

(1) Revenue collected under this section is subject to division with the state.

(2) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing a fee of twenty dollars.

(3) The clerk shall collect a fee of twenty dollars for: Filing a document not related to or a part of a proceeding, civil or criminal, or a probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law.

~~(4) ((If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay before proceeding with the unlawful detainer action one hundred twelve dollars.~~

~~(5))~~ Any party filing a counterclaim, cross-claim, or third-party claim in an unlawful detainer action under chapter 59.18 or 59.20 RCW shall pay the equivalent to the total filing fee of an unlawful detainer action pursuant to RCW 36.18.020 ~~((including the fee for an unlawful detainer answer pursuant to subsection (4) of this section)).~~

~~((6))~~ (5) For a restrictive covenant for filing a petition to strike discriminatory provisions in real estate under RCW 49.60.227 a fee of twenty dollars must be charged.

~~((7))~~ (6) A fee of twenty dollars must be charged for filing a will only, when no probate of the will is contemplated.

~~((8))~~ (7) A fee of twenty dollars must be charged for filing a petition, written agreement, or written memorandum in a nonjudicial probate dispute under RCW 11.96A.220, if it is filed within an existing case in the same court.

~~((9))~~ (8) A fee of thirty-five dollars must be charged for filing a petition regarding a common law lien under RCW 60.70.060.

~~((10))~~ (9) For the filing of a tax warrant for unpaid taxes or overpayment of benefits by any agency of the state of Washington, a fee of five dollars on or after July 22, 2001, and

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

for the filing of such a tax warrant or overpayment of benefits on or after July 1, 2003, a fee of twenty dollars, of which forty-six percent of the first five dollars is directed to the state general fund.

**Sec. 14.** RCW 36.18.020 and 2018 c 269 s 17 are each amended to read as follows:

(1) Revenue collected under this section is subject to division with the state under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070, except as provided in subsection (5) of this section.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) In addition to any other fee required by law, the party filing the first or initial document in any civil action~~((s))~~ including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-party claim in any such civil action, shall pay, at the time the document is filed, a fee of ~~((two hundred dollars))~~ \$200 ~~except~~((, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of forty-five dollars, or))~~ in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. ~~((The forty-five dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.))~~~~

(b) Any party, except a defendant in a criminal case, filing the first or initial document on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the document is filed, a fee of ~~((two hundred dollars))~~ \$200.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of ~~((two hundred dollars))~~ \$200.

(d) For filing of a petition for unlawful harassment under RCW 10.14.040 a filing fee of ~~((fifty-three dollars))~~ \$53.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of ~~((two hundred dollars))~~ \$200.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first document therein, a fee of ~~((two hundred dollars))~~ \$200.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96A.220, there shall be paid a fee of ~~((two hundred dollars))~~ \$200.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, an adult defendant in a criminal case shall be liable for a fee of ~~((two hundred dollars))~~ \$200, except this fee shall not be imposed on a defendant who is indigent as defined in RCW 10.101.010(3) (a) through (c).

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972. However, no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

(4) No fee shall be collected when an abstract of judgment is filed by the county clerk of another county for the purposes of collection of legal financial obligations.

(5)(a) Until July 1, 2021, in addition to the fees required to be collected under this section, clerks of the superior courts must collect surcharges as provided in this subsection (5) of which ~~((seventy-five))~~ 75 percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and ~~((twenty-five))~~ 25 percent must be retained by the county.

(b) On filing fees required to be collected under subsection (2)(b) of this section, a surcharge of ~~((thirty dollars))~~ \$30 must be collected.

(c) On all filing fees required to be collected under this section, except for fees required under subsection (2)(b), (d), and (h) of this section, a surcharge of ~~((forty dollars))~~ \$40 must be collected."

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

On page 1, line 6 of the title, after "59.18.365," insert "36.18.020,"

On page 1, line 7 of the title, after "43.31.605" insert ", 36.18.012,"

Senator Hunt spoke in favor of adoption of the amendment.

Senator Fortunato spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 259 by Senator Hunt on page 18, line 18 to Second Substitute Senate Bill No. 5160.

The motion by Senator Hunt did not carry and floor amendment no. 259 was not adopted by voice vote.

MOTION

Senator Kuderer moved that the following floor amendment no. 235 by Senator Kuderer be adopted:

On page 21, after line 12, insert the following:

**"Sec. 15.** RCW 59.18.410 and 2020 c 315 s 5 are each amended to read as follows:

(1) If at trial the verdict of the jury or, if the case is tried without a jury, the finding of the court is in favor of the landlord and against the tenant, judgment shall be entered for the restitution of the premises; and if the proceeding is for unlawful detainer after neglect or failure to perform any condition or covenant of a lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of the lease, agreement, or tenancy. The jury, or the court, if the proceedings are tried without a jury, shall also assess the damages arising out of the tenancy occasioned to the landlord by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved at trial, and, if the alleged unlawful detainer is based on default in the payment of rent, find the amount of any rent due, and the judgment shall be rendered against the tenant liable for the forcible entry, forcible detainer, or unlawful detainer for the amount of damages thus assessed, for the rent, if any, found due, and late fees if such fees are due under the lease and do not exceed seventy-five dollars in total. The court may award statutory costs. The court may also award reasonable attorneys' fees as provided in RCW 59.18.290.

(2) When the tenant is liable for unlawful detainer after a default in the payment of rent, execution upon the judgment shall not occur until the expiration of five court days after the entry of the judgment. Before entry of a judgment or until five court days have expired after entry of the judgment, the tenant or any subtenant, or any mortgagee of the term, or other party interested in the continuance of the tenancy, may pay into court or to the landlord the amount of the rent due, any court costs incurred at the time of payment, late fees if such fees are due under the lease

and do not exceed seventy-five dollars in total, and attorneys' fees if awarded, in which event any judgment entered shall be satisfied and the tenant restored to his or her tenancy. If the tenant seeks to restore his or her tenancy after entry of a judgment, the tenant may tender the amount stated within the judgment as long as that amount does not exceed the amount authorized under subsection (1) of this section. If a tenant seeks to restore his or her tenancy and pay the amount set forth in this subsection with funds acquired through an emergency rental assistance program provided by a governmental or nonprofit entity, the tenant shall provide a copy of the pledge of emergency rental assistance provided from the appropriate governmental or nonprofit entity and have an opportunity to exercise such rights under this subsection, which may include a stay of judgment and provision by the landlord of documentation necessary for processing the assistance. The landlord shall accept any pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity before the expiration of any pay or vacate notice for nonpayment of rent for the full amount of the rent owing under the rental agreement. The landlord shall accept any written pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity after the expiration of the pay or vacate notice if the pledge will contribute to the total payment of both the amount of rent due, including any current rent, and other amounts if required under this subsection. The landlord shall suspend any court action for seven court days after providing necessary payment information to the nonprofit or governmental entity to allow for payment of the emergency rental assistance funds. By accepting such pledge of emergency rental assistance, the landlord is not required to enter into any additional conditions not related to the provision of necessary payment information and documentation. If a judgment has been satisfied, the landlord shall file a satisfaction of judgment with the court. A tenant seeking to exercise rights under this subsection shall pay an additional fifty dollars for each time the tenant was reinstated after judgment pursuant to this subsection within the previous twelve months prior to payment. If payment of the amount specified in this subsection is not made within five court days after the entry of the judgment, the judgment may be enforced for its full amount and for the possession of the premises.

(3)(a) Following the entry of a judgment in favor of the landlord and against the tenant for the restitution of the premises and forfeiture of the tenancy due to nonpayment of rent, the court, at the time of the show cause hearing or trial, or upon subsequent motion of the tenant but before the execution of the writ of restitution, may stay the writ of restitution upon good cause and on such terms that the court deems fair and just for both parties. In making this decision, the court shall consider evidence of the following factors:

- (i) The tenant's willful or intentional default or intentional failure to pay rent;
- (ii) Whether nonpayment of the rent was caused by exigent circumstances that were beyond the tenant's control and that are not likely to recur;
- (iii) The tenant's ability to timely pay the judgment;
- (iv) The tenant's payment history;
- (v) Whether the tenant is otherwise in substantial compliance with the rental agreement;
- (vi) Hardship on the tenant if evicted; and
- (vii) Conduct related to other notices served within the last six months.

(b) The burden of proof for such relief under this subsection (3) shall be on the tenant. If the tenant seeks relief pursuant to this subsection (3) at the time of the show cause hearing, the court shall hear the matter at the time of the show cause hearing or as

expeditiously as possible so as to avoid unnecessary delay or hardship on the parties.

(c) In any order issued pursuant to this subsection (3):

(i) The court shall not stay the writ of restitution more than ninety days from the date of order, but may order repayment of the judgment balance within such time. If the payment plan is to exceed thirty days, the total cumulative payments for each thirty-day period following the order shall be no less than one month of the tenant's share of the rent, and the total amount of the judgment and all additional rent that is due shall be paid within ninety days.

(ii) Within any payment plan ordered by the court, the court shall require the tenant to pay to the landlord or to the court one month's rent within five court days of issuance of the order. If the date of the order is on or before the fifteenth of the month, the tenant shall remain current with ongoing rental payments as they become due for the duration of the payment plan; if the date of the order is after the fifteenth of the month, the tenant shall have the option to apportion the following month's rental payment within the payment plan, but monthly rental payments thereafter shall be paid according to the rental agreement.

(iii) The sheriff may serve the writ of restitution upon the tenant before the expiration of the five court days of issuance of the order; however, the sheriff shall not execute the writ of restitution until after expiration of the five court days in order for payment to be made of one month's rent as required by (c)(ii) of this subsection. In the event payment is made as provided in (c)(ii) of this subsection for one month's rent, the court shall stay the writ of restitution ex parte without prior notice to the landlord upon the tenant filing and presenting a motion to stay with a declaration of proof of payment demonstrating full compliance with the required payment of one month's rent. Any order staying the writ of restitution under this subsection (3)(c)(iii) shall require the tenant to serve a copy of the order on the landlord by personal delivery, first-class mail, facsimile, or email if agreed to by the parties.

(A) If the tenant has satisfied (c)(ii) of this subsection by paying one month's rent within five court days, but defaults on a subsequent payment required by the court pursuant to this subsection (3)(c), the landlord may enforce the writ of restitution after serving a notice of default in accordance with RCW 59.12.040 informing the tenant that he or she has defaulted on rent due under the lease agreement or payment plan entered by the court. Upon service of the notice of default, the tenant shall have three calendar days from the date of service to vacate the premises before the sheriff may execute the writ of restitution.

(B) If the landlord serves the notice of default described under this subsection (3)(c)(iii), an additional day is not included in calculating the time before the sheriff may execute the writ of restitution. The notice of default must be in substantially the following form:

**NOTICE OF DEFAULT FOR RENT AND/OR PAYMENT  
PLAN ORDERED BY COURT**

NAME(S)  
ADDRESS  
CITY, STATE, ZIP

THIS IS NOTICE THAT YOU ARE IN DEFAULT  
OF YOUR RENT AND/OR PAYMENT PLAN  
ORDERED BY THE COURT. YOUR LANDLORD  
HAS RECEIVED THE FOLLOWING PAYMENTS:

DATE  
AMOUNT  
DATE  
AMOUNT  
DATE  
AMOUNT

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

THE LANDLORD MAY SCHEDULE YOUR PHYSICAL EVICTION WITHIN THREE CALENDAR DAYS OF SERVICE OF THIS NOTICE. TO STOP A PHYSICAL EVICTION, YOU ARE REQUIRED TO PAY THE BALANCE OF YOUR RENT AND/OR PAYMENT PLAN IN THE AMOUNT OF \$ . . . .

PAYMENT MAY BE MADE TO THE COURT OR TO THE LANDLORD. IF YOU FAIL TO PAY THE BALANCE WITHIN THREE CALENDAR DAYS, THE LANDLORD MAY PROCEED WITH A PHYSICAL EVICTION FOR POSSESSION OF THE UNIT THAT YOU ARE RENTING.

DATE  
SIGNATURE  
LANDLORD/AGENT  
NAME  
ADDRESS  
PHONE

(iv) If a tenant seeks to satisfy a condition of this subsection (3)(c) by relying on an emergency rental assistance program provided by a government or nonprofit entity and provides an offer of proof, the court shall stay the writ of restitution as necessary to afford the tenant an equal opportunity to comply.

(v) The court shall extend the writ of restitution as necessary to enforce the order issued pursuant to this subsection (3)(c) in the event of default.

(d) ((A)) Beginning July 1, 2023, a tenant who has been served with three or more notices to pay or vacate for failure to pay rent as set forth in RCW 59.12.040 within twelve months prior to the notice to pay or vacate upon which the proceeding is based may not seek relief under this subsection (3).

(e)(i) In any application seeking relief pursuant to this subsection (3) by either the tenant or landlord, the court shall issue a finding as to whether the tenant is low-income, limited resourced, or experiencing hardship to determine if the parties would be eligible for disbursement through the landlord mitigation program account established within RCW 43.31.605(1)(c). In making this finding, the court may include an inquiry regarding the tenant's income relative to area median income, household composition, any extenuating circumstances, or other factors, and may rely on written declarations or oral testimony by the parties at the hearing.

(ii) After a finding that the tenant is low-income, limited resourced, or experiencing hardship, the court may issue an order: (A) Finding that the landlord is eligible to receive on behalf of the tenant and may apply for reimbursement from the landlord mitigation program; and (B) directing the clerk to remit, without further order of the court, any future payments made by the tenant in order to reimburse the department of commerce pursuant to RCW 43.31.605(1)(c)(iii). In accordance with RCW 43.31.605(1)(c), such an order must be accompanied by a copy of the order staying the writ of restitution. Nothing in this subsection (3)(e) shall be deemed to obligate the department of commerce to provide assistance in claim reimbursement through the landlord mitigation program if there are not sufficient funds.

(iii) If the department of commerce fails to disburse payment to the landlord for the judgment pursuant to this subsection (3)(e) within thirty days from submission of the application, the landlord may renew an application for a writ of restitution pursuant to RCW 59.18.370 and for other rent owed by the tenant since the time of entry of the prior judgment. In such event, the tenant may exercise rights afforded under this section.

(iv) Upon payment by the department of commerce to the landlord for the remaining or total amount of the judgment, as

applicable, the judgment is satisfied and the landlord shall file a satisfaction of judgment with the court.

(v) Nothing in this subsection (3)(e) prohibits the landlord from otherwise applying for reimbursement for an unpaid judgment pursuant to RCW 43.31.605(1)(c) after the tenant defaults on a payment plan ordered pursuant to (c) of this subsection.

(4) If a tenant seeks to stay a writ of restitution issued pursuant to this chapter, the court may issue an ex parte stay of the writ of restitution provided the tenant or tenant's attorney submits a declaration indicating good faith efforts were made to notify the other party or, if no efforts were made, why notice could not be provided prior to the application for an ex parte stay, and describing the immediate or irreparable harm that may result if an immediate stay is not granted. The court shall require service of the order and motion to stay the writ of restitution by personal delivery, mail, facsimile, or other means most likely to afford all parties notice of the court date.

(5) In all other cases the judgment may be enforced immediately. If a writ of restitution shall have been executed prior to judgment no further writ or execution for the premises shall be required.

(6) This section also applies if the writ of restitution is issued pursuant to a final judgment entered after a show cause hearing conducted in accordance with RCW 59.18.380."

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

On page 1, line 7 of the title, after "59.12.040," insert "59.18.410,"

Senator Kuderer spoke in favor of adoption of the amendment. Senator Fortunato spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 235 by Senator Kuderer on page 21, line 12 to Second Substitute Senate Bill No. 5160.

The motion by Senator Kuderer did not carry and floor amendment no. 235 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 306 by Senator Fortunato be adopted:

On page 21, after line 36, insert the following:

"NEW SECTION. Sec. 16. A new section is added to chapter 59.18 RCW to read as follows:

The state is entitled to reimbursement for any rental assistance provided to a tenant through publicly funded rental assistance programs upon a showing that the tenant intentionally failed to pay any outstanding rent debt upon receipt of such rental assistance funds and that the tenant was not suffering any COVID-19 hardship. The state may pursue a civil action to recover such funds and be awarded any court costs and reasonable attorneys' fees. This section does not preclude the landlord from taking any collection action to recoup or claim reimbursement for any unpaid rent."

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

Senators Fortunato and Padden spoke in favor of adoption of the amendment.

Senators Kuderer and Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 306 by Senator Fortunato on page 21, line 36 to Second Substitute Senate Bill No. 5160.

The motion by Senator Fortunato did not carry and floor amendment no. 306 was not adopted by voice vote.

#### MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Mullet and Gildon spoke in favor of passage of the bill.

Senators Fortunato and Rivers spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5160.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5160 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5321, by Senators Nobles, Das, Dhingra, Frockt, Hasegawa, Liias, Lovelett, Nguyen, Randall, Saldaña, Stanford, and Wilson, C.

Expanding access to the college bound scholarship.

#### MOTION

On motion of Senator Nobles, Substitute Senate Bill No. 5321 was substituted for Senate Bill No. 5321 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Mullet moved that the following floor amendment no. 260 by Senator Mullet be adopted:

On page 4, line 2, after "assistance," insert "To the maximum extent practicable, an eligible student must acknowledge enrollment in the college bound scholarship program and receipt of the requirements for award of the scholarship."

On page 4, line 9, after "program." insert "The office of student financial assistance must take reasonable steps to ensure that eligible students acknowledge enrollment in the college bound scholarship program and receipt of the requirements for award of the scholarship."

Senators Mullet, Nobles, Holy and Wagoner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 260 by Senator Mullet on page 4, line 2 to Substitute Senate Bill No. 5321.

The motion by Senator Mullet carried and floor amendment no. 260 was adopted by voice vote.

#### MOTION

Senator Holy moved that the following floor amendment no. 236 by Senator Holy be adopted:

On page 6, line 1, after "(6)" insert "Eligible students must enroll no later than the fall term, as defined by the institution of higher education, one academic year following high school graduation."

On page 6, line 2, after "awards" insert "within a five-year period"

Senators Holy and Randall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 236 by Senator Holy on page 6, line 1 to Substitute Senate Bill No. 5321.

The motion by Senator Holy carried and floor amendment no. 236 was adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 237 by Senator Wagoner be adopted:

On page 6, beginning on line 11, strike all of subsection (9) and insert the following:

"(9) College bound scholarship award recipients who earn a minimum of a 3.0 cumulative grade point average after completion of 36 quarter credits, or the semester equivalent, are eligible for a \$500 stipend. The stipend is renewable annually for a maximum of three years, for each year the minimum 3.0 cumulative grade point average is maintained."

Senator Wagoner spoke in favor of adoption of the amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Wagoner and without objection, floor amendment no. 237 by Senator Wagoner on page 6, line 11 to Substitute Senate Bill No. 5321 was withdrawn.

#### MOTION

Senator Rolfes moved that the following floor amendment no. 349 by Senator Rolfes be adopted:

On page 6, beginning on line 11, strike all of subsection (9) Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senators Rolfes and Holy spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 349 by Senator Rolfes on page 6, line 11 to Substitute Senate Bill No. 5321.

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

The motion by Senator Rolfes carried and floor amendment no. 349 was adopted by voice vote.

MOTION

On motion of Senator Nobles, the rules were suspended, Engrossed Substitute Senate Bill No. 5321 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nobles, Holy and Wellman spoke in favor of passage of the bill.

Senator Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5321.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5321 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 1; Excused, 0.

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

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

Absent: Senator King.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:52 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

---

AFTERNOON SESSION

---

The Senate was called to order at 1:03 p.m. by President Heck.

MOTION FOR IMMEDIATE RECONSIDERATION

Senator Lias moved to immediately reconsider the vote by which Engrossed Substitute Senate Bill No. 5321 passed the Senate earlier in the day.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5321 on Reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5321 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Nguyen, Nobles,

Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman, Wilson, C. and Wilson, J.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5122, by Senators Darneille, Das, Hasegawa, Kuderer, Nguyen, Pedersen, Robinson, Saldaña, and Wilson, C.

Concerning the jurisdiction of juvenile court.

MOTIONS

On motion of Senator Darneille, Substitute Senate Bill No. 5122 was substituted for Senate Bill No. 5122 and the substitute bill was placed on the second reading and read the second time.

Senator Darneille moved that the following striking floor amendment no. 245 by Senator Darneille be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the goal of the juvenile justice system should be to protect public safety, connect youth with age-appropriate services that reduce the risk of recidivism, and provide meaningful rehabilitation so all youth can have the opportunity for success in life. The legislature declares that responses to problematic behaviors of youth should be guided by evidence-based practices and that policy changes to the system should be strongly rooted in eliminating racial inequities.

The legislature recognizes that a scientific consensus has developed that demonstrates that youth continue to develop neurologically until age 26. The legislature finds that youth ages eight through 12 are less capable of making fully informed decisions and youth ages 18 and 19 are particularly susceptible to outside factors influencing their decision making.

The legislature recognizes that on January 18, 2021, the Washington state board of health released a review regarding the health impacts of raising the age of the juvenile court's jurisdiction to likely decrease the juvenile criminal legal system's involvement for some youth ages eight through 12 and to likely decrease the adult criminal legal system's involvement for some emerging adults ages 18 and 19. The board further found very strong evidence that this would decrease juvenile recidivism and improve health outcomes, access to employment opportunities, housing access, and economic stability.

The legislature intends to amend jurisdiction of juvenile court to include youth ages 13 through 19, with certain exceptions. The legislature recognizes the important role that local governments play in ensuring access to justice in the juvenile court system. The legislature recognizes that amended jurisdiction in juvenile court may increase expenses for juvenile court systems despite significant offset savings in the adult system through reduced adult caseloads. The legislature intends to partner with local governments, courts, and other stakeholders to ensure successful

expansion of juvenile court jurisdiction. The legislature therefore resolves to convene the raise the age juvenile justice task force to examine and plan for implementation of expanded juvenile court jurisdiction.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.216 RCW to read as follows:

(1) The raise the age juvenile justice task force is established, with members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint one member as follows unless specified representing the:

- (i) Juvenile rehabilitation administration;
- (ii) Department of corrections;
- (iii) Washington association of sheriffs and police chiefs;
- (iv) Office of public defense;
- (v) Washington association of prosecuting attorneys;
- (vi) District and municipal court judges' association;
- (vii) Administrative office of the courts;
- (viii) Washington state association of counties;
- (ix) Association of Washington cities;
- (x) Washington state council of county and city employees;
- (xi) Office of the superintendent of public instruction;
- (xii) Minority and justice commission;
- (xiii) Superior court judges' association, one member representing western Washington and one representing eastern Washington;
- (xiv) Washington association of juvenile court administrators, one member representing western Washington and one representing eastern Washington;
- (xv) Washington state school directors' association, a member representing a school district that provides education services to a juvenile rehabilitation residential facility;
- (xvi) Organizations with interests in incarcerated persons, with two representatives each representing different programs and serving different constituencies; and
- (xvii) Organizations with interests of youth involved in the juvenile justice system, with three representatives from different regions of the state or representing different programs.

(2) The legislative membership shall convene the initial meeting of the task force no later than September 1, 2021. The task force shall choose its chair from among its legislative membership.

(3) Staff support for the task force must be provided by the office of juvenile justice.

(4) The task force shall consider and provide recommendations regarding implementation of juvenile jurisdiction expansion to encompass persons 18 years old and 19 years old.

(5) On or before December 1, 2022, the task force shall report to the governor and appropriate committees of the legislature on the status and plan for the expansion, including necessary funding, essential personnel and programmatic resources, measures necessary to avoid a negative impact on the state's child protection response, and specific milestones related to operations and policy, including:

(a) A timeline for structural and systemic changes within the juvenile justice system for the juvenile rehabilitation division, the department of children, youth, and families, the department of corrections, and the juvenile court pursuant to chapter 13.04 RCW;

(b) An operations and business plan that defines benchmarks, including possible changes to resource allocations;

(c) Review of the estimated costs avoided by local and state governments with the reduction of recidivism and an analysis of cost savings reinvestment options;

(d) Estimated new costs incurred to provide juvenile justice services to persons 18 years old and 19 years old; and

(e) A clearly defined path for geographic consistency given varying local resources, staff, physical plant limitations, training, services, and partnering needs.

(6)(a) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Except as provided in (b) of this subsection, nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(b) Nonlegislative members of the task force who demonstrate financial hardship must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, as well as other expenses as needed for each day a nonlegislative task force member attends a task force meeting to provide consultative assistance.

(7) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) The task force must hold at least one meeting a month. The task force may form work groups and may consult experts in fields that will inform and assist the work of the task force.

(9) This section expires January 1, 2023.

**Sec. 3.** RCW 9A.04.050 and 2011 c 336 s 347 are each amended to read as follows:

Children under the age of (~~eight~~) 13 years are incapable of committing crime. Children of eight (~~and under~~) through twelve years of age who are charged with murder in the first or second degree are presumed to be incapable of committing crime, but this presumption may be (~~removed by proof~~) rebutted by clear and convincing evidence that they have sufficient capacity to understand the act or neglect, and to know that it was wrong. Whenever in legal proceedings it becomes necessary to determine the age of a child, he or she may be produced for inspection, to enable the court or jury to determine the age thereby; and the court may also direct his or her examination by one or more physicians, whose opinion shall be competent evidence upon the question of his or her age.

**Sec. 4.** RCW 13.40.590 and 2002 c 237 s 10 are each amended to read as follows:

(1) The administrative office of the courts shall encourage the juvenile courts to work with cities and counties to implement, expand, or use youth court programs for juveniles who commit diversion-eligible offenses, civil, or traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(a) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;

(b) Target offenders age (~~eight~~) 13 through (~~seventeen~~) 17; and

(c) Emphasize the following principles:

(i) Youth must be held accountable for their problem behavior;

(ii) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

(iii) Youth must develop skills to resolve problems with their peers more effectively; and

(iv) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

(2) Youth court programs under this section may be established by private nonprofit organizations and schools, upon prior approval and under the supervision of juvenile court.

**Sec. 5.** RCW 13.40.600 and 2002 c 237 s 11 are each amended to read as follows:

(1) Youth courts have authority over juveniles ages ~~((eight))~~ 13 through ~~((seventeen))~~ 17 who:

(a) Along with their parent, guardian, or legal custodian, voluntarily and in writing request youth court involvement;

(b) Admit they have committed the offense they are referred for;

(c) Along with their parent, guardian, or legal custodian, waive any privilege against self-incrimination concerning the offense; and

(d) Along with their parent, guardian, or legal custodian, agree to comply with the youth court disposition of the case.

(2) Youth courts shall not exercise authority over youth who are under the continuing jurisdiction of the juvenile court for law violations, including a youth with a matter pending before the juvenile court but which has not yet been adjudicated.

(3) Youth courts may decline to accept a youth for youth court disposition for any reason and may terminate a youth from youth court participation at any time.

(4) A youth or his or her parent, guardian, or legal custodian may withdraw from the youth court process at any time.

(5) Youth courts shall give any victims of a juvenile the opportunity to be notified, present, and heard in any youth court proceeding.

**NEW SECTION. Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "court;" strike the remainder of the title and insert "amending RCW 9A.04.050, 13.40.590, and 13.40.600; adding a new section to chapter 43.216 RCW; creating new sections; and providing an expiration date."

MOTION

Senator Warnick moved that the following floor amendment no. 362 by Senator Warnick be adopted:

On page 3, line 13, after "expansion" insert "to raise the minimum age from 8 years old to 13 years old and"

On page 3, line 31, after "19 years old" insert "as well as the costs to raise the minimum age for the juvenile court jurisdiction to 13 years old"

Beginning on page 4, line 17, strike all of sections 3 through 5 Renumber the remaining section consecutively and correct any internal references accordingly.

On page 6, beginning on line 9, after "insert" strike all material through "13.40.600;" on line 10

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

Senator Darneille spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 362 by Senator Warnick on page 3, line 13 to striking floor amendment no. 245.

The motion by Senator Warnick did not carry and floor amendment no. 362 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 370 by Senator Holy be adopted:

On page 4, line 19, after "age of" strike "~~((eight))~~ 13" and insert "eight"

On page 4, line 20, after "crime." insert "Children age eight through 12 who are charged with any class C felony, any gross misdemeanors, or any misdemeanors are considered incapable of committing a crime."

On page 4, beginning on line 21, after "with" strike "murder in the first or second degree" and insert "any class A felony or any class B felony"

On page 4, beginning on line 23, after "be" strike "~~((removed by proof))~~ rebutted by clear and convincing evidence" and insert "removed by proof"

Senators Holy and Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Darneille spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 370 by Senator Holy on page 4, line 19 to striking floor amendment no. 245.

The motion by Senator Holy failed and floor amendment no. 370 was not adopted by voice vote.

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

The President declared the question before the Senate to be the adoption of striking floor amendment no. 245 by Senator Darneille to Substitute Senate Bill No. 5122.

The motion by Senator Darneille carried and striking floor amendment no. 245 was adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Substitute Senate Bill No. 5122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Darneille spoke in favor of passage of the bill.

Senators Gildon and Warnick spoke against passage of the bill.

MOTION

On motion of Senator Randall, Senator Carlyle was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5122.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5122 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

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

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

Excused: Senator Carlyle

ENGROSSED SUBSTITUTE SENATE BILL NO. 5122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5016, by Senators Warnick, Brown and Van De Wege

Concerning tracked and wheeled all-terrain vehicles.

The measure was read the second time.

#### MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5016 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5016.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5016 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Carlyle

SENATE BILL NO. 5016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5291, by Senators Conway and Randall

Concerning the report deadline for the defense community compatibility account.

The measure was read the second time.

#### MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5291 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5291.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5291 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Carlyle

SENATE BILL NO. 5291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5395, by Senators Hunt, Dhingra, Hasegawa, Kuderer, Nguyen, Nobles, Randall, Saldaña, Wellman, and Wilson, C.

Concerning use of state resources during periods where state employees are required to work from home.

#### MOTION

On motion of Senator Hunt, Second Substitute Senate Bill No. 5395 was substituted for Senate Bill No. 5395 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Padden moved that the following floor amendment no. 358 by Senator Padden be adopted:

On page 1, line 10, after "home." insert "The legislature further finds that legislators should remain available to the public and conduct their business at the seat of government, located in the city of Olympia at the Washington state capitol, as required under the Article XIV, section 1 of the Washington state Constitution."

On page 2, line 30, after "commissions." insert "Legislators are specifically and entirely excluded from all provisions of this section."

Senator Padden spoke in favor of adoption of the amendment. Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 358 by Senator Padden on page 1, line 10 to Second Substitute Senate Bill No. 5395.

The motion by Senator Padden did not carry and floor amendment no. 358 was not adopted by voice vote.

#### MOTION

Senator Hunt moved that the following floor amendment no. 247 by Senator Hunt be adopted:

On page 1, beginning on line 17, after "(a)" strike all material through "purpose" on line 18 and insert "Within available resources"

Senator Hunt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 247 by Senator Hunt on page 1, line 17 to Second Substitute Senate Bill No. 5395.

The motion by Senator Hunt carried and floor amendment no. 247 was adopted by voice vote.

MOTION

Senator Wilson, J. moved that the following floor amendment no. 254 by Senator Wilson, J. be adopted:

On page 2, after line 40, insert the following:

"(7) This section expires upon the termination of the state of emergency under proclamation 20-05 and any subsequent state of emergency issued pertaining to COVID-19 in accordance with RCW 43.06.210. The governor shall provide written notice of the termination date of the state of emergency under proclamation 20-05 and any subsequent state of emergency issued pertaining to COVID-19 to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the governor."

On page 1, line 4 of the title, after "providing" strike "a contingent expiration date" and insert "contingent expiration dates"

Senator Wilson, J. spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 254 by Senator Wilson, J. on page 2, line 40 to Second Substitute Senate Bill No. 5395.

The motion by Senator Wilson, J. did not carry and floor amendment no. 254 was not adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt, Randall and Rolfes spoke in favor of passage of the bill.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5395.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5395 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Gildon, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña,

Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5145, by Senators Van De Wege and Rolfes

Concerning the prevention of seabed mining of hard minerals.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Senate Bill No. 5145 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Warnick, Wilson, J. and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5145.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5145 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5220, by Senators Van De Wege and Rolfes

Concerning the taxation of salmon recovery grants by updating the state business and occupation tax deduction for these grants, creating a sales and use tax exemption for grant proceeds received by recipients of these grants, and clarifying the sales and use tax obligations for goods and services purchased by recipients of these grants.

The measure was read the second time.

MOTION

Senator Van De Wege moved that the following floor amendment no. 342 by Senator Van De Wege be adopted:

Beginning on page 2, line 9, strike all of section 2 and insert the following:

"Sec. 2. RCW 82.04.050 and 2021 c 4 s 3 are each amended to read as follows:

(1)(a) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who:

(i) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, but a purchase for the purpose of resale by a regional transit authority under RCW 81.112.300 is not a sale for resale; or

(ii) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(iii) Purchases for the purpose of consuming the property purchased in producing for sale as a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(iv) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(v) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065; or

(vi) Purchases for the purpose of satisfying the person's obligations under an extended warranty as defined in subsection (7) of this section, if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person.

(b) The term includes every sale of tangible personal property that is used or consumed or to be used or consumed in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property is resold or used as provided in (a)(i) through (vi) of this subsection following such use.

(c) The term also means every sale of tangible personal property to persons engaged in any business that is taxable under RCW 82.04.280(1) (a), (b), and (g), 82.04.290, and 82.04.2908.

(2) The term "sale at retail" or "retail sale" includes the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of self-service laundry facilities, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or

thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and also includes the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The constructing, repairing, or improving of any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The cleaning, fumigating, razing, or moving of existing buildings or structures, but does not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" means those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) Automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it is presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

(g) The installing, repairing, altering, or improving of digital goods for consumers;

(h) Persons taxable under (a), (b), (c), (d), (e), (f), and (g) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection may be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section may be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" includes the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Abstract, title insurance, and escrow services;

(b) Credit bureau services;

(c) Automobile parking and storage garage services;

(d) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(e) Service charges associated with tickets to professional sporting events;

(f) The following personal services: Tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services; and

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

(g)(i) Operating an athletic or fitness facility, including all charges for the use of such a facility or for any associated services and amenities, except as provided in (g)(ii) of this subsection.

(ii) Notwithstanding anything to the contrary in (g)(i) of this subsection (3), the term "sale at retail" and "retail sale" under this subsection does not include:

(A) Separately stated charges for the use of an athletic or fitness facility where such use is primarily for a purpose other than engaging in or receiving instruction in a physical fitness activity;

(B) Separately stated charges for the use of a discrete portion of an athletic or fitness facility, other than a pool, where such discrete portion of the facility does not by itself meet the definition of "athletic or fitness facility" in this subsection;

(C) Separately stated charges for services, such as advertising, massage, nutritional consulting, and body composition testing, that do not require the customer to engage in physical fitness activities to receive the service. The exclusion in this subsection (3)(g)(ii)(C) does not apply to personal training services and instruction in a physical fitness activity;

(D) Separately stated charges for physical therapy provided by a physical therapist, as those terms are defined in RCW 18.74.010, or occupational therapy provided by an occupational therapy practitioner, as those terms are defined in RCW 18.59.020, when performed pursuant to a referral from an authorized health care practitioner or in consultation with an authorized health care practitioner. For the purposes of this subsection (3)(g)(ii)(D), an authorized health care practitioner means a health care practitioner licensed under chapter 18.83, 18.25, 18.36A, 18.57, 18.71, or 18.71A RCW, or, until July 1, 2022, chapter 18.57A RCW;

(E) Rent or association fees charged by a landlord or residential association to a tenant or residential owner with access to an athletic or fitness facility maintained by the landlord or residential association, unless the rent or fee varies depending on whether the tenant or owner has access to the facility;

(F) Services provided in the regular course of employment by an employee with access to an athletic or fitness facility maintained by the employer for use without charge by its employees or their family members;

(G) The provision of access to an athletic or fitness facility by an educational institution to its students and staff. However, charges made by an educational institution to its alumni or other members of the public for the use of any of the educational institution's athletic or fitness facilities are a retail sale under this subsection (3)(g). For purposes of this subsection (3)(g)(ii)(G), "educational institution" has the same meaning as in RCW 82.04.170;

(H) Yoga, chi gong, or martial arts classes, training, or events held at a community center, park, school gymnasium, college or university, hospital or other medical facility, private residence, or any other facility that is not operated within and as part of an athletic or fitness facility.

(iii) Nothing in (g)(ii) of this subsection (3) may be construed to affect the taxation of sales made by the operator of an athletic or fitness facility, where such sales are defined as a retail sale under any provision of this section other than this subsection (3).

(iv) For the purposes of this subsection (3)(g), the following definitions apply:

(A) "Athletic or fitness facility" means an indoor or outdoor facility or portion of a facility that is primarily used for: Exercise classes; strength and conditioning programs; personal training services; tennis, racquetball, handball, squash, or pickleball; or other activities requiring the use of exercise or strength training equipment, such as treadmills, elliptical machines, stair climbers,

stationary cycles, rowing machines, pilates equipment, balls, climbing ropes, jump ropes, and weightlifting equipment.

(B) "Martial arts" means any of the various systems of training for physical combat or self-defense. "Martial arts" includes, but is not limited to, karate, kung fu, tae kwon do, Krav Maga, boxing, kickboxing, jujitsu, shootfighting, wrestling, aikido, judo, hapkido, Kendo, tai chi, and mixed martial arts.

(C) "Physical fitness activities" means activities that involve physical exertion for the purpose of improving or maintaining the general fitness, strength, flexibility, conditioning, or health of the participant. "Physical fitness activities" includes participating in yoga, chi gong, or martial arts.

(4)(a) The term also includes the renting or leasing of tangible personal property to consumers.

(b) The term does not include the renting or leasing of tangible personal property where the lease or rental is for the purpose of sublease or subrent.

(5) The term also includes the providing of "competitive telephone service," "telecommunications service," or "ancillary services," as those terms are defined in RCW 82.04.065, to consumers.

(6)(a) The term also includes the sale of prewritten computer software to a consumer, regardless of the method of delivery to the end user. For purposes of (a) and (b) of this subsection, the sale of prewritten computer software includes the sale of or charge made for a key or an enabling or activation code, where the key or code is required to activate prewritten computer software and put the software into use. There is no separate sale of the key or code from the prewritten computer software, regardless of how the sale may be characterized by the vendor or by the purchaser.

(b) The term "retail sale" does not include the sale of or charge made for:

(i) Custom software; or

(ii) The customization of prewritten computer software.

(c)(i) The term also includes the charge made to consumers for the right to access and use prewritten computer software, where possession of the software is maintained by the seller or a third party, regardless of whether the charge for the service is on a per use, per user, per license, subscription, or some other basis.

(ii)(A) The service described in (c)(i) of this subsection (6) includes the right to access and use prewritten computer software to perform data processing.

(B) For purposes of this subsection (6)(c)(ii), "data processing" means the systematic performance of operations on data to extract the required information in an appropriate form or to convert the data to usable information. Data processing includes check processing, image processing, form processing, survey processing, payroll processing, claim processing, and similar activities.

(7) The term also includes the sale of or charge made for an extended warranty to a consumer. For purposes of this subsection, "extended warranty" means an agreement for a specified duration to perform the replacement or repair of tangible personal property at no additional charge or a reduced charge for tangible personal property, labor, or both, or to provide indemnification for the replacement or repair of tangible personal property, based on the occurrence of specified events. The term "extended warranty" does not include an agreement, otherwise meeting the definition of extended warranty in this subsection, if no separate charge is made for the agreement and the value of the agreement is included in the sales price of the tangible personal property covered by the agreement. For purposes of this subsection, "sales price" has the same meaning as in RCW 82.08.010.

(8)(a) The term also includes the following sales to consumers of digital goods, digital codes, and digital automated services:

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

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

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

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

(b) A retail sale of digital goods, digital codes, or digital automated services under this subsection (8) includes any services provided by the seller exclusively in connection with the digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(c) For purposes of this subsection, "permanent" means perpetual or for an indefinite or unspecified length of time. A right of permanent use is presumed to have been granted unless the agreement between the seller and the purchaser specifies or the circumstances surrounding the transaction suggest or indicate that the right to use terminates on the occurrence of a condition subsequent.

(9) The term also includes the charge made for providing tangible personal property along with an operator for a fixed or indeterminate period of time. A consideration of this is that the operator is necessary for the tangible personal property to perform as designed. For the purpose of this subsection (9), an operator must do more than maintain, inspect, or set up the tangible personal property.

(10) The term does not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

(11) The term also does not include sales of chemical sprays or washes to persons for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, nor does it include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to: (a) Persons who participate in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, and the wildlife habitat incentives program, or their successors administered by the United States department of agriculture; (b) farmers for the purpose of producing for sale any agricultural product; (c) farmers for the purpose of providing bee pollination services; and (d) farmers acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code or the Washington state department of fish and wildlife to produce or improve wildlife habitat on land that the farmer owns or leases.

(12) The term does not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor does the term include the sale of services or charges made for the

clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor does the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other by-products of weapons production and nuclear research and development.

(13) The term does not include the sale of or charge made for labor, services, or tangible personal property pursuant to agreements providing maintenance services for bus, rail, or rail fixed guideway equipment when a regional transit authority is the recipient of the labor, services, or tangible personal property, and a transit agency, as defined in RCW 81.104.015, performs the labor or services.

(14) The term does not include the sale for resale of any service described in this section if the sale would otherwise constitute a "sale at retail" and "retail sale" under this section.

(15)(a) The term "sale at retail" or "retail sale" includes amounts charged, however labeled, to consumers to engage in any of the activities listed in this subsection (15)(a), including the furnishing of any associated equipment or, except as otherwise provided in this subsection, providing instruction in such activities, where such charges are not otherwise defined as a "sale at retail" or "retail sale" in this section:

(i)(A) Golf, including any variant in which either golf balls or golf clubs are used, such as miniature golf, hitting golf balls at a driving range, and golf simulators, and including fees charged by a golf course to a player for using his or her own cart. However, charges for golf instruction are not a retail sale, provided that if the instruction involves the use of a golfing facility that would otherwise require the payment of a fee, such as green fees or driving range fees, such fees, including the applicable retail sales tax, must be separately identified and charged by the golfing facility operator to the instructor or the person receiving the instruction.

(B) Notwithstanding (a)(i)(A) of this subsection (15) and except as otherwise provided in this subsection (15)(a)(i)(B), the term "sale at retail" or "retail sale" does not include amounts charged to participate in, or conduct, a golf tournament or other competitive event. However, amounts paid by event participants to the golf facility operator are retail sales under this subsection (15)(a)(i). Likewise, amounts paid by the event organizer to the golf facility are retail sales under this subsection (15)(a)(i), if such amounts vary based on the number of event participants;

(ii) Ballooning, hang gliding, indoor or outdoor sky diving, paragliding, parasailing, and similar activities;

(iii) Air hockey, billiards, pool, foosball, darts, shuffleboard, ping pong, and similar games;

(iv) Access to amusement park, theme park, and water park facilities, including but not limited to charges for admission and locker or cabana rentals. Discrete charges for rides or other attractions or entertainment that are in addition to the charge for admission are not a retail sale under this subsection (15)(a)(iv). For the purposes of this subsection, an amusement park or theme park is a location that provides permanently affixed amusement rides, games, and other entertainment, but does not include parks or zoos for which the primary purpose is the exhibition of wildlife, or fairs, carnivals, and festivals as defined in (b)(i) of this subsection;

(v) Batting cage activities;

(vi) Bowling, but not including competitive events, except that amounts paid by the event participants to the bowling alley operator are retail sales under this subsection (15)(a)(vi). Likewise, amounts paid by the event organizer to the operator of the bowling alley are retail sales under this subsection (15)(a)(vi), if such amounts vary based on the number of event participants;

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

(vii) Climbing on artificial climbing structures, whether indoors or outdoors;

(viii) Day trips for sightseeing purposes;

(ix) Bungee jumping, zip lining, and riding inside a ball, whether inflatable or otherwise;

(x) Horseback riding offered to the public, where the seller furnishes the horse to the buyer and providing instruction is not the primary focus of the activity, including guided rides, but not including therapeutic horseback riding provided by an instructor certified by a nonprofit organization that offers national or international certification for therapeutic riding instructors;

(xi) Fishing, including providing access to private fishing areas and charter or guided fishing, except that fishing contests and license fees imposed by a government entity are not a retail sale under this subsection;

(xii) Guided hunting and hunting at game farms and shooting preserves, except that hunting contests and license fees imposed by a government entity are not a retail sale under this subsection;

(xiii) Swimming, but only in respect to (A) recreational or fitness swimming that is open to the public, such as open swim, lap swimming, and special events like kids night out and pool parties during open swim time, and (B) pool parties for private events, such as birthdays, family gatherings, and employee outings. Fees for swimming lessons, to participate in swim meets and other competitions, or to join a swim team, club, or aquatic facility are not retail sales under this subsection (15)(a)(xiii);

(xiv) Go-karting, bumper cars, and other motorized activities where the seller provides the vehicle and the premises where the buyer will operate the vehicle;

(xv) Indoor or outdoor playground activities, such as inflatable bounce structures and other inflatables; mazes; trampolines; slides; ball pits; games of tag, including laser tag and soft-dart tag; and human gyroscope rides, regardless of whether such activities occur at the seller's place of business, but not including playground activities provided for children by a licensed child day care center or licensed family day care provider as those terms are defined in RCW 43.216.010;

(xvi) Shooting sports and activities, such as target shooting, skeet, trap, sporting clays, "5" stand, and archery, but only in respect to discrete charges to members of the public to engage in these activities, but not including fees to enter a competitive event, instruction that is entirely or predominately classroom based, or to join or renew a membership at a club, range, or other facility;

(xvii) Paintball and airsoft activities;

(xviii) Skating, including ice skating, roller skating, and inline skating, but only in respect to discrete charges to members of the public to engage in skating activities, but not including skating lessons, competitive events, team activities, or fees to join or renew a membership at a skating facility, club, or other organization;

(xix) Nonmotorized snow sports and activities, such as downhill and cross-country skiing, snowboarding, ski jumping, sledding, snow tubing, snowshoeing, and similar snow sports and activities, whether engaged in outdoors or in an indoor facility with or without snow, but only in respect to discrete charges to the public for the use of land or facilities to engage in nonmotorized snow sports and activities, such as fees, however labeled, for the use of ski lifts and tows and daily or season passes for access to trails or other areas where nonmotorized snow sports and activities are conducted. However, fees for the following are not retail sales under this subsection (15)(a)(xix): (A) Instructional lessons; (B) permits issued by a governmental entity to park a vehicle on or access public lands; and (C) permits or leases granted by an owner of private timberland for recreational

access to areas used primarily for growing and harvesting timber; and

(xx) Scuba diving; snorkeling; river rafting; surfing; kiteboarding; flyboarding; water slides; inflatables, such as water pillows, water trampolines, and water rollers; and similar water sports and activities.

(b) Notwithstanding anything to the contrary in this subsection (15), the term "sale at retail" or "retail sale" does not include charges:

(i) Made for admission to, and rides or attractions at, fairs, carnivals, and festivals. For the purposes of this subsection, fairs, carnivals, and festivals are events that do not exceed twenty-one days and a majority of the amusement rides, if any, are not affixed to real property;

(ii) Made by an educational institution to its students and staff for activities defined as retail sales by (a)(i) through (xx) of this subsection. However, charges made by an educational institution to its alumni or other members of the general public for these activities are a retail sale under this subsection (15). For purposes of this subsection (15)(b)(ii), "educational institution" has the same meaning as in RCW 82.04.170;

(iii) Made by a vocational school for commercial diver training that is licensed by the workforce training and education coordinating board under chapter 28C.10 RCW; or

(iv) Made for day camps offered by a nonprofit organization or state or local governmental entity that provide youth not older than age eighteen, or that are focused on providing individuals with disabilities or mental illness, the opportunity to participate in a variety of supervised activities.

(16)(a) The term "sale at retail" or "retail sale" includes the purchase or acquisition of tangible personal property and specified services by a person who receives either a qualifying grant exempt from tax under RCW 82.04.--- (section 1, chapter 4, Laws of 2021) or 82.16.--- (section 2, chapter 4, Laws of 2021) or a grant deductible under RCW 82.04.4339, except for transactions excluded from the definition of "sale at retail" or "retail sale" by any other provision of this section. Nothing in this subsection (16) may be construed to limit the application of any other provision of this section to purchases by a recipient of either a qualifying grant exempt from tax under RCW 82.04.--- (section 1, chapter 4, Laws of 2021) or a grant deductible under RCW 82.04.4339, or by any other person.

(b) For purposes of this subsection (16), "specified services" means:

(i) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation;

(ii) The clearing of land or the moving of earth, whether or not associated with activities described in (b)(i) of this subsection (16);

(iii) The razing or moving of existing buildings or structures; and

(iv) Landscape maintenance and horticultural services."

Senators Van De Wege and Warnick spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 342 by Senator Van De Wege on page 2, line 9 to Senate Bill No. 5220.

The motion by Senator Van De Wege carried and floor amendment no. 342 was adopted by voice vote.

## MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Senate Bill No. 5220 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5220.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5220 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

ENGROSSED SENATE BILL NO. 5220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5031, by Senators Honeyford, Brown, Cleveland, Frockt, Holy, Mullet and Warnick

Concerning a community aviation revitalization loan program.

The measure was read the second time.

## MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5031 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Frockt, Padden, Wilson, J. and Dozier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5031.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5031 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5203, by Senators Van De Wege, Carlyle, Frockt, Hasegawa, Keiser, Liias, Nguyen, Randall, Robinson, Salomon, Stanford, and Wilson, C.

Producing, distributing, and purchasing generic prescription drugs.

## MOTION

On motion of Senator Van De Wege, Substitute Senate Bill No. 5203 was substituted for Senate Bill No. 5203 and the substitute bill was placed on the second reading and read the second time.

Revised for 1st Substitute: Producing, distributing, and purchasing generic prescription drugs.

## MOTION

Senator Muzzall moved that the following floor amendment no. 369 by Senator Muzzall be adopted:

On page 1, line 9, after "entity to" strike "produce,"

On page 1, line 9, after "distribute" strike ","

On page 1, line 16, after "necessary, to" strike "produce,"

On page 1, line 17, after "distribute" strike ","

On page 1, line 1 of the title, after "to the" strike "production,"

On page 1, line 1 of the title, after "distribution" strike ","

Senator Muzzall spoke in favor of adoption of the amendment.

## REMARKS BY THE PRESIDENT

President Heck: "The President would like to note for the members that today is Senator Muzzall's birthday. Happy Birthday Sir."

Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 369 by Senator Muzzall on page 1, line 9 to Substitute Senate Bill No. 5203.

The motion by Senator Muzzall did not carry and floor amendment no. 369 was not adopted by voice vote.

## MOTION

Senator Van De Wege moved that the following floor amendment no. 345 by Senator Van De Wege be adopted:

On page 1, line 10, after "prescription drugs" insert "and distribute and purchase insulin"

On page 1, line 12, after "drugs" insert "and insulin"

On page 1, line 17, after "drug" insert "or insulin"

On page 1, line 19, after "drugs" insert "and insulin"

On page 2, line 2, after "drugs" insert "and insulin"

On page 2, line 4, after "drug" insert "or insulin"

On page 2, line 7, after "drugs" insert "and insulin"

On page 1, line 2 of the title, after "prescription drugs" insert "and distribution or purchase of insulin"

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

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

The President declared the question before the Senate to be the adoption of floor amendment no. 345 by Senator Van De Wege on page 1, line 10 to Substitute Senate Bill No. 5203.

The motion by Senator Van De Wege carried and floor amendment no. 345 was adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 371 by Senator Short be adopted:

On page 1, beginning on line 10, after "drugs." strike all material through "process." on line 11

Senator Short spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 371 by Senator Short on page 1, line 10 to Substitute Senate Bill No. 5203.

The motion by Senator Short did not carry and floor amendment no. 371 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, floor amendment no. 368 by Senator Rivers on page 1, line 20 to Substitute Senate Bill No. 5203 was withdrawn.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute Senate Bill No. 5203 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Cleveland and Keiser spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Mullet: "Thank you Mr. President, I was just wondering if our Senate Rules have a limit on how many bills senators from Sequim can have on one run list?"

REPLY BY THE PRESIDENT

President Heck: "The same number as members from Issaquah."

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

Senator Rivers spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5203.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5203 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser,

Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5203, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Billig: "Thank you Mr. President. I am rising on behalf of the Senate, if my colleagues will allow me, to express a big thank you to our colleagues at LEG-TECH. And, you know, they've worked for months and months to create a system so that we can do the work that we do on behalf of the people of Washington state and you know we often think about the troubleshooting that they do for us when we have a problem but and that's significant but even more so is the work that they did to prepare this system for us on the floor and in committee and for all of the other meetings that we have and there's so much ingenuity and what they did you know I just know from the part that I was involved in we would practice and somebody say oh we need a button so we can sustain a roll call oh nobody thought of that Ok boom they did it oh we need a point of inquiry button boom it's done over and over and over and then after they got it done they had to help us all learn it and their patience is incredible and I have no doubt Mr. President that we are a terrific group of people but we're probably are not our best selves when we call LEG-TECH because typically we're frustrated confused panicked as maybe we are about to miss a vote and yet they just solve the problems. So, I am so grateful I know my colleagues join me in being grateful and it's Ok with you Mr. President could I read their names?"

President Heck: "Absolutely."

Senator Billig: "Ok So Rick; Jeff; Dan; Matty; DeLynne; Rhys; Cameron; Bob; Sean; Alan; Zach; Stephanie; Taylor; Hilary; and Tom. Our heartfelt thank you for all of your good work."

President Heck: "And what would also be okay, even though that we are few and hearty, is an audible demonstration of our appreciation."

EDITOR'S NOTE: The Senate gave LEG-TECH a standing ovation.

PERSONAL PRIVILEGE

Senator Cleveland: "Thank you Mr. President. Well, I think that one thing we can all agree on is that this has been a very challenging past year and the past through this pandemic has been arduous. But today, our state has achieved a milestone. And I think it's a milestone worth noting. Today, Washington is the sixth U.S. state, and the most populous state yet, to have more people vaccinated against Covid-19 than infected with Covid-19. So, we are vaccinating far more people on a daily basis than are being infected on a daily basis and I think that this is a bright spot that should give us great hope for the future and it's a testament

to the hard work of so many in our state over this past year. Thank you.”

#### PERSONAL PRIVILEGE

Senator Rivers: “Thank you Mr. President. It is indeed very exciting how many vaccinations this state has been able to disseminate. And while we still have some work to do here in southwest, we know that our state's getting better. And that is so exciting. And that is why, Mr. President, it's time for us to reopen this state. And it's time for people to get back together. And it's time for us to be able to do the work of the people unfettered. Thank you, Mr. President.”

#### REMARKS BY SENATOR LIAS

Senator Lias: “Thank you Mr. President. I wanted to add my happy birthday congratulations to Senator Muzzall. I didn't get a chance to do that earlier and also note that our session aide's birthday is today. Based on their photos, I think there's a couple of decades of difference but wishing happy birthday to Senator Muzzall and to Jeremy from our office.”

#### MOTION

At 3:41 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

----

The Senate was called to order at 4:31 p.m. by President Heck.

#### SECOND READING

SENATE BILL NO. 5128, by Senators Wellman, Wilson, C., Conway, Dhingra, Hunt, Keiser, Lovelett, Nguyen and Saldaña

Concerning student transportation funding during a local, state, or national emergency.

#### MOTIONS

On motion of Senator Wellman, Second Substitute Senate Bill No. 5128 was substituted for Senate Bill No. 5128 and the substitute bill was placed on the second reading and read the second time.

Senator Wellman moved that the following striking floor amendment no. 344 by Senator Wellman be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature recognizes that the COVID-19 pandemic has significantly changed the delivery of education across the state, as school districts transition to remote learning environments to protect the health of students and staff. The legislature also recognizes that the role of transportation services has evolved alongside remote learning programs to help students equitably access the instructional program of basic education. As permitted by emergency proclamation, many school districts have adapted to remote learning by transporting meals, learning materials, and technology supports directly to students' homes or neighborhoods. Other school districts have

used transportation resources to bring students to learning centers or other agencies where support services are provided.

This flexibility has allowed school districts to creatively use the resources at their disposal to equitably address the needs of students during an ongoing emergency.

With this act, the legislature intends to temporarily suspend rider eligibility criteria for an expanded list of qualifying transportation services, so that all students can access necessary supports during the COVID-19 emergency. The legislature also intends to provide a mechanism for calculating student transportation funding immediately following the COVID-19 emergency, so that the temporary drop in student ridership does not impact future transportation allocations. Finally, the legislature intends to appropriate additional relief funds to backfill reductions in state funding allocations resulting from transportation declines caused by the COVID-19 emergency.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.160 RCW to read as follows:

(1) If a school or school district is providing full remote or partial remote instruction under the authority of RCW 28A.150.290 due to a local, state, or national emergency that causes a substantial disruption to full in-person instruction then, in addition to the transportation services allowed under this chapter, the district may use student transportation allocations to provide the following expanded services to students, regardless of whether those students would qualify as eligible students under RCW 28A.160.160:

(a) Delivery of educational services necessary to provide students with the opportunity to equitably access educational services during the period of remote instruction. Delivery of educational services include the transportation of materials, hardware, and other supports that assist students in accessing remote instruction, internet connectivity, or the curriculum;

(b) Delivery of meals to students; and

(c) Providing for the transportation of students to and from learning centers or other public or private agencies where educational and support services are being provided to students during the period of remote instruction. "Providing for" includes the provision of payments to allow students to use public transit to access the educational and support services.

(2) Nothing in this section is intended to limit a district's ability to use transportation allocations to pay for fixed transportation costs, such as school bus maintenance and basic administrative, regulatory, safety, or operational expenses.

(3) If a district provides expanded services under subsection (1) of this section, the district must track by a separate accounting code the expenditures incurred by the district in providing such services. This data must be included in the report required under RCW 28A.160.170(2).

**Sec. 3.** RCW 28A.160.170 and 2009 c 548 s 306 are each amended to read as follows:

Each district shall submit three times each year to the superintendent of public instruction during October, February, and May of each year a report containing the following:

(1)(a) The number of eligible students transported to and from school as provided for in RCW 28A.160.150, along with identification of stop locations and school locations, and (b) the number of miles driven for pupil transportation services as authorized in RCW 28A.160.150 the previous school year; and

(2) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district. The superintendent shall require that districts separate the costs of operating the program for the transportation of eligible students to and from school as defined by RCW 28A.160.160(3) ~~((from))~~, non-to-and-from-school pupil transportation costs, and costs to provide expanded services under section 2(1) of this act

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

in the annual financial statement. The cost, quantity, and type of all fuel purchased by school districts for use in to-and-from-school transportation shall be included in the annual financial statement.

Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys.

**Sec. 4.** RCW 28A.160.192 and 2011 1st sp.s. c 27 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall phase-in the implementation of the distribution formula under this chapter for allocating state funds to school districts for the transportation of students to and from school. The phase-in shall begin no later than the 2011-2013 biennium and be fully implemented by the 2013-2015 biennium.

(a) The formula must be developed and revised on an ongoing basis using the major cost factors in student transportation, including basic and special student loads, school district land area, average distance to school, roadway miles, and number of locations served. Factors must include all those site characteristics that are statistically significant after analysis of the data required by the revised reporting process.

(b) The formula must allocate funds to school districts based on the average predicted costs of transporting students to and from school, using a regression analysis. Only factors that are statistically significant shall be used in the regression analysis. Employee compensation costs included in the allowable transportation expenditures used for the purpose of establishing each school district's independent variable in the regression analysis shall be limited to the base salary or hourly wage rates, fringe benefit rates, and applicable health care rates provided in the omnibus appropriations act.

(2) During the phase-in period, funding provided to school districts for student transportation operations shall be distributed on the following basis:

(a) Annually, each school district shall receive the lesser of the previous school year's pupil transportation operations allocation, or the total of allowable pupil transportation expenditures identified on the previous school year's final expenditure report to the state plus district indirect expenses using the federal restricted indirect rate as calculated in the district annual financial report;

(b) Annually, the amount identified in (a) of this subsection shall be adjusted for any budgeted increases provided in the omnibus appropriations act for salaries or fringe benefits;

(c) Annually, any funds appropriated by the legislature in excess of the maintenance level funding amount for student transportation shall be distributed among school districts on a prorated basis using the difference between the amount identified in (a) adjusted by (b) of this subsection and the amount determined under the formula in RCW 28A.160.180; and

(d) Allocations provided to recognize the cost of depreciation to districts contracting with private carriers for student transportation shall be deducted from the allowable transportation expenditures in (a) of this subsection.

(3) If a school or school district provided full remote or partial remote instruction under the authority of RCW 28A.150.290 due to a local, state, or national emergency that caused a substantial disruption to full in-person instruction, the superintendent of public instruction may use the student transportation data from the last reporting period in which the school district provided full in-person instruction to calculate transportation allocations. Such data may only be used until the subsequent reporting period when updated ridership data is available.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.710 RCW to read as follows:

Sections 2 and 4(3) of this act govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28A.715 RCW to read as follows:

Sections 2 and 4(3) of this act govern school operation and management under RCW 28A.715.020 and apply to state-tribal compact schools established under this chapter.

**NEW SECTION. Sec. 7.** The public schools emergency transportation relief account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may only be used to backfill reductions in state funding allocations resulting from transportation declines caused by a declared statewide emergency, provided that such reductions have not been backfilled through receipt of federal emergency relief funds, and must be attributable to documented allowable uses for transportation-related services as established under section 2 of this act.

**NEW SECTION. Sec. 8.** The sum of \$100,000,000 is appropriated for fiscal year 2021, from the general fund account—state to the public schools emergency transportation relief account created in section 7 of this act for the purposes of backfilling reductions in state funding allocations resulting from transportation declines caused by a declared statewide emergency, provided that such reductions have not been backfilled through receipt of federal emergency relief funds, and must be attributable to documented allowable uses for transportation-related services as established under section 2 of this act.

**Sec. 9.** RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall

credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community (~~trust~~) services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public schools emergency transportation relief account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility

grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 10.** RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5, 2020 c 148 s 3, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community ((trust)) services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement

fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public schools emergency transportation relief account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water

pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 11.** RCW 43.84.092 and 2020 c 221 s 5, 2020 c 148 s 3, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup

settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community (~~trust~~) services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public schools emergency transportation relief account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 12.** Section 9 of this act expires July 1, 2021.

**NEW SECTION. Sec. 13.** Section 10 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2021.

**NEW SECTION. Sec. 14.** Section 10 of this act expires July 1, 2024.

**NEW SECTION. Sec. 15.** Section 11 of this act takes effect July 1, 2024.

**NEW SECTION. Sec. 16.** Sections 1 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "emergency;" strike the remainder of the title and insert "amending RCW 28A.160.170 and 28A.160.192; reenacting and amending RCW 43.84.092, 43.84.092, and 43.84.092; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; creating new

sections; making an appropriation; providing effective dates; providing expiration dates; and declaring an emergency."

MOTION

Senator Wilson, L. moved that the following floor amendment no. 353 by Senator Wilson, L. be adopted:

On page 5, line 6, after "Sec. 7." insert "(1)"

On page 5, after line 15, insert the following:

"(2) A charter school, state-tribal compact school, or school district may not receive expenditures from the public schools emergency transportation relief account if the school or school district meets the minimum parameters for in-person learning recommended by the department of health and does not offer in-person learning at or above the recommended level."

Senators Wilson, L., Dozier and Braun spoke in favor of adoption of the amendment to the striking amendment.

Senators Wellman and Liias spoke against adoption of the amendment to the striking amendment.

POINT OF ORDER

Senator Braun: "I feel like the speaker is impugning my character based on a previous vote."

RULING BY THE PRESIDENT

President Heck: "Let's keep in mind the rules with respect to impeaching other members. Maybe take a breath here."

Senator Liias continued his remarks against adoption of the amendment to the striking amendment.

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

POINT OF INQUIRY

Senator Conway: "Senator Wilson, I represent four districts, and three of those districts are currently all in, opening their schools to kindergarten through third, some are opening them up for middle schoolers. How will this amendment impact that gradual work toward reopening the schools?"

Senator Wilson, L.: "Well, the schools need to be open in full in order to accept the money. They have to meet the minimum parameters for in person learning recommended by the Department of Health."

Senators Muzzall, Fortunato, and Erickson spoke in favor of adoption of the amendment to the striking amendment.

Senators Hunt and Gildon spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 353 by Senator Wilson, L. on page 5, line 6 to striking floor amendment no. 344.

The motion by Senator Wilson, L. carried and floor amendment no. 353 was adopted by voice vote.

MOTION

Senator Hawkins moved that the following floor amendment no. 355 by Senator Hawkins be adopted:

On page 5, line 6, after "Sec. 7." insert "(1)"

On page 5, after line 15, insert the following:

"(2) Any funds that remain in the public schools emergency transportation relief account at the end of the 2021-2023 fiscal biennia must be deposited into the state general fund."

Senator Hawkins spoke in favor of adoption of the amendment to the striking amendment.

Senator Wellman spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 355 by Senator Hawkins on page 5, line 6 to striking floor amendment no. 344.

The motion by Senator Hawkins carried and floor amendment no. 355 was adopted by voice vote.

#### MOTION

Senator Hawkins moved that the following floor amendment no. 356 by Senator Hawkins be adopted:

On page 5, line 6, after "Sec. 7." insert "(1)"

On page 5, after line 15, insert the following:

"(2) The public schools emergency transportation relief account is intended to be the payor of last resort, and as such no charter school, state-tribal compact school, or school district may receive expenditures from the account until the school or school district has demonstrated there are no available federal relief funds that can be used to address allowable transportation costs."

Senators Hawkins and Wellman spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 356 by Senator Hawkins on page 5, line 6 to striking floor amendment no. 344.

The motion by Senator Hawkins carried and floor amendment no. 356 was adopted by voice vote.

Senators Wellman and Hawkins spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 344 by Senator Wellman as amended to Second Substitute Senate Bill No. 5128.

The motion by Senator Wellman carried and striking floor amendment no. 344 as amended was adopted by voice vote.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5128.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5128 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

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

Voting nay: Senators Carlyle, Conway, Dhingra, Erickson, Frockt, Hasegawa, King, Kuderer, Liias, Lovelett, Nguyen, Robinson, Saldaña and Stanford

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5082, by Senators Fortunato, Hunt and Kuderer

Reestablishing the productivity board.

#### MOTIONS

On motion of Senator Fortunato, Substitute Senate Bill No. 5082 was substituted for Senate Bill No. 5082 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fortunato, the rules were suspended, Substitute Senate Bill No. 5082 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fortunato spoke in favor of passage of the bill.

#### PARLIAMENTARY INQUIRY

Senator Pedersen: "Thank you very much Mr. President. I think you may have resolved it already. I was wondering if someone called you Mr. Speaker three times in the course of one speech if that resulted in three fines or just one?"

#### REPLY BY THE PRESIDENT

President Heck: "Unfortunately you're reminding me of your inquiry at rules the other day. I hope the President will take this under advisement."

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5082.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5082 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

SUBSTITUTE SENATE BILL NO. 5082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:23 p.m., on motion of Senator Lias, the Senate adjourned until 10:00 o'clock a.m. Friday, March 5, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**FIFTY FOURTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Friday, March 5, 2021

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

The Washington State Patrol Honor Guard presented the Colors.

A.P. Government students from Lake Washington High School in Kirkland led the Senate in the Pledge of Allegiance. The students were guests of Senator Dhingra.

The prayer was offered by Reverend Pam Brokaw of Oakville and Rochester United Methodist Churches.

**MOTIONS**

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

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

**REPORTS OF STANDING COMMITTEES**

March 4, 2021

HB 1001 Prime Sponsor, Representative Maycumber: Establishing a law enforcement professional development outreach grant program. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer and Salomon.

Referred to Committee on Ways & Means.

March 4, 2021

SHB 1088 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning potential impeachment disclosures. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer and Salomon.

Referred to Committee on Rules for second reading.

March 4, 2021

SGA 9247 JOSEPHINE WIGGS-MARTIN, appointed on December 22, 2020, for the term ending August 2, 2021, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra,

Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer and Salomon.

Referred to Committee on Rules for second reading.

March 4, 2021

SGA 9256 CHERIE M. HARRIS, appointed on December 30, 2020, for the term ending August 2, 2021, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer and Salomon.

Referred to Committee on Rules for second reading.

**MOTIONS**

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

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

**MESSAGE FROM THE HOUSE**

March 3, 2021

MR. PRESIDENT:

The House has passed:

- SECOND SUBSTITUTE HOUSE BILL NO. 1033,
- SECOND SUBSTITUTE HOUSE BILL NO. 1073,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1113,
- HOUSE BILL NO. 1167,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1186,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189,
- SUBSTITUTE HOUSE BILL NO. 1207,
- SUBSTITUTE HOUSE BILL NO. 1209,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1220,
- SUBSTITUTE HOUSE BILL NO. 1259,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1267,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1287,
- SUBSTITUTE HOUSE BILL NO. 1301,
- SUBSTITUTE HOUSE BILL NO. 1333,
- SUBSTITUTE HOUSE BILL NO. 1357,
- SUBSTITUTE HOUSE BILL NO. 1446,
- ENGROSSED HOUSE BILL NO. 1453,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1504,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1521,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

**MOTION**

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

FIFTY FOURTH DAY, MARCH 5, 2021

2021 REGULAR SESSION

## INTRODUCTION AND FIRST READING

SB 5472 by Senators Van De Wege, Sheldon, Hasegawa and Nobles

AN ACT Relating to providing support for utility customers impacted by COVID-19 through payment plans, including partial forgiveness of arrearages and a credit against the public utility tax; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Environment, Energy & Technology.

ESHB 1041 by House Committee on State Government & Tribal Relations (originally sponsored by Springer, Cody, Ortiz-Self, Gregerson, Frame and Jacobsen)

AN ACT Relating to sunshine committee recommendations regarding juveniles; amending RCW 7.69A.020, 7.69A.030, 10.97.130, 13.50.050, and 42.56.240; and reenacting and amending RCW 42.56.230.

Referred to Committee on State Government & Elections.

HB 1115 by Representatives Fey, Wylie, Bronoske and Ramos

AN ACT Relating to implementing cost recovery of state agency credit card and transaction fees and related costs for driver and vehicle fee transactions; adding new sections to chapter 46.01 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

E2SHB 1117 by House Committee on Appropriations (originally sponsored by Lekanoff, Fitzgibbon, Bateman, Simmons, Ramel, Peterson, Goodman, Ryu, Kloba, Chopp, Pollet, Macri and Davis)

AN ACT Relating to promoting salmon recovery through revisions to the state's comprehensive planning framework; amending RCW 36.70A.030, 36.70A.020, 36.70A.060, and 90.74.020; reenacting and amending RCW 36.70A.070; adding new sections to chapter 36.70A RCW; adding a new section to chapter 90.58 RCW; and creating new sections.

Referred to Committee on Housing & Local Government.

ESHB 1140 by House Committee on Civil Rights & Judiciary (originally sponsored by J. Johnson, Frame, Entenman, Sells, Taylor, Santos, Stonier, Ormsby, Lekanoff, Davis, Hackney, Macri, Callan, Chopp, Pollet, Ryu, Goodman, Berg, Ramos, Bergquist, Gregerson, Wicks, Peterson, Thai, Dolan, Bateman, Simmons, Fitzgibbon and Valdez)

AN ACT Relating to juvenile access to attorneys when contacted by law enforcement; amending RCW 13.40.140, 2.70.020, and 13.40.020; adding a new section to chapter 13.40 RCW; adding a new section to chapter 2.70 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

ESHB 1214 by House Committee on Education (originally sponsored by Senn, J. Johnson, Ramos, Dolan, Lovick,

Santos, Ortiz-Self, Slatter, Berg, Hackney, Callan, Valdez, Macri and Frame)

AN ACT Relating to the provision of K-12 public school safety and security services by classified staff or contractors; amending RCW 28A.320.124 and 18.170.105; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.710 RCW; and creating a new section.

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

2SHB 1219 by House Committee on Appropriations (originally sponsored by Frame, J. Johnson, Ramos, Bateman, Peterson, Fitzgibbon, Davis, Ryu, Fey, Senn, Lovick, Chase, Orwall, Taylor, Santos, Thai, Ortiz-Self, Ormsby, Simmons, Slatter, Berg, Chopp, Bergquist, Callan, Valdez, Macri, Goodman, Tharinger, Harris-Talley, Ybarra and Hackney)

AN ACT Relating to the appointment of counsel for youth in dependency court proceedings; amending RCW 13.34.090, 13.34.092, 13.34.100, 2.53.045, and 13.34.267; adding new sections to chapter 2.53 RCW; adding new sections to chapter 13.34 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 1269 by House Committee on Transportation (originally sponsored by Kirby, Barkis, Robertson and Chambers)

AN ACT Relating to motor vehicle transporter license plates; amending RCW 46.76.030, 46.76.040, and 46.76.050; reenacting and amending RCW 46.76.060 and 46.76.065; and providing an effective date.

Referred to Committee on Transportation.

SHB 1322 by House Committee on Transportation (originally sponsored by Wylie, Harris, Ortiz-Self and Eslick)

AN ACT Relating to off-road vehicle and snowmobile registration enforcement; amending RCW 46.09.420, 46.09.400, 46.09.410, 46.09.442, 46.93.210, 46.09.495, and 46.10.505; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SHB 1355 by House Committee on Rural Development, Agriculture & Natural Resources (originally sponsored by Dent, Chandler, Boehnke, Lovick, Dye, Fitzgibbon, Klippert, Jacobsen and Schmick)

AN ACT Relating to noxious weeds; and amending RCW 17.10.010, 17.10.030, 17.10.050, 17.10.060, 17.10.070, 17.10.074, 17.10.100, 17.10.140, 17.10.145, 17.10.205, 17.10.235, 17.10.240, 17.10.890, 17.04.240, 79.44.003, and 17.04.180.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

E2SHB 1382 by House Committee on Appropriations (originally sponsored by Tharinger, Dolan, Fitzgibbon, Wylie, Hackney and Callan)

AN ACT Relating to streamlining the environmental permitting process for salmon recovery projects; adding a new section to chapter 77.55 RCW; adding a new section to chapter 43.21C RCW; creating new sections; and providing expiration dates.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

EHB 1386 by Representatives Wicks, Dolan, Lovick, Sells, Berg and Hackney

AN ACT Relating to modifying the property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas; and amending RCW 84.25.030, 84.25.040, 84.25.080, and 84.25.130.

Referred to Committee on Ways & Means.

HB 1437 by Representatives MacEwen and Eslick

AN ACT Relating to a vessel crewmember license; and amending RCW 77.65.610.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

ESHB 1443 by House Committee on Commerce & Gaming (originally sponsored by Morgan, Wicks, Simmons, Berry, J. Johnson, Ramel, Kloba, Ryu, Peterson, Ormsby, Ortiz-Self, Harris-Talley and Macri)

AN ACT Relating to social equity within the cannabis industry; amending RCW 43.330.540, 69.50.335, and 69.50.336; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

ESHB 1529 by House Committee on Transportation (originally sponsored by Barkis, Fey, Slatter and Eslick)

AN ACT Relating to modifying requirements in order to pay for debt service obligations when toll revenues are not sufficient to cover legal obligations; amending RCW 47.56.876; and declaring an emergency.

Referred to Committee on Transportation.

#### MOTIONS

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

At 10:09 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

---

#### AFTERNOON SESSION

---

The Senate was called to order at 12:31p.m. by President Heck.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5295, by Senators Carlyle and Short

Transforming the regulation of gas and electrical companies toward multiyear rate plans and performance-based rate making.

#### MOTIONS

On motion of Senator Carlyle, Substitute Senate Bill No. 5295 was substituted for Senate Bill No. 5295 and the substitute bill was placed on the second reading and read the second time.

Senator Carlyle moved that the following striking floor amendment no. 359 by Senator Carlyle be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) To provide clarity and certainty to stakeholders on the details of performance-based regulation, the utilities and transportation commission is directed to conduct a proceeding to develop a policy statement addressing alternatives to traditional cost of service rate making, including performance measures or goals, targets, performance incentives, and penalty mechanisms. As part of such a proceeding, the utilities and transportation commission must consider factors including, but not limited to, lowest reasonable cost planning, affordability, increases in energy burden, cost of service, customer satisfaction and engagement, service reliability, clean energy or renewable procurement, conservation acquisition, demand side management expansion, rate stability, timely execution of competitive procurement practices, attainment of state energy and emissions reduction policies, rapid integration of renewable energy resources, and fair compensation of utility employees.

(2) In developing its policy statement, the utilities and transportation commission must in its proceeding allow for participation and consultation with regulated utilities, the attorney general's office, and other interested stakeholders including, but not limited to, residential, industrial, commercial, and low-income customers and organizations, as well as environmental or community organizations and stakeholders.

(3) By January 1, 2022, the utilities and transportation commission shall notify the chairs and ranking members of the appropriate committees of the legislature of the process to date, the expected duration of, and work plan associated with this proceeding.

NEW SECTION. Sec. 2. A new section is added to chapter 80.28 RCW to read as follows:

(1) Beginning January 1, 2022, every general rate case filing of a gas or electrical company must include a proposal for a multiyear rate plan as provided in this chapter. The commission may, by order after an adjudicative proceeding as provided by chapter 34.05 RCW, approve, approve with conditions, or reject, a multiyear rate plan proposal made by a gas or electrical company or an alternative proposal made by one or more parties, or any combination thereof. The commission's consideration of a proposal for a multiyear rate plan is subject to the same standards applicable to other rate filings made under this title, including the public interest and fair, just, reasonable, and sufficient rates. In determining the public interest, the commission may consider

FIFTY FOURTH DAY, MARCH 5, 2021

2021 REGULAR SESSION

such factors including, but not limited to, environmental health and greenhouse gas emissions reductions, health and safety concerns, economic development, and equity, to the extent such factors affect the rates, services, and practices of a gas or electrical company regulated by the commission.

(2) The commission may approve, disapprove, or approve with modifications any proposal to recover from ratepayers up to five percent of the total revenue requirement approved by the commission for each year of a multiyear rate plan for tariffs that reduce the energy burden of low-income residential customers including, but not limited to: (a) Bill assistance programs; or (b) one or more special rates. For any multiyear rate plan approved under this section resulting in a rate increase, the commission must approve an increase in the amount of low-income bill assistance to take effect in each year of the rate plan where there is a rate increase. At a minimum, the amount of such low-income assistance increase must be equal to double the percentage increase, if any, in the residential base rates approved for each year of the rate plan. The commission may approve a larger increase to low-income bill assistance based on an appropriate record.

(3)(a) If it approves a multiyear rate plan, the commission shall separately approve rates for each of the initial rate year, the second rate year and, if applicable, the third rate year, and the fourth rate year.

(b) The commission shall ascertain and determine the fair value for rate-making purposes of the property of any gas or electrical company that is or will be used and useful under RCW 80.04.250 for service in this state by or during each rate year of the multiyear rate plan. For the initial rate year, the commission shall, at a minimum, ascertain and determine the fair value for rate-making purposes of the property of any gas or electrical company that is used and useful for service in this state as of the rate effective date. The commission may order refunds to customers if property expected to be used and useful by the rate effective date when the commission approves a multiyear rate plan is in fact not used and useful by such a date.

(c) The commission shall ascertain and determine the revenues and operating expenses for rate-making purposes of any gas or electrical company for each rate year of the multiyear rate plan.

(d) In ascertaining and determining the fair value of property of a gas or electrical company pursuant to (b) of this subsection and projecting the revenues and operating expenses of a gas or electrical company pursuant to (c) of this subsection, the commission may use any standard, formula, method, or theory of valuation reasonably calculated to arrive at fair, just, reasonable, and sufficient rates.

(e) If the commission approves a multiyear rate plan with a duration of three or four years, then the electrical company must update its power costs as of the rate effective date of the third rate year. The proceeding to update the electrical company's power costs is subject to the same standards that apply to other rate filings made under this title.

(4) Subject to subsection (5) of this section, the commission may by order establish terms, conditions, and procedures for a multiyear rate plan and ensure that rates remain fair, just, reasonable, and sufficient during the course of the plan.

(5) Notwithstanding subsection (4) of this section, a gas or electrical company is bound by the terms of the multiyear rate plan approved by the commission for each of the initial rate year and the second rate year. A gas or electrical company may file a new multiyear rate plan in accordance with this section for the third rate year and fourth rate year, if any, of a multiyear rate plan.

(6) If the annual commission basis report for a gas or electrical company demonstrates that the reported rate of return on rate base

of the company for the 12-month period ending as of the end of the period for which the annual commission basis report is filed is more than .5 percent higher than the rate of return authorized by the commission in the multiyear rate plan for such a company, the company shall defer all revenues that are in excess of .5 percent higher than the rate of return authorized by the commission for further determination by the commission in a subsequent adjudicative proceeding. If a multistate electrical company with fewer than 250,000 customers in Washington files a multiyear rate plan that provides for no increases in base rates in consecutive years beyond the initial rate year, the commission shall waive the requirements of this subsection provided that such a waiver results in just and reasonable rates.

(7) The commission must, in approving a multiyear rate plan, determine a set of performance measures that will be used to assess a gas or electrical company operating under a multiyear rate plan. These performance measures may be based on proposals made by the gas or electrical company in its initial application, by any other party to the proceeding in its response to the company's filing, or in the testimony and evidence admitted in the proceeding. In developing performance measures, incentives, and penalty mechanisms, the commission may consider factors including, but not limited to, lowest reasonable cost planning, affordability, increases in energy burden, cost of service, customer satisfaction and engagement, service reliability, clean energy or renewable procurement, conservation acquisition, demand side management expansion, rate stability, timely execution of competitive procurement practices, attainment of state energy and emissions reduction policies, rapid integration of renewable energy resources, and fair compensation of utility employees.

(8) Nothing in this section precludes any gas or electrical company from making filings required or permitted by the commission.

(9) The commission shall align, to the extent practical, the timing of approval of a multiyear rate plan of an electrical company submitted pursuant to this section with the clean energy implementation plan of the electrical company filed pursuant to RCW 19.405.060.

(10) The provisions of this section may not be construed to limit the existing rate-making authority of the commission.

**Sec. 3.** RCW 80.28.068 and 2009 c 32 s 1 are each amended to read as follows:

~~((Upon))~~ (1) Upon its own motion, or upon request by an electrical or gas company, or other party to a general rate case hearing, or other proceeding to set rates, the commission may approve rates, charges, services, and/or physical facilities at a discount, or through grants, for low-income senior customers and low-income customers. Expenses and lost revenues as a result of these discounts or grants shall be included in the company's cost of service and recovered in rates to other customers. The gas or electrical company must use reasonable and good faith efforts to seek approval for low-income program design, eligibility, operation, outreach, and funding proposals from its low-income and equity advisory groups in advance of filing such proposals with the commission. In order to remove barriers and to expedite assistance, low-income discounts or grants approved under this section must be provided in coordination with community-based organizations in the gas or electrical company's service territory including, but not limited to, grantees of the department of commerce, community action agencies, and community-based nonprofit organizations. Nothing in this section may be construed as limiting the commission's authority to approve or modify tariffs authorizing low-income discounts or grants.

(2) Eligibility for a low-income discount rate or grant established in this section may be established upon verification of a low-income customer's receipt of any means-tested public benefit, or verification of eligibility for the low-income home energy assistance program, or its successor program, for which eligibility does not exceed the low-income definition set by the commission pursuant to RCW 19.405.020. The public benefits may include, but are not limited to, assistance that provides cash, housing, food, or medical care including, but not limited to, temporary assistance for needy families, supplemental security income, emergency assistance to elders, disabled, and children, supplemental nutrition assistance program benefits, public housing, federally subsidized or state-subsidized housing, the low-income home energy assistance program, veterans' benefits, and similar benefits.

(3) Each gas or electrical company shall conduct substantial outreach efforts to make the low-income discounts or grants available to eligible customers and must provide annual reports to the commission as to the gas or electrical company's outreach activities and results. Such outreach: (a) Shall be made at least semiannually to inform customers of available rebates, discounts, credits, and other cost-saving mechanisms that can help them lower their monthly bills for gas or electrical service; and (b) may be in the form of any customary and usual methods of communication or distribution including, without limitation, widely broadcast communications with customers, direct mailing, telephone calls, electronic communications, social media postings, in-person contacts, websites of the gas or electrical company, press releases, and print and electronic media, that are designed to increase access to and participation in bill assistance programs.

(4) Outreach may include establishing an automated program of matching customer accounts with lists of recipients of the means-tested public benefit programs and, based on the results of the matching program, to presumptively offer a low-income discount rate or grant to eligible customers so identified. However, the gas or electrical company must within 60 days of the presumptive enrollment inform such a low-income customer of the presumptive enrollment and all rights and obligations of a customer under the program, including the right to withdraw from the program without penalty.

(5) A residential customer eligible for a low-income discount rate must receive the service on demand.

(6) A residential customer may not be charged for initiating or terminating low-income discount rates, grants, or any other form of energy assistance.

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

(a) "Energy burden" has the same meaning as defined in RCW 19.405.020.

(b) "Low-income" has the same meaning as defined in RCW 19.405.020.

(c) "Physical facilities" includes, but may not be limited to, a community solar project as defined in RCW 80.28.370.

**NEW SECTION. Sec. 4.** A new section is added to chapter 80.28 RCW to read as follows:

(1) A gas company or electrical company may enter into one or more written agreements with organizations that represent broad customer interests in regulatory proceedings conducted by the commission. The agreement must govern the manner in which financial assistance may be provided to the organization. More than one gas company, electrical company, or organization representing customer interests may join in a single agreement. Any agreement entered into under this section must be approved by the commission before any financial assistance is provided under the agreement, provided that the commission must consider

whether the agreement is consistent with a reasonable allocation of financial assistance provided to organizations pursuant to this section among classes of customers of the gas or electrical company. Nothing in this subsection may be interpreted to prevent organizations representing vulnerable populations or highly impacted communities from qualifying as organizations that represent broad customer interests.

(2) Financial assistance made to an organization pursuant to this section is limited to funds contributed by the customer class or classes represented by such an organization. If an organization receiving funds pursuant to this section represents more than one class of customers of a gas or electrical company, then the funding available to such an organization must be equitably apportioned between or among the customer classes so represented.

(3) In administering an agreement entered into under subsection (1) of this section, the commission by rule or order may determine:

(a) The amount of financial assistance, if any, that may be provided to any organization;

(b) The manner in which the financial assistance is distributed;

(c) The manner in which the financial assistance is recovered in the rates of the gas company or electrical company under subsection (4) of this section; and

(d) Other matters necessary to administer the agreement.

(4) The commission shall allow a gas company or electrical company that provides financial assistance under this section to recover the amounts provided in rates. The commission shall allow a gas company or electrical company to defer inclusion of those amounts in rates if the gas company or electrical company so elects. An agreement under this section may not provide for payment of any amounts to the commission.

(5) Organizations representing vulnerable populations or highly impacted communities must be prioritized for funding under this section.

**NEW SECTION. Sec. 5.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 3 of the title, after "making;" strike the remainder of the title and insert "amending RCW 80.28.068; adding new sections to chapter 80.28 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 359 by Senator Carlyle to Substitute Senate Bill No. 5295.

The motion by Senator Carlyle carried and striking floor amendment no. 359 was adopted by voice vote.

#### MOTION

On motion of Senator Carlyle, the rules were suspended, Engrossed Substitute Senate Bill No. 5295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlyle, Short and Sheldon spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Wagoner, Senator Ericksen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5295.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5295 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

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

Voting nay: Senators Braun, Padden, Saldaña and Wagoner  
Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5015, by Senators Hunt, Billig, Das, Dhingra, Hasegawa, Keiser, Kuderer, Nguyen, and Wilson, C.

Concerning fraudulent portrayal of ballot drop boxes.

The measure was read the second time.

MOTION

Senator Wilson, J. moved that the following floor amendment no. 373 by Senator Wilson, J. be adopted:

On page 1, line 11, after "voter," strike "or"

On page 1, line 14, after "auditor" insert "; or"

(4) Establishes a location to collect ballots voted that does not prominently display at the location a sign printed in all capital letters in bold 50-point or greater type stating: "NOT AN OFFICIAL BALLOT DROP BOX." This subsection (4) does not apply to an election official in the performance of official duties"

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

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 373 by Senator Wilson, J. on page 1, line 11 to Senate Bill No. 5015.

The motion by Senator Wilson, J. did not carry and floor amendment no. 373 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 393 by Senator Rivers be adopted:

On page 1, line 11, after "voter," strike "or"

On page 1, line 14, after "auditor" insert "; or"

(4) If the person is not an election official in the performance of official duties, establishes a ballot drop box"

Senator Rivers spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 393 by Senator Rivers on page 1, line 11 to Senate Bill No. 5015.

The motion by Senator Rivers failed and floor amendment no. 393 was not adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Senate Bill No. 5015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

MOTION

On motion of Senator Wagoner, Senator Fortunato was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5015.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5015 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Ericksen and Fortunato

SENATE BILL NO. 5015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5361, by Senators McCune, Warnick, and Wilson, J.

Concerning the resentencing of persons convicted of drug offenses.

MOTIONS

On motion of Senator McCune, Substitute Senate Bill No. 5361 was substituted for Senate Bill No. 5361 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McCune, the rules were suspended, Substitute Senate Bill No. 5361 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCune and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5361.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5361 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 5361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Braun: “Thank you. So, this one snuck up on us Mr. President. But our last bill, by all reports was Senator McCune’s first bill in this chamber. So, our practice has been to provide him some feedback on the bill, we were so doggedly focused on the task before us we didn’t have an opportunity to do that. So, I’ll simply stand and welcome Senator McCune to the Senate. He has a long history of service in the State House, on the Pierce County Council and now he starts his service in the Washington state Senate. So, welcome to the Senate. We are glad to have you here Senator McCune. We look forward to years of working together. Thank you, Mr. President.”

#### PERSONAL PRIVILEGE

Senator Liias: “Thank you Mr. President. I had the opportunity to serve with Senator McCune in the House, so it is especially a high honor to welcome him to the Senate and appreciate Senator Braun’s comments on constructive feedback. I would say that Senator McCune read us a very wonderful speech on his first bill, and we look forward to more speeches from him in the future.”

#### PERSONAL PRIVILEGE

Senator Padden: “Thank you Mr. President. I also want to welcome the gentleman from the 2<sup>nd</sup> District who is assistant ranking member here on Law & Justice. Worked closely with myself and I think has been a good contributing member to the committee and really appreciate how he’s been received by the chair. And he also, people might not know this, but was not only one point represented the, as Representative of the 2<sup>nd</sup> District in our Legislature and been on The Pierce County Council, but way back when for a brief time was a Representative, I believe it was the 33<sup>rd</sup> District and South King County, so he does have a wealth of experience. Very interested in criminal justice issues and as you mentioned Mr. President we’re looking forward to that gift and hopefully not to cast any aspersions on our leader, but I remembered the gift from him was a glass full of mud from the Chehalis River so I’m hoping for something a little better from Senator McCune. Thank you, Mr. President.”

#### REMARKS BY THE PRESIDENT

President Heck: “That was a clear violation of Rule 29: Impeaching the motives of Senator Braun. And it will not be tolerated.”

#### PERSONAL PRIVILEGE

Senator Saldaña: “I also would like to welcome the gentleman from the 2<sup>nd</sup> Legislative District. While this particular session has been difficult for us to have a chance to really get to know each other and I do miss the gentlelady that used to serve in the 2<sup>nd</sup>, she was a gem, always sharing her rocks that she would find and invited me into her chambers to be able to engage and after floor session so but I do appreciate that Senator McCune has always consistent with his background image out fishing. I believe outside of Alaska and do appreciate that he is knowledgeable of one of my constituents who is also a fisherman as well and has been, has wanted to make sure that I always am informed about the impact to our fishing community and I think it is really important that we think about maritime as a future career and I’ll look forward to opportunities to figure out ways for us to collaborate in supporting food jobs in the maritime industry.”

#### PERSONAL PRIVILEGE

Senator Schoesler: “Thank you Mr. President. Wanted to bring out a couple of points about the gentleman from the 2<sup>nd</sup> District. I will accept a certain amount of blame for him joining us. Many, many years ago I actually doorbelled the 33<sup>rd</sup> District with him, so I am somewhat to blame. I will point out to the good gentleman that the new senator from the 16<sup>th</sup> set the bar fairly high for the gift and he should look no farther than the lead of the gentleman from the 16<sup>th</sup> District in gift giving.”

#### PERSONAL PRIVILEGE

Senator Wagoner: “Thank you Mr. President. I too want to welcome Senator McCune to our body and I want to proffer a compliment that he well deserves and hopefully other members will be listening and be led by his example so as the whip I have a difficult task of keeping track of where people are and when they need to be excused and I have to say Senator McCune is the most dedicated he keeps me informed lets me know and I so appreciate that and I hope everybody else is listening.”

#### PERSONAL PRIVILEGE

Senator Keiser: “Thank you Mr. President and I am so pleased to welcome Senator McCune to the Senate. We go back a long way. As was said, my district, the 33<sup>rd</sup> District, used to also be Senator McCune’s before he was a Senator, and when he was there, he was with me. Now we’re together again. Welcome to the Senate.”

#### REMARKS BY SENATOR LIAS

Senator Liias: “I was going to make a motion that we go at ease for lunch, but I was hoping that Senator McCune had a point of personal privilege and I just want to reserve a moment for him if you would like to ring in.”

#### REMARKS BY THE PRESIDENT

President Heck: “I think the exciting announcement about the nature of the gift is probably forthcoming. And it appears that he has now indicated a willingness to share.”

#### PERSONAL PRIVILEGE

Senator McCune: “Thank you Mr. President. Well, I understand that there is gift giving for a new member to all the

FIFTY FOURTH DAY, MARCH 5, 2021

2021 REGULAR SESSION

members, I have not picked out that gift Mr. President, as of yet. I'm still researching that it might be something from my district or something from Alaska. I'm not exactly sure yet and I really appreciate the comments from the good senators, and I appreciate being in the Senate. Thank you, Mr. President."

PERSONAL PRIVILEGE

Senator Sheldon: "Mr. President, Senator Saldaña and others have noted Senator McCune's background that he's using on our electronic sessions here and that of course is a beautiful view of probably Bristol Bay with the mountains in the background and I'm sure that Senator Salomon you know we have to endure his fishing stories over and over he's a big time recreational fishers, fisher. But I gotta say that the Senator McCune catches those fish by the boatload so that should kind of silence the one of our members with his fishing stories because quantity is where it counts so Senator McCune welcome to the Senate."

REMARKS BY SENATOR SALOMON

Senator Salomon: "Senator Sheldon, I will not be silenced."

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. Perhaps it's because I'm about ready to announce that we are going to take a lunch break, but I would suggest to Senator McCune that there is one thing that unites our state and Alaska, and it is salmon. So, you know, a few pounds of that beautiful salmon, maybe smoked. Those are some suggestions you might bear in mind as you think about what gift to bring us."

MOTION

Senator Billig moved that in accordance with Emergency Rules, that the rules be suspended and that the package distributed earlier be pulled from the Committee on Rules and placed on the 2<sup>nd</sup> Reading Calendar.

Senator Billig spoke in favor of the motion.

Senator Braun spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Billig that the Emergency Rules be suspended, and the Committee on Rules be relieved of the package of bills and those bills be placed on the 2<sup>nd</sup> Reading Calendar.

The motion by Senator Billig carried and the Committee on Rules was relieved of the package of bills by voice vote.

MOTION

Senator Billig moved that in accordance with Emergency Rule J, the Rules Committee be relieved of the consent package and the bills placed on the Consent Calendar.

The President declared the question before the Senate to be the motion by Senator Billig to relieve the Rules Committee of the consent package and place that package on the Consent Calendar.

The motion by Senator Billig carried and the committee was relieved of the consent package by voice vote.

MOTION

At 1:09 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

----

The Senate was called to order at 1:51 p.m. by President Heck.

SECOND READING

SENATE BILL NO. 5195, by Senators Liias, Muzzall, Das, Dhingra, Nguyen, and Wilson, C.

Concerning prescribing opioid overdose reversal medication.

MOTIONS

On motion of Senator Liias, Second Substitute Senate Bill No. 5195 was substituted for Senate Bill No. 5195 and the substitute bill was placed on the second reading and read the second time.

Revised for 2<sup>nd</sup> Substitute: Concerning opioid overdose reversal medication.

On motion of Senator Liias, the rules were suspended, Second Substitute Senate Bill No. 5195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Muzzall and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5195.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5195 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

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

Voting nay: Senators Carlyle and Van De Wege

Absent: Senator Salomon

Excused: Senator Ericksen

SECOND SUBSTITUTE SENATE BILL NO. 5195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Braun: "Thank you Mr. President. So, during the bill before we went to lunch, there was some discussion, some points of personal privilege and our colleague from the fourth made reference to my gift when I entered the Senate in 2013 and while I don't particularly take offense, Mr. President, I thought it was important to put it in context and point out that in addition to a canister of mud, which I did deliver to each member, I also provided them a box of frozen vegetables and that made all the difference Mr. President."

SECOND READING

SENATE BILL NO. 5263, by Senators Frockt, Pedersen, Das, Hasegawa, Hunt, Kuderer, Liias, Saldaña, Wellman, and Wilson, C.

Concerning defenses in personal injury and wrongful death actions where the person injured or killed was committing a felony.

#### MOTION

On motion of Senator Frockt, Substitute Senate Bill No. 5263 was substituted for Senate Bill No. 5263 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 293 by Senator Wagoner be adopted:

On page 1, beginning on line 16, after "that" strike all material through "that" on line 17

On page 1, line 18, after "felony," insert "or that the finder of fact has determined beyond a reasonable doubt that the person injured or killed was engaged in a class C felony."

Senator Wagoner spoke in favor of adoption of the amendment. Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 293 by Senator Wagoner on page 1, line 16 to Substitute Senate Bill No. 5263.

The motion by Senator Wagoner did not carry and floor amendment no. 293 was not adopted by voice vote.

#### WITHDRAWAL OF AMENDMENTS

On motion of Senator Padden and without objection, floor amendment no. 285 by Senator Padden on page 1, line 18, floor amendment no. 286 by Senator Padden on page 2, line 1, striking floor amendment no. 287 by Senator Padden, and striking floor amendment no. 288 by Senator Padden to Substitute Senate Bill No. 5263 were withdrawn.

#### MOTION

Senator Pedersen moved that the following striking floor amendment no. 372 by Senator Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.24.420 and 1987 c 212 s 901 are each amended to read as follows:

((#)) (1) Except in an action arising out of law enforcement activities resulting in personal injury or death, it is a complete defense to any action for damages for personal injury or wrongful death that the person injured or killed was engaged in the commission of a felony at the time of the occurrence causing the injury or death and the felony was a proximate cause of the injury or death. ((However, nothing))

(2) In an action arising out of law enforcement activities resulting in personal injury or death, it is a complete defense to the action that the finder of fact has determined beyond a reasonable doubt that the person injured or killed was engaged in the commission of a felony at the time of the occurrence causing the injury or death, the commission of which was a proximate cause of the injury or death.

(3) Nothing in this section shall affect a right of action under 42 U.S.C. Sec. 1983."

On page 1, line 2 of the title, after "felony;" strike the remainder of the title and insert "and amending RCW 4.24.420."

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

The President declared the question before the Senate to be the adoption of striking floor amendment no. 372 by Senator Pedersen to Substitute Senate Bill No. 5263.

The motion by Senator Pedersen carried and striking floor amendment no. 372 was adopted by voice vote.

#### MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 5263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5263.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5263 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

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

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

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5188, by Senators Kuderer, Nguyen, Conway, Darneille, Das, Dhingra, Hasegawa, Hunt, Liias, Lovelett, Stanford, Van De Wege, Wellman, and Wilson, C.

Concerning the creation of the Washington state public bank.

#### MOTION

On motion of Senator Kuderer, Second Substitute Senate Bill No. 5188 was substituted for Senate Bill No. 5188 and the substitute bill was placed on the second reading and read the second time.

Revised for 2nd Substitute: Concerning creation of the Washington state public financial cooperative.

#### MOTION

FIFTY FOURTH DAY, MARCH 5, 2021

2021 REGULAR SESSION

Senator Dozier moved that the following floor amendment no. 390 by Senator Dozier be adopted:

On page 4, line 9, after "means" strike "the state government,"  
On page 4, line 9, after "local government" strike ";

On page 5, line 19, after "(ii)" strike "An appropriation" and insert "A loan from the state to be paid back within five years"

Senator Gildon spoke in favor of adoption of the amendment.  
Senator Mullet spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 390 by Senator Dozier on page 4, line 9 to Second Substitute Senate Bill No. 5188.

The motion by Senator Dozier did not carry and floor amendment no. 390 was not adopted by voice vote.

MOTION

Senator Kuderer moved that the following floor amendment no. 395 by Senator Kuderer be adopted:

On page 5, line 2, after "tribe" strike "as defined in RCW 43.376.010"

Senator Kuderer spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 395 by Senator Kuderer on page 5, line 2 to Second Substitute Senate Bill No. 5188.

The motion by Senator Kuderer carried and floor amendment no. 395 was adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 394 by Senator Fortunato be adopted:

On page 6, line 8, after "act" insert "that must include bylaws and regulations that provide procedures related to the default on bonds issued by the cooperative"

On page 11, line 6, after "funds." insert "Any bond obligations, including those created by the default on bonds issued under this chapter, are not obligations of the state and are not payable with funds of the state of Washington."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Mullet spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 394 by Senator Fortunato on page 6, line 8 to Second Substitute Senate Bill No. 5188.

The motion by Senator Fortunato did not carry and floor amendment no. 394 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 389 by Senator Short be adopted:

On page 11, line 20, after "(3)" insert "The cooperative shall not issue any bonds with a rating less than AA by Standard & Poor's or the equivalent rating from another major credit ratings agency."  
(4)"

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

Senator Short spoke in favor of adoption of the amendment.

Senator Mullet spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 389 by Senator Short on page 11, line 20 to Second Substitute Senate Bill No. 5188.

The motion by Senator Short did not carry and floor amendment no. 389 was not adopted by voice vote.

MOTION

Senator Brown moved that the following floor amendment no. 391 by Senator Brown be adopted:

On page 11, line 20, after "(3)" insert "The cooperative shall maintain a reserve fund funded to cover two years of debt service payments on loans that the cooperative extends to borrowers."  
(4)"

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

Senator Brown spoke in favor of adoption of the amendment.

Senator Mullet spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 391 by Senator Brown on page 11, line 20 to Second Substitute Senate Bill No. 5188.

The motion by Senator Brown did not carry and floor amendment no. 391 was not adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Wellman, Lovelett and Hasegawa spoke in favor of passage of the bill.

Senators Fortunato, Wilson, L., Schoesler and King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5188.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5188 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

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

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

Excused: Senator Erickson

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5293, by Senators Nobles, Darneille, Das, Dhingra, Hasegawa, Keiser, Lovelett, Nguyen, Rivers, Salomon, Van De Wege, and Wilson, C.

Addressing mental health sentencing alternatives.

## MOTIONS

On motion of Senator Nobles, Second Substitute Senate Bill No. 5293 was substituted for Senate Bill No. 5293 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nobles, the rules were suspended, Second Substitute Senate Bill No. 5293 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5293.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5293 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Ericksen

SECOND SUBSTITUTE SENATE BILL NO. 5293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PARLIAMENTARY INQUIRY

Senator Hasegawa: "Well, the board said we were on second reading, so it was not clear to me exactly which one we were on when we were voting, but never mind, that's okay. We need, we actually do need a button I think, to be able to get a clarification like that."

## REPLY BY THE PRESIDENT

President Heck: "A roll call is not interruptible Senator Hasegawa."

## SECOND READING

SENATE BILL NO. 5268, by Senators Keiser, Braun and Nguyen

Transforming services for individuals with intellectual and developmental disabilities by increasing the capabilities of

community residential settings and redesigning the long-term nature of intermediate care facilities.

## MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5268 was substituted for Senate Bill No. 5268 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Braun moved that the following floor amendment no. 388 by Senator Braun be adopted:

On page 9, line 9, after "implications;" strike "and"

On page 9, line 13, after "requirements" insert ";

(c) When crisis stabilization services are available in the community, the individual is presented with the option to receive services in the community prior to placement in an intermediate care facility; and

(d) When the individual has not achieved crisis stabilization after 60 days of initial placement in the intermediate care facility, the department of social and health services must convene the individual's team of care providers including, but not limited to, the individual's case manager, the individual's community-based providers, and, if applicable, the individual's managed care organization to review and make any necessary changes to the individual's crisis stabilization care plan"

On page 9, after line 18, insert the following:

"(3) Subject to funding appropriated specifically for this purpose, the department of social and health services must make every effort to ensure the individual does not lose their community placement while the individual is receiving crisis stabilization services. The department of social and health services must:

(a) Work with community residential service providers to provide a 90-day bedhold for individuals who are transferred from the community residential service provider to an intermediate care facility for crisis stabilization services; and

(b) Utilize client participation or other resources to pay the rent for individuals who are facing eviction due to failure to pay the rent caused by the transfer from subsidized housing to an intermediate care facility for crisis stabilization services."

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

On page 9, line 21, after "(1)" strike "and (2)" and insert "through (3)"

Senator Braun spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 388 by Senator Braun on page 9, line 9 to Substitute Senate Bill No. 5268.

The motion by Senator Braun carried and floor amendment no. 388 was adopted by voice vote.

## MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5268 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Braun and King spoke in favor of passage of the bill.

FIFTY FOURTH DAY, MARCH 5, 2021

2021 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5268.

SECOND READING

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5268 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5268, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5368, by Senators Short, Fortunato, and Wilson, L.

Encouraging rural economic development.

MOTIONS

On motion of Senator Short, Second Substitute Senate Bill No. 5368 was substituted for Senate Bill No. 5368 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Short, the rules were suspended, Second Substitute Senate Bill No. 5368 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short, Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5368.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5368 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

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

Voting nay: Senators Conway, Hasegawa, Rolfes and Salomon  
Excused: Senator Ericksen

SECOND SUBSTITUTE SENATE BILL NO. 5368, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5304, by Senators Wilson, C., Dhingra, Darneille, Das, Frockt, Hasegawa, Holy, Lovelett, Nguyen, Rivers and Wellman

Providing reentry services to persons releasing from state and local institutions.

MOTION

On motion of Senator Wilson, C., Second Substitute Senate Bill No. 5304 was substituted for Senate Bill No. 5304 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wilson, C. moved that the following floor amendment no. 239 by Senator Wilson, C. be adopted:

On page 3, line 19, after "organization" strike "at least 30 days"

On page 9, line 14, after "organization" strike "at least 30 days"

On page 9, line 34, after "provide" strike "mental and"

On page 10, line 17, after "organizations;" insert "jail administrators;"

On page 10, line 22, after "by" strike "December 1, 2021" and insert "July 1, 2022"

On page 10, line 23, after "December 1," strike "2022" and insert "2023"

On page 11, at the beginning of line 2, strike "December 1, 2021" and insert "July 1, 2022"

On page 11, line 2, after "November 1," strike "2022" and insert "2023"

Senator Wilson, C. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 239 by Senator Wilson, C. on page 3, line 19 to Second Substitute Senate Bill No. 5304.

The motion by Senator Wilson, C. carried and floor amendment no. 239 was adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 392 by Senator Wagoner be adopted:

Beginning on page 5, line 11, strike all of sections 6 through 11 and insert the following:

"**Sec. 6.** RCW 72.09.370 and 2019 c 325 s 5025 are each amended to read as follows:

(1) The offender reentry community safety program is established to provide intensive services to offenders identified under this subsection and to thereby promote successful reentry, public safety, and recovery. The secretary shall identify offenders in confinement or partial confinement who: (a) Are reasonably believed to ~~((be dangerous))~~ present a danger to themselves or others if released to the community without supportive services; and (b) have a mental disorder. In ~~((determining an offender's dangerousness))~~ evaluating these criteria, the secretary shall consider behavior known to the department and factors, based on research, that are linked to ~~((an increased))~~ risk ~~((for))~~ of dangerousness of offenders with mental illnesses within the

criminal justice system and shall include consideration of an offender's history of substance use disorder or abuse.

(2) Prior to release of an offender identified under this section, a team consisting of representatives of the department of corrections, the health care authority, and, as necessary, the indeterminate sentence review board, divisions or administrations within the department of social and health services, specifically including the division of developmental disabilities, the appropriate managed care organization (~~((contracted with the health care authority, the appropriate))~~) or behavioral health administrative services organization, and the providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the offender upon release. In developing the plan, the offender shall be offered assistance in executing a mental health advance directive under chapter 71.32 RCW, after being fully informed of the benefits, scope, and purposes of such directive. The team may include a school district representative for offenders under the age of ~~((twenty-one))~~ 21. The team shall consult with the offender's counsel, if any, and, as appropriate, the offender's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 72.09.712 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific offender. The team may recommend: (a) That the offender be evaluated by ~~((the))~~ a designated crisis responder, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or substance use disorder or abuse treatment.

(3) Prior to release of an offender identified under this section, the team shall determine whether or not an evaluation by a designated crisis responder is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate designated crisis responder. The supporting documentation shall include the offender's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a designated crisis responder is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a designated crisis responder shall occur on the day of release if requested by the team, based upon new information or a change in the offender's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the designated crisis responder determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the offender only to a state hospital or to a consenting evaluation and treatment facility or secure withdrawal management and stabilization facility. The department shall arrange transportation of the offender to the hospital or facility.

(7) If the designated crisis responder believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the offender to appear at an evaluation and treatment facility or secure withdrawal management and stabilization facility. If a summons is issued, the offender shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified ~~((evaluation and treatment))~~ facility.

(8) The secretary shall adopt rules to implement this section.

**Sec. 7.** RCW 71.24.470 and 2019 c 325 s 1030 are each amended to read as follows:

(1) The director shall contract, to the extent that funds are appropriated for this purpose, for case management services and such other services as the director deems necessary to assist offenders identified under RCW 72.09.370 for participation in the offender reentry community safety program. The contracts may be with any qualified and appropriate entities. The director shall ensure the authority has coverage in all counties of the state for the purposes of providing offender reentry community safety program services.

(2) The case manager has the authority to assist these offenders in obtaining the services, as set forth in the plan created under RCW 72.09.370(2), for up to five years. The services may include coordination of mental health services, assistance with unfunded medical expenses, assistance obtaining substance use disorder treatment, housing, employment services, educational or vocational training, independent living skills, parenting education, anger management services, peer services, and such other services as the case manager deems necessary.

(3) The legislature intends that funds appropriated for the purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section are to supplement and not to supplant general funding. Funds appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212, and this section are not to be considered available resources as defined in RCW 71.24.025 and are not subject to the priorities, terms, or conditions in the appropriations act established pursuant to RCW 71.24.035.

(4) The offender reentry community safety program was formerly known as the community integration assistance program.

**Sec. 8.** RCW 71.24.480 and 2019 c 325 s 1031 are each amended to read as follows:

(1) A licensed or certified behavioral health agency acting in the course of the ~~((provider's))~~ agency's duties under this chapter ~~((-is))~~ and its individual employees are not liable for civil damages resulting from the injury or death of another caused by a participant in the offender reentry community safety program who is a client of the ~~((provider or organization))~~ agency, unless the act or omission of the ~~((provider or organization))~~ agency or employee constitutes:

(a) Gross negligence;

(b) Willful or wanton misconduct; or

(c) A breach of the duty to warn of and protect from a client's threatened violent behavior if the client has communicated a serious threat of physical violence against a reasonably ascertainable victim or victims.

(2) In addition to any other requirements to report violations, the licensed or certified behavioral health agency shall report an offender's expressions of intent to harm or other predatory behavior, regardless of whether there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment.

(3) A licensed or certified behavioral health agency's mere act of treating a participant in the offender reentry community safety program is not negligence. Nothing in this subsection alters the licensed or certified behavioral health agency's normal duty of care with regard to the client.

(4) The limited liability provided by this section applies only to the conduct of licensed or certified behavioral health agencies and their employees and does not apply to conduct of the state.

(5) For purposes of this section, "participant in the offender reentry community safety program" means a person who has been identified under RCW 72.09.370 as an offender who: (a) Is

FIFTY FOURTH DAY, MARCH 5, 2021

2021 REGULAR SESSION

reasonably believed to ~~((be dangerous))~~ present a danger to himself or herself or others if released to the community without supportive services; and (b) has a mental disorder.

**NEW SECTION. Sec. 9.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall convene a reentry services work group to consider ways to improve reentry services for persons with an identified behavioral health services need. The work group shall:

(a) Advise the authority on its waiver application under section 6 of this act;

(b) Develop a plan to assure notifications of the person's release date, current location, and other appropriate information are provided to the person's managed care organization at least 30 days before the person's scheduled release from confinement, or as soon as practicable thereafter, in accordance with RCW 74.09.555;

(c) Consider the value of expanding, replicating, or adapting the essential elements of the offender reentry community safety program under RCW 72.09.370 and 71.24.470 to benefit new populations, such as:

(i) A larger group of incarcerated persons in the department of corrections than those who currently have the opportunity to participate;

(ii) State hospital patients committed under criminal insanity laws under chapter 10.77 RCW;

(iii) Involuntary treatment patients committed under chapter 71.05 RCW;

(iv) Persons committed to juvenile rehabilitation;

(v) Persons confined in jail; and

(vi) Other populations recommended by the work group;

(d) Consider whether modifications should be made to the offender reentry community safety program;

(e) Identify potential costs and savings for the state and local governments which could be realized through the use of telehealth technology to provide mental and behavioral health services, expansion or replication of the offender reentry community safety program, or other reentry programs which are supported by evidence;

(f) Consider the sustainability of reentry or diversion services provided by pilot programs funded by contempt fines in *Trueblood, et al., v. Washington State DSHS*, No. 15-35462;

(g) Recommend a means of funding expanded reentry services; and

(h) Consider incorporation of peer services into the offender reentry community safety program.

(2) The authority shall invite participation in the work group by stakeholders including but not limited to representatives from: Disability rights Washington; behavioral health advocacy organizations; behavioral health peers; reentry community services providers; community behavioral health agencies; advocates for persons with developmental disabilities; the department of corrections; the department of children, youth, and families; the Washington association of sheriffs and police chiefs; prosecutors; defense attorneys; the Washington state association of counties; King county behavioral health and recovery division; the department of social and health services; state hospital employees who serve patients committed under chapters 10.77 and 71.05 RCW; the public safety review panel under RCW 10.77.270; managed care organizations; behavioral health administrative services organizations; the Washington statewide reentry council; the Washington state senate; the Washington state house of representatives; and the Washington state institute for public policy.

(3) The work group must provide a progress report to the governor and appropriate committees of the legislature by December 1, 2021, and a final report by December 1, 2022.

**NEW SECTION. Sec. 10.** The Washington state institute for public policy shall update its previous evaluations of the offender reentry community safety program under RCW 72.09.370 and 71.24.470, and broaden its cost-benefit analysis to include impacts on the use of public services, and other factors. The institute shall collaborate with the work group established under section 9 of this act to determine research parameters and help the work group answer additional research questions including, but not limited to, the potential cost, benefit, and risks involved in expanding or replicating the offender reentry community safety program; and what modifications to the program are most likely to prove advantageous based on the current state of knowledge about evidence-based, research-based, and promising programs. The department of corrections, health care authority, administrative office of the courts, King county, and department of social and health services must cooperate with the institute to facilitate access to data or other resources necessary to complete this work. The institute must provide a preliminary report by December 1, 2021, and a final report by November 1, 2022, to the governor and relevant committees of the legislature.

**Sec. 11.** RCW 72.09.270 and 2008 c 231 s 48 are each amended to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every offender who is committed to the jurisdiction of the department except:

(a) Offenders who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) Offenders who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all offenders using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each offender. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the offender, including any learning disabilities, substance abuse or mental health issues, and social or behavior deficits.

(4)(a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than ~~((forty-five))~~ 45 days of being sentenced to the jurisdiction of the department of corrections.

(b) The offender's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than ~~((sixty))~~ 60 days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the offender's children and family;

(b) An individualized portfolio for each offender that includes the offender's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the offender during the period of incarceration through reentry into the community that addresses the needs of the offender including education, employment, substance abuse

treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(6)(a) Prior to discharge of any offender, the department shall:

(i) Evaluate the offender's needs and, to the extent possible, connect the offender with existing services and resources that meet those needs; and

(ii) Connect the offender with a community justice center and/or community transition coordination network in the area in which the offender will be residing once released from the correctional system if one exists.

(b) If the department recommends partial confinement in an offender's individual reentry plan, the department shall maximize the period of partial confinement for the offender as allowed pursuant to RCW 9.94A.728 to facilitate the offender's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the offender's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8)(a) In determining the county of discharge for an offender released to community custody, the department may ~~((not))~~ approve a residence location that is not in the offender's county of origin ~~((unless it is determined by the))~~ if the department determines that the ~~((offender's return to his or her county of origin would be inappropriate considering))~~ residence location would be appropriate based on any court-ordered condition of the offender's sentence, victim safety concerns, ~~((negative influences on the offender in the community, or the))~~ and factors that increase opportunities for successful reentry and long-term support including, but not limited to, location of family or other sponsoring persons or organizations that will support the offender, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences on the offender in the community.

(b) In implementing the provisions of this subsection, the department shall approve residence locations in a manner that will not cause any one county to be disproportionately impacted.

(c) If the offender is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the offender is placed with a written explanation.

~~((e))~~ (d)(i) For purposes of this section, except as provided in (d)(ii) of this subsection, the offender's county of origin means the county of the offender's residence at the time of the offender's first felony conviction in Washington state.

(ii) If the offender is a homeless person as defined in RCW 43.185C.010, or the offender's residence is unknown, then the offender's county of origin means the county of the offender's first felony conviction in Washington state.

(9) Nothing in this section creates a vested right in programming, education, or other services."

Senator Wagoner spoke in favor of adoption of the amendment.  
Senator Darneille spoke against adoption of the amendment.

#### PARLIAMENTARY INQUIRY

Senator Wagoner: "Thank you Mr. President. I'm inquiring about the volume. It was very difficult for me to hear Senator Darneille, so I am wondering what the best procedure is when the volume drops to a point where we can't hear her very well?"

#### REPLY BY THE PRESIDENT

President Heck: "We're on it."

Senator Padden spoke in favor of adoption of the amendment.

#### PARLIAMENTARY INQUIRY

Senator Darneille: "Thank you, Mr. President. I was going to wonder if being remote it was difficult to stand up and ask for the speaker to actually be referencing the document before us which is an amendment to an excellent reentry bill. And I too could go on and on Mr. President about the good things that are happened at our Department of Corrections..."

#### REPLY BY THE PRESIDENT

President Heck: "Senator Darneille, this is not a point of inquiry."

#### PARLIAMENTARY INQUIRY

Senator Hawkins: "Well thank you Mr. President. I don't mean to take away from the debate that we are having but since the conversation came up about volume, I'm actually having some trouble hearing the people who are speaking on the floor. And I would just, actually, thing have gone really well during this remote session and with the Zoom I can hear everybody on Zoom. And I can hear almost everyone who speaks on the floor, but I don't expect everyone to remember this, but when you hold the microphone, hold it up a little bit because some of the folks who are softer spoken and they are wearing masks, it does get difficult to hear if they are not holding the microphone close. I have the option to increase my volume, but between the Zoom speakers and the floor speakers, it is kind of like one of those volume up, volume down movies where you have to keep the remote control close. So, I just encourage everybody on the floor to hold it up if they would be so kind. Thank you, Mr. President."

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 392 by Senator Wagoner on page 5, line 11 to Second Substitute Senate Bill No. 5304.

The motion by Senator Wagoner did not carry and floor amendment no. 392 was not adopted by voice vote.

#### MOTION

On motion of Senator Wilson, C., the rules were suspended, Engrossed Second Substitute Senate Bill No. 5304 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C., Gildon and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5304.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5304 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

FIFTY FOURTH DAY, MARCH 5, 2021

2021 REGULAR SESSION

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

Excused: Senator Ericksen

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5405, by Senators Hasegawa, Conway, Lias, Nguyen, Saldaña, and Wilson, C.

Instructing the joint legislative audit and review committee to perform racial equity analyses.

MOTION

On motion of Senator Hasegawa, Substitute Senate Bill No. 5405 was substituted for Senate Bill No. 5405 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Braun moved that the following floor amendment no. 397 by Senator Braun be adopted:

On page 1, after line 15, insert the following:

**"NEW SECTION. Sec. 2.** (1) The joint legislative audit and review committee must complete a racial equity analysis by December 31, 2021, on the impact of the restrictions on in-person K-12 education put in place since the state of emergency declared on February 29, 2020, for all counties in Washington due to COVID-19.

(2) This section expires July 1, 2022."

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

On page 1, beginning on line 2 of the title, after "RCW 44.28.005;" strike all material through "RCW" on line 3 and insert "adding a new section to chapter 44.28 RCW; creating a new section; and providing an expiration date"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 397 by Senator Braun on page 1, line 15 to Substitute Senate Bill No. 5405.

The motion by Senator Braun carried and floor amendment no. 397 was adopted by voice vote.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Engrossed Substitute Senate Bill No. 5405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5405.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5405 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Padden and Wagoner

ENGROSSED SUBSTITUTE SENATE BILL NO. 5405, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5004, by Senate Committee on Ways & Means (originally sponsored by Keiser, Warnick, Conway, Das, King, Kuderer, Saldaña, and Wilson, C.)

Providing a tax exemption for medical marijuana patients.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5004 was substituted for Senate Bill No. 5004 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5004 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5004.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5004 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

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

Voting nay: Senators Braun, Brown, Dozier, Honeyford, Padden, Schoesler and Short

SUBSTITUTE SENATE BILL NO. 5004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5357, by Senators Honeyford, King, Wagoner, Wellman, and Wilson, L.

Establishing and making appropriations for the capital broadband investment acceleration program.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5357 was substituted for Senate Bill No. 5357 and the substitute bill was placed on the second reading and read the second time.

Revised for 1st Substitute: Establishing the capital broadband investment acceleration program.

MOTION

Senator Wellman moved that the following floor amendment no. 361 by Senator Wellman be adopted:

On page 2, beginning on line 5, after "office" strike all material through "revitalization board," on line 6

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

"(5) The statewide broadband office must develop a project evaluation process to assist in coordination among state broadband infrastructure funders to maximize opportunities to leverage federal funding and ensure efficient state investment in achieving the policy objectives of RCW 43.330.536. The project evaluation process must help standardize the assessment of proposed broadband projects so that the state funders, soon after a project is identified, can determine whether the project is a strong candidate for a known federal funding opportunity. The statewide broadband office will use the tool to identify whether a project can be packaged as part of a regional or other coordinated federal grant proposal. The statewide broadband office, public works board, and community economic revitalization board are encouraged to enter into a memorandum of understanding outlining how coordination will take place so that the process can help with a coordinated funding strategy across these entities."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 361 by Senator Wellman on page 2, line 5 to Substitute Senate Bill No. 5357.

The motion by Senator Wellman carried and floor amendment no. 361 was adopted by voice vote.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5357 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Mullet, Carlyle and Short spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5357.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5357 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

ENGROSSED SUBSTITUTE SENATE BILL NO. 5357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5043, by Senators Salomon, Rolfes, Conway, Das, Hasegawa, Hunt, Kuderer, Lovelett, Saldaña, Wellman, and Wilson, C.

Providing housing to school district employees.

The measure was read the second time.

MOTION

On motion of Senator Salomon, the rules were suspended, Senate Bill No. 5043 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Salomon, Wellman, Hasegawa, Rolfes and Braun spoke in favor of passage of the bill.

Senators Hawkins, Fortunato, Rivers and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5043.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5043 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5043, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5058, by Senators Rolfes and Van De Wege

Making technical changes to certain natural resources-related accounts.

FIFTY FOURTH DAY, MARCH 5, 2021

2021 REGULAR SESSION

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 5058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5058.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5058 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Ericksen

SENATE BILL NO. 5058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:27 p.m., on motion of Senator Lias, the Senate adjourned until 10:00 o'clock a.m. Saturday, March 6, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**FIFTY FIFTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Saturday, March 6, 2021

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

The Washington State Patrol Honor Guard presented the Colors.

Mr. Narayan Das and Mr. Niam Das led the Senate in the Pledge of Allegiance. Narayan and Niam Das are nephews of Senator Das.

The prayer was offered by Pastor Chris Rule of Orting Baptist Church.

**MOTIONS**

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

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

**MESSAGE FROM THE HOUSE**

March 4, 2021

MR. PRESIDENT:  
The House has passed:

- HOUSE BILL NO. 1034,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1139,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1197,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1227,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1335,
- SUBSTITUTE HOUSE BILL NO. 1379,
- SUBSTITUTE HOUSE BILL NO. 1438,
- HOUSE BILL NO. 1495,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING**

2SHB 1033 by House Committee on Finance (originally sponsored by Leavitt, Boehnke, Bronoske, Santos, Paul and Orwall)

AN ACT Relating to the Washington customized employment training program; amending RCW 82.04.449; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education & Workforce Development.

HB 1034 by Representatives Fitzgibbon, Cody, Ortiz-Self and Wylie

AN ACT Relating to park and recreation district levies; amending RCW 36.69.145, 84.52.010, and 84.52.043; and creating a new section.

Referred to Committee on Ways & Means.

E2SHB 1073 by House Committee on Appropriations (originally sponsored by Berry, Wicks, Fitzgibbon, Bateman, Tharinger, Simmons, Kloba, Ramel, Ortiz-Self, Goodman, Ryu, Bronoske, Hackney, Chopp, Riccelli, Stonier, Frame, Macri, Davis, Pollet, Bergquist and Harris-Talley)

AN ACT Relating to expanding coverage of the paid family and medical leave program; amending RCW 50A.15.010 and 50A.30.020; adding a new section to chapter 50A.15 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Labor, Commerce & Tribal Affairs.

ESHB 1097 by House Committee on Labor & Workplace Standards (originally sponsored by Sells, Bateman, Ortiz-Self, Kloba, Chopp, Ormsby, Stonier and Macri)

AN ACT Relating to increasing worker protections; amending RCW 49.17.130, 49.17.140, 49.17.160, and 49.17.180; adding a new section to chapter 51.04 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce & Tribal Affairs.

ESHB 1113 by House Committee on Education (originally sponsored by Ortiz-Self, Kloba and Pollet)

AN ACT Relating to school attendance; amending RCW 28A.225.015, 28A.225.030, 28A.225.151, 28A.225.020, 28A.225.025, 28A.225.026, 28A.225.0261, 28A.225.027, 28A.225.035, 28A.225.090, and 28A.225.090; adding a new section to chapter 28A.225 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

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

E2SHB 1139 by House Committee on Appropriations (originally sponsored by Pollet, Callan, Berg, Dolan, Ryu, Leavitt, Bronoske, Ramel, Ramos, Lekanoff, Stonier, Ortiz-Self, Frame, Goodman, Rule, Bergquist, Berry, Wylie, J. Johnson, Taylor and Valdez)

AN ACT Relating to taking action to address lead in school drinking water; adding a new section to chapter 28A.210 RCW; adding new sections to chapter 43.70 RCW; adding a new section to chapter 43.20 RCW; and creating new sections.

FIFTY FIFTH DAY, MARCH 6, 2021

2021 REGULAR SESSION

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

HB 1167 by Representatives Bateman, Dolan and Hackney  
AN ACT Relating to Thurston county superior court judges; amending RCW 2.08.065; and creating a new section.

Referred to Committee on Law & Justice.

E2SHB 1186 by House Committee on Appropriations (originally sponsored by Goodman, Senn, Sullivan, Leavitt, Gregerson, Fitzgibbon, Ortiz-Self, Duerr, Tharinger, Macri, Davis, Pollet, Callan, Harris-Talley and Hackney)

AN ACT Relating to juvenile rehabilitation; amending RCW 72.01.412, 13.40.020, 13.40.205, 13.40.215, 13.40.220, and 13.04.800; creating new sections; and providing a contingent effective date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

ESHB 1189 by House Committee on Finance (originally sponsored by Duerr, Boehnke, Bateman, Sullivan, Fitzgibbon, Walen, Ramel, Springer, Wicks, Slatter, Pollet, Callan and Harris-Talley)

AN ACT Relating to tax increment financing; amending RCW 84.55.010 and 84.55.120; and adding a new chapter to Title 39 RCW.

Referred to Committee on Business, Financial Services & Trade.

ESHB 1197 by House Committee on Civil Rights & Judiciary (originally sponsored by Riccelli, Tharinger, Cody, Pollet and Harris-Talley)

AN ACT Relating to health care decisions made by a designated person; amending RCW 7.70.065; reenacting and amending RCW 7.70.065; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

SHB 1207 by House Committee on Transportation (originally sponsored by Ramel, Boehnke, Lekanoff, Lovick, Ortiz-Self, Eslick, Bergquist and Leavitt)

AN ACT Relating to improving access to department of licensing issued documents by extending the issuance period of driver licenses and identicards to eight years, allowing online issuance and renewal of instruction permits, and expanding online renewal of driver licenses and identicards; amending RCW 46.20.049, 46.20.055, 46.20.091, 46.20.120, 46.20.161, 46.20.181, 46.20.202, and 46.20.505; reenacting and amending RCW 46.20.117; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1209 by House Committee on Civil Rights & Judiciary (originally sponsored by Bronoske, Cody, Sells, Walen, Lekanoff, Peterson, Fey, Fitzgibbon, Ryu, Taylor, Shewmake, Santos, Thai, Ortiz-Self, Dolan, Gregerson, Hackney, Callan, Valdez, Riccelli, Macri and Goodman)

AN ACT Relating to immunity protection for nonmedical assistance; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Law & Justice.

E2SHB 1220 by House Committee on Appropriations (originally sponsored by Peterson, Macri, Bateman, Ryu, Lekanoff, Fitzgibbon, Kloba, Davis, Lovick, Santos, Ortiz-Self, Simmons, Berg, Hackney, Chopp, Tharinger and Frame)

AN ACT Relating to supporting emergency shelters and housing through local planning and development regulations; amending RCW 36.70A.020 and 36.70A.030; reenacting and amending RCW 36.70A.070; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Housing & Local Government.

E2SHB 1227 by House Committee on Appropriations (originally sponsored by Ortiz-Self, Callan, Senn, Dolan, Fitzgibbon, Ramos, Davis, Santos, Macri, Gregerson, Young and Ormsby)

AN ACT Relating to protecting the rights of families responding to allegations of abuse or neglect of a child; amending RCW 13.34.040, 26.44.056, 26.44.050, 13.34.050, 13.34.062, 13.34.060, 13.34.065, and 13.34.090; creating new sections; and providing an effective date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 1259 by House Committee on Appropriations (originally sponsored by Santos, Dolan, Ryu, Valdez, Fey, Ramel, Ortiz-Self, Hackney, Ramos, Kloba, Callan, Lekanoff, Macri, Gregerson, Slatter, Stonier and Harris-Talley)

AN ACT Relating to expanding public contracting opportunities for women and minority business enterprises by increasing the regulatory oversight and accountability of the office of minority and women's business enterprises; amending RCW 39.19.020, 39.19.060, 39.19.080, 39.19.090, 39.19.200, and 39.19.250; adding a new section to chapter 39.19 RCW; and repealing RCW 39.19.100 and 39.19.110.

Referred to Committee on Business, Financial Services & Trade.

ESHB 1267 by House Committee on Public Safety (originally sponsored by Entenman, Hackney, Senn, Dolan, Leavitt, Berry, Fitzgibbon, Valdez, Simmons, Ramel, Ortiz-Self, Ramos, Chopp, Davis, Thai, Bergquist, Peterson, Kloba, Callan, Lekanoff, Macri, Goodman, Gregerson, J. Johnson, Lovick, Slatter, Ryu, Berg, Harris-Talley, Sells, Tharinger, Orwall, Pollet, Santos and Ormsby)

AN ACT Relating to investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents; amending RCW 10.93.020, 39.26.125, and 10.114.011; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Law & Justice.

E2SHB 1287 by House Committee on Transportation (originally sponsored by Ramel, Hackney, Bateman, Fitzgibbon, Berry, Goodman, Santos, Kloba, Macri, Bergquist, Ormsby and Pollet)

AN ACT Relating to preparedness for a zero emissions transportation future; amending RCW 19.280.030 and 19.27.540; adding a new section to chapter 47.01 RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SHB 1301 by House Committee on Transportation (originally sponsored by Fitzgibbon, Hackney, Valdez and Macri)

AN ACT Relating to providing expanded options for fare enforcement by regional transit authorities; and amending RCW 81.112.210 and 81.112.220.

Referred to Committee on Transportation.

SHB 1333 by House Committee on Finance (originally sponsored by Tharinger, Steele, Hackney and Lekanoff)

AN ACT Relating to providing an extension to the local sales and use tax for public facilities in rural counties; and amending RCW 82.14.370.

Referred to Committee on Ways & Means.

E2SHB 1335 by House Committee on Appropriations (originally sponsored by Valdez, Rude, Berry, Fitzgibbon, Morgan, Santos, Shewmake, Davis, Berg, Gilday, Bergquist, Fey, Bateman, Lekanoff, Lovick, Callan, Riccelli, Rule, Pollet, Senn and Harris-Talley)

AN ACT Relating to review and property owner notification of recorded documents with unlawful racial restrictions; amending RCW 64.06.020 and 49.60.227; adding a new section to chapter 43.330 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Business, Financial Services & Trade.

SHB 1357 by House Committee on State Government & Tribal Relations (originally sponsored by Mosbrucker, Gregerson, Chase and Berry)

AN ACT Relating to voters' pamphlets for overseas and service voters; amending RCW 29A.40.020, 29A.32.260, and 29A.72.025; and creating new sections.

Referred to Committee on State Government & Elections.

SHB 1379 by House Committee on Transportation (originally sponsored by Lovick, Boehnke, Sutherland, Ryu and Dent)

AN ACT Relating to establishing an unpiloted aircraft system state coordinator and program funding source; amending RCW 47.68.250, 47.68.250, and 47.68.020; adding a new section to chapter 47.68 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1438 by House Committee on Finance (originally sponsored by Orcutt, Sutherland, Graham, Young, Volz and Eslick)

AN ACT Relating to expanding eligibility for property tax exemptions for service-connected disabled veterans and senior citizens by modifying income thresholds for eligibility to allow deductions for common health care-related expenses; reenacting and amending RCW 84.36.383; and creating a new section.

Referred to Committee on Ways & Means.

SHB 1446 by House Committee on Environment & Energy (originally sponsored by Fey)

AN ACT Relating to prohibiting a utility from being assessed a penalty for not meeting its biennial acquisition target for cost-effective conservation in special circumstances outside the utility's control; and amending RCW 19.285.040 and 19.285.060.

Referred to Committee on Environment, Energy & Technology.

EHB 1453 by Representatives Bergquist, Volz, Valdez, Lekanoff, Shewmake, Sutherland and Riccelli

AN ACT Relating to voters' pamphlets; amending RCW 29A.32.010, 29A.32.020, 29A.32.031, 29A.32.060, 29A.32.070, 29A.32.090, 29A.32.110, 29A.32.121, 29A.32.210, 29A.32.220, 29A.32.230, 29A.32.241, 29A.32.250, 29A.32.260, 29A.32.280, and 29A.72.025; and providing an effective date.

Referred to Committee on State Government & Elections.

HB 1495 by Representatives Chapman, Robertson and Dent

AN ACT Relating to providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

E2SHB 1504 by House Committee on Appropriations (originally sponsored by Chopp, Simmons, Berry, Davis, Valdez, Wylie, J. Johnson, Ryu, Tharinger, Taylor, Goodman, Bergquist, Ramel, Peterson, Senn, Dolan, Ormsby, Duerr, Macri, Kloba, Callan, Morgan, Stonier, Pollet, Riccelli and Thai)

AN ACT Relating to modifying the workforce education investment act to invest in new and existing behavioral health workforce programs; amending RCW 28B.145.030 and 43.79.195; adding a new section to chapter 28B.115 RCW; adding a new section to chapter 71.24 RCW; and creating new sections.

Referred to Committee on Higher Education & Workforce Development.

ESHB 1521 by House Committee on Finance (originally sponsored by Entenman, Sullivan, Callan, Jacobsen, Taylor, Stokesbary, Gregerson and Ormsby)

AN ACT Relating to supporting warehousing and manufacturing job centers; adding new sections to chapter

FIFTY FIFTH DAY, MARCH 6, 2021

2021 REGULAR SESSION

82.14 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Business, Financial Services & Trade.

MOTIONS

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

At 10:07 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

---

AFTERNOON SESSION

---

The Senate was called to order at 12:22 a.m. by President Heck.

MOTION

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

SECOND READING

SENATE BILL NO. 5237, by Senators Wilson, C., Dhingra, Das, Billig, Conway, Darneille, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Saldaña and Salomon

Expanding accessible, affordable child care and early childhood development programs.

MOTIONS

On motion of Senator Wilson, C., Second Substitute Senate Bill No. 5237 was substituted for Senate Bill No. 5237 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Van De Wege moved that the following floor amendment no. 343 by Senator Van De Wege be adopted:

Beginning on page 4, line 25, after "purposes" strike all material through "RCW 41.56.028" on page 6, line 12

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

**"NEW SECTION. Sec. 102. FAIR START FOR KIDS SPENDING GOALS AND STRATEGIES.** The spending goals and strategies for the fair start for kids account created under section 101 of this act include, but are not limited to:

(1) Increasing child care subsidy rates, with the goal of moving toward the full cost of providing high quality child care;

(2) Expanding health care coverage through state sponsorship of child care workers on the Washington health benefit exchange and providing consumer assistance through navigators, as well as any other expansions of access to affordable health care for staff in child care centers, family home providers, outdoor nature-based care, and early childhood education and assistance program staff;

(3) Increasing child care and early learning providers' compensation;

(4) Implementing the provisions of collective bargaining agreements for family child care providers negotiated pursuant to RCW 41.56.028;

(5) Supporting and expanding access to the early childhood education and assistance program to reach state-funded entitlement required in RCW 43.216.556;

(6) Making child care affordable for families;

(7) Providing resources and supports for family, friend, and neighbor caregivers that better reflect the full cost of care;

(8) Providing professional development opportunities for child care and early learning providers;

(9) Delivering infant and early childhood mental health consultation services;

(10) Establishing prekindergarten through third grade systems coordinators at educational service districts;

(11) Supporting youth development programs serving children and youth ages birth through 12 including, but not limited to, expanded learning opportunities, mentoring, school-age child care, and wraparound supports or integrated student supports;

(12) Awarding grants and loans through the early learning facilities grant and loan program established under chapter 43.31 RCW;

(13) Paying enhanced rates for special rate designations in the working connections child care programs, early childhood education and assistance programs, and birth to three early childhood education and assistance programs including designations established in sections 302, 304, 305, and 404 of this act;

(14) Supporting costs for transparent data collection and information technology systems operated by the department and department contractors, in particular, to ensure equitable systemic service provision and outcomes;

(15) Providing access to learning technology;

(16) Providing child care resource and referral services;

(17) Conducting quality rating and improvement system activities through the early achievers program;

(18) Expanding prenatal to three services and supports, including the birth to three early childhood education and assistance program and the in-home parent skill-based programs established in RCW 43.216.130;

(19) Building and delivering a family resource and referral linkage system;

(20) Administering comprehensive shared services hubs to allow the ongoing pooling and shared use of services by licensed or certified child care centers and family home providers;

(21) Training department staff to ensure consistent and equitable application of child care licensing and quality standards across the state including antibias and antiracist training;

(22) Providing incentives for child care providers to become licensed; and

(23) Recognizing the benefits of the diverse workforce and facilitating communication in the three most commonly spoken languages by developing a language access plan that centers on equity and access for immigrants, multilingual providers, caregivers, and families."

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

On page 6, line 28, after "section" strike "101" and insert "102"

On page 12, line 1, after "(11)" insert "The council shall convene a temporary licensing subcommittee to provide feedback and recommendations on improvement to the statewide licensing process. The subcommittee shall examine strategies to increase the number of licensed child care providers in the state. The

subcommittee shall develop model policies for licensed child care providers to implement licensing standards including, but not limited to, completing the child care and early learning licensing guidebook, to be made available to support providers with compliance. The subcommittee shall also develop recommendations regarding incentives and financial supports to help prospective providers navigate the licensing process. The subcommittee shall provide feedback and recommendations pursuant to this subsection (11) by December 1, 2022.

(12)"

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

On page 27, after line 7, insert the following:

"**NEW SECTION. Sec. 313.** NEGOTIATED RULE MAKING WITH CHILD CARE CENTERS. The secretary shall engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the largest organization representing child care center owners and directors; the largest organization representing supervisors, teachers, and aides; and other affected interests before adopting requirements that affect child care center licensees."

On page 35, line 30, after "((twelve))" strike "13" and insert "12"

On page 51, line 31, after "101" strike ", 103" and insert "through 103"

On page 51, line 32, after "311" strike ", 312" and insert "through 313"

Senators Van De Wege and Wilson, C. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 343 by Senator Van De Wege on page 4, line 25 to Second Substitute Senate Bill No. 5237.

The motion by Senator Van De Wege carried and floor amendment no. 343 was adopted by voice vote.

#### MOTION

Senator Braun moved that the following floor amendment no. 435 by Senator Braun be adopted:

On page 6, beginning on line 11, strike all of subsection (3)

On page 21, beginning on line 22, strike all of subsection (4)

On page 23, beginning on line 17, strike all of subsection (4)

On page 30, beginning on line 14, after "(3)" strike all material through "section." on line 17 and insert "The department must adopt rules to implement this section."

On page 51, after line 13, insert the following:

"**NEW SECTION. Sec. 601.** Nothing in this act changes the department's responsibility to collectively bargain over mandatory subjects consistent with RCW 41.56.028(3) or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs consistent with legislative reservation of rights under RCW 41.56.028(4)(d). For RCW 43.216.749, the parties should bargain over the implementation of the subsidy rates and apply those rates consistent with that section and the agreement reached between the parties."

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

On page 51, line 32, after "404," strike "and 405" and insert "405, and 601"

Senators Braun and Wilson, C. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 435 by Senator Braun on page 6, line 11 to Second Substitute Senate Bill No. 5237.

The motion by Senator Braun carried and floor amendment no. 435 was adopted by voice vote.

#### MOTION

Senator Wilson, L. moved that the following floor amendment no. 428 by Senator Wilson, L. be adopted:

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

"**Sec. 102.** RCW 43.88.055 and 2020 c 218 s 2 are each amended to read as follows:

(1) The legislature must adopt a four-year balanced budget as follows:

(a) Beginning in the 2013-2015 fiscal biennium, the legislature shall enact a balanced omnibus operating appropriations bill that leaves, in total, a positive ending fund balance in the general fund and related funds.

(b) Beginning in the 2013-2015 fiscal biennium, the projected maintenance level of the omnibus appropriations bill enacted by the legislature shall not exceed the available fiscal resources for the next ensuing fiscal biennium.

(2) For purposes of this section:

(a) "Available fiscal resources" means the beginning general fund and related fund balances and any fiscal resources estimated for the general fund and related funds, adjusted for enacted legislation, and with forecasted revenues adjusted to the greater of (i) the official general fund and related funds revenue forecast for the ensuing biennium, or (ii) the official general fund and related funds forecast for the second fiscal year of the current fiscal biennium, increased by 4.5 percent for each fiscal year of the ensuing biennium;

(b) "Projected maintenance level" means estimated appropriations necessary to maintain the continuing costs of program and service levels either funded in that appropriations bill or mandated by other state or federal law, and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to Article VII, section 12 of the state Constitution;

(c) "Related funds," as used in this section, means the Washington opportunity pathways account, the workforce education investment account, the fair start for kids account, and the education legacy trust account.

(3) Subsection (1)(a) and (b) of this section does not apply to an appropriations bill that makes net reductions in general fund and related funds appropriations and is enacted between July 1st and February 15th of any fiscal year.

(4) Subsection (1)(b) of this section does not apply in a fiscal biennium in which money is appropriated from the budget stabilization account pursuant to Article VII, section 12(d)(ii) of the state Constitution."

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

On page 1, line 2 of the title, after "RCW" insert "43.88.055,"

Senators Wilson, L. and Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 428 by Senator Wilson, L. on page 6, line 12 to Second Substitute Senate Bill No. 5237.

The motion by Senator Wilson, L. carried and floor amendment no. 428 was adopted by voice vote.

#### MOTION

Senator Rolfes moved that the following floor amendment no. 408 by Senator Rolfes be adopted:

On page 12, line 26, after "(2)" strike "By July 1, 2025" and insert "Beginning July 1, 2021"

On page 12, line 34, after "(3)" strike "By" and insert "Beginning"

On page 13, line 17, after "July 1," strike "2023" and insert "2021"

On page 14, line 23, after "July 1," strike "2023" and insert "2021"

On page 20, line 35, after "(2)" strike "(a) By" and insert "Beginning"

On page 20, line 36, after "the" strike "75th" and insert "85th"

On page 21, beginning on line 1, strike all of subsection (2)(b)

On page 21, beginning on line 27, after "(1)" strike all material through "(a)" on line 29

On page 21, line 29, after "2021-22" strike "through 2022-23 school years, rates" and insert "school year, rates for the early childhood education and assistance program"

On page 21, line 30, after "least" strike "five" and insert "10"

On page 21, beginning on line 32, strike all of subsection (1)(b)

On page 22, line 18, after "(1)" strike "By" and insert "Beginning"

On page 23, line 1, after "(1)" strike "By" and insert "Beginning"

On page 25, line 26, after "~~(The)~~" strike "By" and insert "Beginning"

On page 30, line 6, after "(2)" strike "By" and insert "Beginning"

Beginning on page 49, line 24, strike all of section 508

Correct any internal references accordingly.

On page 51, beginning on line 25, strike all of section 603

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

On page 51, beginning on line 29, strike all of section 605

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

On page 52, line 3, after "**608.**" strike "Section 504 of this act is" and insert "Sections 201, 202, 301, 310, and 504 of this act are"

On page 52, line 6, after "and" strike "takes" and insert "take"

On page 1, line 4 of the title, after "43.216.710," strike "43.216.514, and 43.216.136" and insert "and 43.216.514"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 408 by Senator Rolfes on page 12, line 26 to Second Substitute Senate Bill No. 5237.

The motion by Senator Rolfes carried and floor amendment no. 408 was adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 430 by Senator Braun be adopted:

On page 12, line 26, after "July 1," strike "2025" and insert "2024"

On page 12, line 34, after "July 1," strike "2027" and insert "2024"

On page 13, line 19, after "July 1," strike "2027" and insert "2024"

On page 15, beginning on line 32, after "program" strike all material through "income" on line 36

On page 17, beginning on line 28, after "incomes" strike all material through "incomes" on line 31

On page 18, beginning on line 6, after "~~if~~)" strike all material through "but" on line 7

On page 20, line 5, after "July 1," strike "2024" and insert "2023"

On page 51, line 28, after "July 1," strike "2026" and insert "2024"

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, floor amendment no. 430 by Senator Braun on page 12, line 26 to Second Substitute Senate Bill No. 5237 was withdrawn.

MOTION

Senator Short moved that the following floor amendment no. 423 by Senator Short be adopted:

On page 27, after line 7, insert the following:

**NEW SECTION. Sec. 313.** The legislature recognizes that certain areas of the state lack access to licensed child care and early learning programs. The legislature acknowledges that family home licensees must provide care in their private residences. The legislature intends to explore a new family home hub model that would allow family home licensees to operate child care and early learning programs in homes where the licensee does not reside. The legislature intends to establish a pilot project to determine if this new model can increase access to licensed child care and early learning programs.

**NEW SECTION. Sec. 314.** (1) The department shall establish a family home hub pilot project. The purpose of the pilot project is to allow family home licensees to operate child care and early learning programs in private residences where the licensee does not reside. The pilot project must commence beginning August 31, 2021, and conclude June 30, 2026.

(2) The department must select up to 10 family home licensees who live east of the crest of the Cascade mountains and up to 10 family home licensees who live west of the crest of the Cascade mountains to participate in the pilot project. The department must select family home licensees who live in:

(a) Areas where there are few or limited licensed child care and early learning programs; or

(b) Areas of need where child care and early learning programs are at or near full capacity, and where access may be restricted by one or more enrollment waitlists.

(3) The department must adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the family home hub except for staff-to-child ratio requirements. The rules must:

(a) Require a supervisor at each private residence who meets training and supervision requirements established by the department; and

(b) Allow but not require the family home licensee or supervisor to live at the private residence or in a dwelling unit located on the same lot as the private residence that is the site of the licensed program.

(4)(a) By November 30, 2025, the department must report to the appropriate committees of the legislature on findings from the pilot project, including:

(i) Potential costs of implementing family home hubs;

(ii) Impact on new license applications and license capacity; and

(iii) Impact on access to child care and early learning programs; and

(b) The department must recommend whether the family home hub pilot project should be modified or expanded.

(5) This section expires August 1, 2026."

On page 31, line 22, after "quarters" insert ", except as provided in section 314 of this act"

On page 51, line 32, after "312," insert "314,"

Senator Short spoke in favor of adoption of the amendment.

Senator Wilson, C. spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 423 by Senator Short on page 27, line 7 to Second Substitute Senate Bill No. 5237.

The motion by Senator Short did not carry and floor amendment no. 423 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 433 by Senator Padden be adopted:

On page 27, after line 7, insert the following:

**"NEW SECTION. Sec. 313.** (1) By July 1, 2022, the department shall provide additional supports to aid interested parties in becoming licensed or certified child care providers.

(2) The department shall adopt rules to create a regulatory relief incentive program to increase the number of child care providers. The incentives for potential providers may include:

(a) Suspending, delaying, or waiving certain regulations that act as barriers to entry in the child care market;

(b) Granting providers a longer period of at least one year to meet licensing requirements;

(c) Reevaluating required child-to-staff ratios and minimum indoor space requirements for licensing; and

(d) Removing or waiving requirements for licensing as they relate to the early achievers program."

On page 51, line 32, after "311" strike ", 312" and insert "through 313"

Senator Padden spoke in favor of adoption of the amendment.

Senators Wilson, C. and Billig spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 433 by Senator Padden on page 27, line 7 to Second Substitute Senate Bill No. 5237.

The motion by Senator Padden did not carry and floor amendment no. 433 was not adopted by voice vote.

#### MOTION

On motion of Senator Wilson, C., the rules were suspended, Engrossed Second Substitute Senate Bill No. 5237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C., Nobles, Billig, Lovelett and Salomon spoke in favor of passage of the bill.

Senators Hawkins, Fortunato, Rivers, Braun, Wilson, L., Short and Brown spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5237.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5237 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 1:21 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

---

The Senate was called to order at 1:58 p.m. by President Heck.

#### SECOND READING

SENATE BILL NO. 5096, by Senators Robinson, Hunt, Nguyen, and Wilson, C.

Concerning an excise tax on gains from the sale or exchange of certain capital assets.

#### MOTIONS

On motion of Senator Robinson, Substitute Senate Bill No. 5096 was substituted for Senate Bill No. 5096 and the substitute bill was placed on the second reading and read the second time.

Revised for 1st Substitute: Enacting an excise tax on gains from the sale or exchange of certain capital assets.

Senator Robinson moved that the following striking floor amendment no. 363 by Senator Robinson be adopted:

Strike everything after the enacting clause and insert the following:

#### **"Part I Capital Gains Tax**

**NEW SECTION. Sec. 101.** (1) The legislature recognizes that a tax system that is fair, balanced, and works for everyone is essential to help all Washingtonians grow and thrive. But Washington's tax system today is the most regressive in the nation because it asks those making the least to pay the most as a percentage of their income. Middle-income families in Washington pay two to four times more in taxes, as a percentage of household income, as compared to top earners in the state. Low-income Washingtonians pay at least six times more than do our wealthiest residents. To begin to rebalance the tax code, the legislature intends to enact an excise tax on the sale of certain capital assets.

(2) The excise tax on capital gains is a tax on the one-time, voluntary sale or exchange of a capital asset, not a tax on

ownership of the asset itself. This excise tax is paid only by those individuals who engage in voluntary sales or exchanges of Washington capital assets, either directly or indirectly through their ownership interest in an entity that engages in voluntary sales or exchanges of Washington capital assets, and is measured by the realization of significant net gain on the aggregate of such transactions during the taxable year. In order to protect against further regressive impacts of the tax system, encourage the everyday investments that Washingtonians of all income levels strive for, and support our economy, this excise tax will not apply to capital gains realized by certain sales and transfers. The legislature specifically finds and declares that the excise tax on the voluntary sale or exchange of capital assets is necessary for the support of state government and its existing institutions.

(3) To help meet the state's obligations to its people, the legislature dedicates the first \$350,000,000 in revenue collected from this excise tax to the state's education legacy trust account. This funding is critically needed to provide support for education, especially early learning and child care, and to provide for the economic security of low-income households who are struggling to afford quality child care and preschool. Furthermore, the legislature finds that increasing taxes on the wealthiest residents is only one-half of the effort to rebalance the tax code. In an effort to both reduce the tax burden on those earning the least and to account for anticipated volatility in revenue collections from the capital gains excise tax, revenue received above base levels will be deposited into the taxpayer fairness account. Revenues deposited in this account will be used to offset existing tax burdens via policies such as funding of the working families' tax exemption.

**NEW SECTION. Sec. 102.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adjusted capital gain" means federal net long-term capital gain:

(a) Plus any amount of long-term capital loss from a sale or exchange that is exempt from the tax imposed in this chapter, to the extent such loss was included in calculating federal net long-term capital gain;

(b) Plus any amount of long-term capital loss from a sale or exchange that is not allocated to Washington under section 108 of this act, to the extent such loss was included in calculating federal net long-term capital gain;

(c) Plus any amount of loss carryforward from a sale or exchange that is not allocated to Washington under section 108 of this act, to the extent such loss was included in calculating federal net long-term capital gain;

(d) Less any amount of long-term capital gain from a sale or exchange that is not allocated to Washington under section 108 of this act, to the extent such gain was included in calculating federal net long-term capital gain; and

(e) Less any amount of long-term capital gain from a sale or exchange that is exempt from the tax imposed in this chapter, to the extent such gain was included in calculating federal net long-term capital gain.

(2) "Capital asset" has the same meaning as provided by Title 26 U.S.C. Sec. 1221 of the internal revenue code and also includes any other property if the sale or exchange of the property results in a gain that is treated as a long-term capital gain under Title 26 U.S.C. Sec. 1231 or any other provision of the internal revenue code.

(3) "Federal net long-term capital gain" means the net long-term capital gain reportable for federal income tax purposes determined as if Title 26 U.S.C. Secs. 55 through 59, 1400Z-1, and 1400Z-2 of the internal revenue code did not exist.

(4) "Individual" means a natural person.

(5) "Internal revenue code" means the United States internal revenue code of 1986, as amended, as of the effective date of this section, or such subsequent date as the department may provide by rule consistent with the purpose of this chapter.

(6) "Long-term capital asset" means a capital asset that is held for more than one year.

(7) "Long-term capital gain" means gain from the sale or exchange of a long-term capital asset.

(8) "Long-term capital loss" means a loss from the sale or exchange of a long-term capital asset.

(9) "Real estate" has the same meaning as in RCW 82.45.032, except that real estate does not include an individual's ownership interest or beneficial interest in an entity which itself owns an interest in real property located in this state for the purposes of this chapter.

(10)(a) "Resident" means an individual:

(i) Who is domiciled in this state during the taxable year, unless the individual (A) maintained no permanent place of abode in this state during the entire taxable year, (B) maintained a permanent place of abode outside of this state during the entire taxable year, and (C) spent in the aggregate not more than 30 days of the taxable year in this state; or

(ii) Who is not domiciled in this state during the taxable year, but maintained a place of abode and was physically present in this state for more than 183 days during the taxable year.

(b) For purposes of this subsection, "day" means a calendar day or any portion of a calendar day.

(c) An individual who is a resident under (a) of this subsection is a resident for that portion of a taxable year in which the individual was domiciled in this state or maintained a place of abode in this state.

(11) "Taxable year" means the taxpayer's taxable year as determined under the internal revenue code.

(12) "Taxpayer" means an individual subject to tax under this chapter.

(13) "Washington capital gains" means an individual's adjusted capital gain less \$250,000, as adjusted annually under section 115 of this act, for each return filed under this chapter.

**NEW SECTION. Sec. 103.** (1) Beginning January 1, 2022, an excise tax is imposed on the sale or exchange of long-term capital assets. Only individuals are subject to payment of the tax, which equals seven percent multiplied by an individual's Washington capital gains.

(2) If an individual's Washington capital gains are less than zero for a taxable year, no tax is due under this section and no such amount is allowed as a carryover for use in the calculation of that individual's adjusted capital gain, as defined in section 102(1) of this act, for any taxable year. To the extent that a loss carryforward is included in the calculation of an individual's federal net long-term capital gain and that loss carryforward is directly attributable to losses from sales or exchanges allocated to this state under section 108 of this act, the loss carryforward is included in the calculation of that individual's adjusted capital gain for the purposes of this chapter. An individual may not include any losses carried back for federal income tax purposes in the calculation of that individual's adjusted capital gain for any taxable year.

(3)(a) The tax imposed in this section applies to the sale or exchange of long-term capital assets owned by the taxpayer, whether the taxpayer was the legal or beneficial owner of such assets at the time of the sale or exchange. The tax applies when the Washington capital gains are recognized by the taxpayer in accordance with this chapter.

(b) For purposes of this chapter:

(i) An individual is considered to be a beneficial owner of long-term capital assets held by an entity that is a pass-through or disregarded entity for federal tax purposes, such as a partnership, limited liability company, S corporation, or grantor trust, to the extent of the individual's ownership interest in the entity as reported for federal income tax purposes.

(ii) A nongrantor trust is deemed to be a grantor trust if the trust does not qualify as a grantor trust for federal tax purposes, and the grantor's transfer of assets to the trust is treated as an incomplete gift under Title 26 U.S.C. Sec. 2511 of the internal revenue code and its accompanying regulations. A grantor of such trust is considered the beneficial owner of the capital assets of the trust for purposes of the tax imposed in this section and must include any long-term capital gain or loss from the sale or exchange of a capital asset by the trust in the calculation of that individual's adjusted capital gain, if such gain or loss is allocated to this state under section 108 of this act.

**NEW SECTION. Sec. 104.** This chapter does not apply to the sale or exchange of:

- (1) All real estate;
- (2) Assets held under a retirement savings account under Title 26 U.S.C. Sec. 401(k) of the internal revenue code, a tax-sheltered annuity or custodial account described in Title 26 U.S.C. Sec. 403(b) of the internal revenue code, a deferred compensation plan under Title 26 U.S.C. Sec. 457(b) of the internal revenue code, an individual retirement account or individual retirement annuity described in Title 26 U.S.C. Sec. 408 of the internal revenue code, a Roth individual retirement account described in Title 26 U.S.C. Sec. 408A of the internal revenue code, an employee defined contribution program, an employee defined benefit plan, or a similar retirement savings vehicle;
- (3) Assets pursuant to, or under imminent threat of, condemnation proceedings by the United States, the state or any of its political subdivisions, or a municipal corporation;
- (4) Cattle, horses, or breeding livestock if for the taxable year of the sale or exchange, more than 50 percent of the taxpayer's gross income for the taxable year, including from the sale or exchange of capital assets, is from farming or ranching;
- (5) Property depreciable under Title 26 U.S.C. Sec. 167(a)(1) of the internal revenue code, or that qualifies for expensing under Title 26 U.S.C. Sec. 179 of the internal revenue code;
- (6) Timber, timberland, or the receipt of Washington capital gains as dividends and distributions from real estate investment trusts derived from gains from the sale or exchange of timber and timberland. "Timber" means forest trees, standing or down, on privately or publicly owned land, and includes Christmas trees and short-rotation hardwoods. The sale or exchange of timber includes the cutting or disposal of timber qualifying for capital gains treatment under Title 26 U.S.C. Sec. 631(a) or (b) of the internal revenue code; and
- (7) Goodwill received from the sale of an auto dealership licensed under chapter 46.70 RCW whose activities are subject to chapter 46.96 RCW.

**NEW SECTION. Sec. 105.** The tax imposed under this chapter is in addition to any other taxes imposed by the state or any of its political subdivisions, or a municipal corporation, with respect to the same sale or exchange, including the taxes imposed in, or under the authority of, chapter 82.04, 82.08, 82.12, 82.14, 82.45, or 82.46 RCW.

**NEW SECTION. Sec. 106.** In computing tax, there may be deducted from the measure of tax amounts that the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States.

**NEW SECTION. Sec. 107.** (1) In computing tax under this chapter for a taxable year, a taxpayer may deduct from the measure of tax the amount of adjusted capital gain derived in the

taxable year from the sale of substantially all of the fair market value of the assets of, or the transfer of substantially all of the taxpayer's interest in, a qualified family-owned small business, to the extent that such adjusted capital gain would otherwise be included in the taxpayer's Washington capital gains.

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

(a) "Assets" means real property and personal property, including tangible personal property and intangible property.

(b) "Family" means the same as "member of the family" in RCW 83.100.046.

(c)(i) "Materially participated" means an individual was involved in the operation of a business on a basis that is regular, continuous, and substantial.

(ii) The term "materially participated" must be interpreted consistently with the applicable treasury regulations for Title 26 U.S.C. Sec. 469 of the internal revenue code, to the extent that such interpretation does not conflict with any provision of this section.

(d) "Qualified family-owned small business" means a business:

(i) In which the taxpayer held a qualifying interest for at least eight years immediately preceding the sale or transfer described in subsection (1) of this section;

(ii) In which either the taxpayer or members of the taxpayer's family, or both, materially participated in operating the business for at least five of the eight years immediately preceding the sale or transfer described in subsection (1) of this section, unless such sale or transfer was to a qualified heir; and

(iii) That had worldwide gross revenue of \$10,000,000 or less in the 12-month period immediately preceding the sale or transfer described in subsection (1) of this section. The worldwide gross revenue amount under this subsection (2)(d)(iii) shall be adjusted annually as provided in section 115 of this act.

(e) "Qualified heir" means a member of the taxpayer's family.

(f) "Qualifying interest" means:

(i) An interest as a proprietor in a business carried on as a sole proprietorship; or

(ii) An interest in a business if at least:

(A) Fifty percent of the business is owned, directly or indirectly, by any combination of the taxpayer or members of the taxpayer's family, or both;

(B) Thirty percent of the business is owned, directly or indirectly, by any combination of the taxpayer or members of the taxpayer's family, or both, and at least:

(I) Seventy percent of the business is owned, directly or indirectly, by members of two families; or

(II) Ninety percent of the business is owned, directly or indirectly, by members of three families.

(g) "Substantially all" means at least 90 percent.

**NEW SECTION. Sec. 108.** (1) For purposes of the tax imposed under this chapter, long-term capital gains and losses are allocated to Washington as follows:

(a) Long-term capital gains or losses from the sale or exchange of tangible personal property are allocated to this state if the property was located in this state at the time of the sale or exchange. Long-term capital gains or losses from the sale or exchange of tangible personal property are also allocated to this state even though the property was not located in this state at the time of the sale or exchange if:

(i) The property was located in the state at any time during the taxable year in which the sale or exchange occurred or the immediately preceding taxable year;

(ii) The taxpayer was a resident at the time the sale or exchange occurred; and

(iii) The taxpayer is not subject to the payment of an income or excise tax legally imposed on the long-term capital gains or losses by another taxing jurisdiction.

(b) Long-term capital gains or losses derived from intangible personal property are allocated to this state if the taxpayer was domiciled in this state at the time the sale or exchange occurred.

(2)(a) A credit is allowed against the tax imposed in section 103 of this act equal to the amount of any legally imposed income or excise tax paid by the taxpayer to another taxing jurisdiction on capital gains derived from capital assets within the other taxing jurisdiction to the extent such capital gains are included in the taxpayer's Washington capital gains. The amount of credit under this subsection may not exceed the total amount of tax due under this chapter, and there is no carryback or carryforward of any unused credits.

(b) As used in this section, "taxing jurisdiction" means a state of the United States other than the state of Washington, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision of a foreign country.

**NEW SECTION. Sec. 109.** (1)(a) Except as otherwise provided in this section or RCW 82.32.080, taxpayers owing tax under this chapter must file, on forms prescribed by the department, a return with the department on or before the date the taxpayer's federal income tax return for the taxable year is required to be filed.

(b)(i) Except as provided in (b)(ii) of this subsection (1), returns and all supporting documents must be filed electronically using the department's online tax filing service or other method of electronic reporting as the department may authorize.

(ii) The department may waive the electronic filing requirement in this subsection for good cause as provided in RCW 82.32.080.

(2) In addition to the Washington return required to be filed under subsection (1) of this section, taxpayers owing tax under this chapter must file with the department on or before the date the federal return is required to be filed a copy of the federal income tax return along with all schedules and supporting documentation.

(3) Each taxpayer required to file a return under this section must, without assessment, notice, or demand, pay any tax due thereon to the department on or before the date fixed for the filing of the return, regardless of any filing extension. The tax must be paid by electronic funds transfer as defined in RCW 82.32.085 or by other forms of electronic payment as may be authorized by the department. The department may waive the electronic payment requirement for good cause as provided in RCW 82.32.080. If any tax due under this chapter is not paid by the due date, interest and penalties as provided in chapter 82.32 RCW apply to the deficiency.

(4) The department may by rule require that certain individuals and other persons file, at times and on forms prescribed by the department, informational returns for any period.

(5) If a taxpayer has obtained an extension of time for filing the federal income tax return for the taxable year, the taxpayer is entitled to the same extension of time for filing the return required under this section if the taxpayer provides the department, before the due date provided in subsection (1) of this section, the extension confirmation number or other evidence satisfactory to the department confirming the federal extension. An extension under this subsection for the filing of a return under this chapter is not an extension of time to pay the tax due under this chapter.

(6)(a) If any return due under subsection (1) of this section, along with a copy of the federal income tax return, is not filed with the department by the due date or any extension granted by

the department, the department must assess a penalty in the amount of five percent of the tax due for the taxable year covered by the return for each month or portion of a month that the return remains unfiled. The total penalty assessed under this subsection may not exceed 25 percent of the tax due for the taxable year covered by the delinquent return. The penalty under this subsection is in addition to any penalties assessed for the late payment of any tax due on the return.

(b) The department must waive or cancel the penalty imposed under this subsection if:

(i) The department is persuaded that the taxpayer's failure to file the return by the due date was due to circumstances beyond the taxpayer's control; or

(ii) The taxpayer has not been delinquent in filing any return due under this section during the preceding five calendar years.

**NEW SECTION. Sec. 110.** (1) If the federal income tax liabilities of both spouses are determined on a joint federal return for the taxable year, they must file a joint return under this chapter.

(2) Except as otherwise provided in this subsection, if the federal income tax liability of either spouse is determined on a separate federal return for the taxable year, they must file separate returns under this chapter. State registered domestic partners may file a joint return under this chapter even if they filed separate federal returns for the taxable year.

(3) In any case in which a joint return is filed under this section, the liability of each spouse or state registered domestic partner is joint and several, unless:

(a) The spouse is relieved of liability for federal tax purposes as provided under Title 26 U.S.C. Sec. 6015 of the internal revenue code; or

(b) The department determines that the domestic partner qualifies for relief as provided by rule of the department. Such rule, to the extent possible without being inconsistent with this chapter, must follow Title 26 U.S.C. Sec. 6015.

**NEW SECTION. Sec. 111.** Except as otherwise provided by law and to the extent not inconsistent with the provisions of this chapter, chapter 82.32 RCW applies to the administration of taxes imposed under this chapter.

**NEW SECTION. Sec. 112.** (1) Any taxpayer who knowingly attempts to evade payment of the tax imposed under this chapter is guilty of a class C felony as provided in chapter 9A.20 RCW.

(2) Any taxpayer who knowingly fails to pay tax, make returns, keep records, or supply information, as required under this title, is guilty of a gross misdemeanor as provided in chapter 9A.20 RCW.

**NEW SECTION. Sec. 113.** A new section is added to chapter 82.04 RCW to read as follows:

(1) To avoid taxing the same sale or exchange under both the business and occupation tax and capital gains tax, a credit is allowed against taxes due under this chapter on a sale or exchange that is also subject to the tax imposed under section 103 of this act. The credit is equal to the amount of tax imposed under this chapter on such sale or exchange.

(2) The credit may be used against any tax due under this chapter.

(3) The credit under this section is earned in regards to a sale or exchange, and may be claimed against taxes due under this chapter, for the tax reporting period in which the sale or exchange occurred. The credit claimed for a tax reporting period may not exceed the tax otherwise due under this chapter for that tax reporting period. Unused credit may not be carried forward or backward to another tax reporting period. No refunds may be granted for unused credit under this section.

(4) The department must apply the credit first to taxes deposited into the general fund. If any remaining credit reduces the amount of taxes deposited into the workforce education investment account established in RCW 43.79.195, the department must notify the state treasurer of such amounts monthly, and the state treasurer must transfer those amounts from the general fund to the workforce education investment account.

**NEW SECTION. Sec. 114.** (1) All taxes, interest, and penalties collected under this chapter shall be distributed as follows:

(a) The first \$350,000,000 collected each fiscal year shall be deposited into the education legacy trust account created in RCW 83.100.230;

(b) The next \$100,000,000 collected each fiscal year shall be deposited into the general fund; and

(c) Any remainder collected each fiscal year shall be deposited into the taxpayer fairness account hereby created in the state treasury.

(2) The amounts specified under subsection (1)(a) and (b) of this section shall be adjusted annually as provided under section 115 of this act.

**NEW SECTION. Sec. 115.** (1) Beginning December 2023 and each December thereafter, the department must adjust the applicable amounts by multiplying the current applicable amounts by one plus the percentage by which the most current consumer price index available on December 1st of the current year exceeds the consumer price index for the prior 12-month period, and rounding the result to the nearest \$1,000. If an adjustment under this subsection (1) would reduce the applicable amounts, the department must not adjust the applicable amounts for use in the following year. The department must publish the adjusted applicable amounts on its public website by December 31st. The adjusted applicable amounts calculated under this subsection (1) take effect for taxes due and distributions made, as the case may be, in the following calendar year.

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

(a) "Applicable amounts" means:

(i) The threshold exclusion under section 102(13) of this act;

(ii) The worldwide gross revenue amount under section 107 of this act; and

(iii) The distribution amounts provided in section 114 of this act.

(b) "Consumer price index" means the consumer price index for all urban consumers, all items, for the Seattle area as calculated by the United States bureau of labor statistics or its successor agency.

(c) "Seattle area" means the geographic area sample that includes Seattle and surrounding areas.

## Part II

### Miscellaneous Provisions

**NEW SECTION. Sec. 201.** The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

**NEW SECTION. Sec. 202.** Sections 101 through 112, 114, and 115 of this act constitute a new chapter in Title 82 RCW.

**NEW SECTION. Sec. 203.** (1) If a court of competent jurisdiction, in a final judgment not subject to appeal, adjudges section 103 of this act unconstitutional, or otherwise invalid, in its entirety, section 113 of this act is null and void in its entirety. Any credits previously claimed under section 113 of this act must be repaid within 30 days of the department of revenue's notice to the taxpayer of the amount due.

(2) If the taxpayer fails to repay the credit by the due date, interest and penalties as provided in chapter 82.32 RCW apply to the deficiency.

**NEW SECTION. Sec. 204.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 205.** Sections 101 through 115 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "investing in Washington families and creating a more progressive tax system in Washington by enacting an excise tax on the sale or exchange of certain capital assets; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; and declaring an emergency."

## WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, floor amendment no. 403 by Senator Rivers on page 1, line 28 to Substitute Senate Bill No. 5096 was withdrawn.

## MOTION

Senator Hobbs moved that the following floor amendment no. 413 by Senator Hobbs be adopted:

On page 1, beginning on line 28, after "transfers." strike all material through "institutions." on line 31

On page 13, beginning on line 17, strike all of section 205

On page 13, beginning on line 26, after "sections;" strike all material through "emergency" on line 27 and insert "and prescribing penalties"

Senator Hobbs spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 413 by Senator Hobbs on page 1, line 28 to striking floor amendment no. 363.

The motion by Senator Hobbs carried and floor amendment no. 413 was adopted by voice vote.

## MOTION

Senator Braun moved that the following floor amendment no. 434 by Senator Braun be adopted:

On page 3, beginning on line 23, after "82.45.032" strike all material through "chapter" on line 27

Senators Braun and Sheldon spoke in favor of adoption of the amendment to the striking amendment.

Senator Robinson spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 434 by Senator Braun on page 3, line 23 to striking floor amendment no. 363.

The motion by Senator Braun did not carry and floor amendment no. 434 was not adopted by voice vote.

## MOTION

Senator Fortunato moved that the following floor amendment no. 405 by Senator Fortunato be adopted:

On page 4, line 13, after "tax" strike "is" and insert "may be"

FIFTY FIFTH DAY, MARCH 6, 2021

2021 REGULAR SESSION

On page 4, line 15, after "gains." insert "The tax authorized under this section is voluntary. Taxpayers choosing to pay tax under this section are subject to the conditions and requirements of this chapter."

Senators Fortunato, Ericksen and Wilson, L. spoke in favor of adoption of the amendment to the striking amendment.

Senator Saldaña spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 405 by Senator Fortunato on page 4, line 13 to striking floor amendment no. 363.

The motion by Senator Fortunato did not carry and floor amendment no. 405 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 425 by Senator Short be adopted:

On page 5, line 7, after "U.S.C." insert ", Subtitle A (income taxes),"

On page 5, line 22, after "U.S.C." insert ", Subtitle A (income taxes),"

On page 5, line 24, after "U.S.C." insert ", Subtitle A (income taxes),"

On page 5, line 36, after "U.S.C." insert ", Subtitle A (income taxes),"

On page 5, line 38, after "U.S.C." insert ", Subtitle A (income taxes),"

On page 6, line 8, after "U.S.C." insert ", Subtitle A (income taxes),"

On page 7, line 6, after "U.S.C." insert ", Subtitle A (income taxes),"

Senator Short spoke in favor of adoption of the amendment to the striking amendment.

Senator Robinson spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 425 by Senator Short on page 5, line 7 to striking floor amendment no. 363.

The motion by Senator Short did not carry and floor amendment no. 425 was not adopted by voice vote.

MOTION

Senator Liias moved that the following floor amendment no. 420 by Senator Liias be adopted:

On page 5, after line 17, insert the following:

"(2) A controlling interest in an entity only to the extent that any long-term capital gain or loss from such sale or exchange is directly attributable to the entity's interest in real property and the sale or exchange was subject to tax under chapter 82.45 RCW. The department is not bound by the parties' agreement as to the allocation of consideration or fair market value, if such allocation or fair market value does not reflect the fair market value of the real property. For purposes of this subsection (2), "controlling interest" has the same meaning as in RCW 82.45.033;"

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

Senators Liias, Pedersen and Billig spoke in favor of adoption of the amendment to the striking amendment.

Senators Braun, Padden, Ericksen, Rivers and Sheldon spoke against adoption of the amendment to the striking amendment.

Senators Wilson, L., Rivers, and Rolfes spoke on adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 420 by Senator Liias on page 5, line 17 to striking floor amendment no. 363.

The motion by Senator Liias carried and floor amendment no. 420 was adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 422 by Senator Warnick be adopted:

On page 5, beginning on line 32, after "livestock" strike all material through "ranching" on line 35

Senator Warnick spoke in favor of adoption of the amendment to the striking amendment.

Senator Rolfes spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 422 by Senator Warnick on page 5, line 32 to striking floor amendment no. 363.

The motion by Senator Warnick did not carry and floor amendment no. 422 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 426 by Senator Wilson, L. be adopted:

On page 6, line 23, after "(1)" insert "(a)"

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

"(b) In addition to the deduction under (a) of this subsection (1), in computing tax under this chapter for a taxable year, a taxpayer may deduct from the measure of tax the amount of adjusted capital gain derived in the taxable year from the sale of assets, or the transfer of the taxpayer's interest, in a qualified family-owned small business to a family member, to the extent that such adjusted capital gain would otherwise be included in the taxpayer's Washington capital gains."

On page 7, line 37, after "percent" insert "less the percentage, not to exceed 90 percent, of a sale or transfer to a family member"

Senators Wilson, L., Braun, Wagoner, Short and Brown spoke in favor of adoption of the amendment to the striking amendment.

Senator Robinson spoke against adoption of the amendment to the striking amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Wilson, J. on page 6, line 23 to striking floor amendment no. 363.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Wilson, J. and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King,

McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

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

#### MOTION

Senator Rivers moved that the following floor amendment no. 402 by Senator Rivers be adopted:

On page 7, after line 37, insert the following:

**"NEW SECTION. Sec. 108.** In computing the tax under this chapter for a taxable year, a taxpayer may deduct from the measure of tax the entire amount donated by the taxpayer to a nonprofit organization during the same taxable year. "Nonprofit organization" means an organization exempt from tax under section 501(c)(3) of the federal internal revenue code, 26 U.S.C. Sec. 501(c)(3)."

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

Senators Rivers, Short and Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Randall spoke against adoption of the amendment to the striking amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Rivers on page 7, line 37 to striking floor amendment no. 363.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Rivers and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

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

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

#### MOTION

Senator Fortunato moved that the following floor amendment no. 404 by Senator Fortunato be adopted:

On page 7, after line 37, insert the following:

**"NEW SECTION. Sec. 108.** In computing the tax under this chapter for a taxable year, a taxpayer may deduct from the measure of tax the entire amount donated by the taxpayer during the same taxable year to a nonprofit organization engaged in services for individuals with disabilities. "Nonprofit organization" means an organization exempt from tax under section 501(c) of the federal internal revenue code, 26 U.S.C. Sec. 501(c)."

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

Senators Fortunato and Wagoner spoke in favor of adoption of the amendment to the striking amendment.

Senator Robinson spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 404 by Senator Fortunato on page 7, line 37 to striking floor amendment no. 363.

The motion by Senator Fortunato did not carry and floor amendment no. 404 was not adopted by voice vote.

#### MOTION

Senator Wilson, L. moved that the following floor amendment no. 416 by Senator Wilson, L. be adopted:

On page 8, beginning on line 12, after "occurred" strike all material through "year" on line 13

Senator Wilson, L. spoke in favor of adoption of the amendment to the striking amendment.

Senator Robinson spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 416 by Senator Wilson, L. on page 8, line 12 to striking floor amendment no. 363

The motion by Senator Wilson, L. did not carry and floor amendment no. 416 was not adopted by voice vote.

#### MOTION

Senator Braun moved that the following floor amendment no. 432 by Senator Braun be adopted:

On page 9, beginning on line 9, strike all of subsection (2)

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

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

Senator Robinson spoke against adoption of the amendment to the striking amendment.

#### POINT OF INQUIRY

Senator Sheldon: "The bill that you are sponsoring today, how would the Department of Revenue know that you had a capital gain that was subject to this tax?"

Senator Robinson: "Thank you for that question. It is my understanding that there is a reciprocal agreement between the federal government and the state government, and the Department of Revenue will, has access, government to government, to federal income tax returns from the people of the state of Washington.

Senator Sheldon: "Just to follow up on that question Mr. President."

President Heck: "Proceed."

Senator Sheldon: "So, this is an income tax, correct?"

FIFTY FIFTH DAY, MARCH 6, 2021

2021 REGULAR SESSION

Senator Robinson: “The tax we are debating today is an excise tax on the sale of stocks and bonds and capital gains. The, on a federal income tax, there is a line for federal capital gains tax and that is the basis for the potential state excise tax on capital gains.”

Senator Sheldon: “Just to close Senator. Then potential tax, in other words this is a starter income tax?”

REMARKS BY THE PRESIDENT

President Heck: “So, Senator Sheldon, the practice of asking senators to yield to questions is not meant to be of a serial and ongoing nature.”

Senator Rivers spoke in favor of adoption of the amendment to the striking amendment.

Senator Dozier spoke on adoption of the amendment to the striking amendment.

REMARKS BY THE PRESIDENT

President Heck: “The President would like to indicate that he’s allowed considerable latitude on this question. The President will adhere to the ruling of the previous presiding officer who indicates it’s not the job of the presiding officer to indicate what terminology can or cannot be used as long as the remarks are relevant to the question before the body. I want to remind you all, that the question before the body is the proposed amendment by Senator Braun relating to a requirement for taxpayers owing the state tax to also file a copy of their federal income tax return. Please keep your remarks to the question before the body which is the amendment by Senator Braun.”

Senators Braun and Wilson, L. spoke in favor of adoption of the amendment to the striking amendment.

REMARKS BY THE PRESIDENT

President Heck: “Once again, asking the members to keep their remarks to the amendment before us.”

The President declared the question before the Senate to be the adoption of floor amendment no. 432 by Senator Braun on page 9, line 9 to striking floor amendment no. 363.

The motion by Senator Braun did not carry and floor amendment no. 432 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 406 by Senator Fortunato be adopted:

On page 12, line 3, after "treasury." insert "By July 1, 2023, and by each July 1st thereafter, the state treasurer shall, to the extent funds are available, transfer from the taxpayer fairness account to the general fund an amount equal to the estimated decrease in general fund revenues resulting from the sales and use tax exemptions provided in sections 116 through 118 of this act."

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

**"NEW SECTION. Sec. 116.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of clothing and footwear for human use.

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

(a)(i) "Clothing" means all human wearing apparel suitable for general use. "Clothing" also includes:

(A) Protective equipment necessary for the daily work of the user; and

(B) Sewing equipment and supplies.

(ii) "Clothing" does not include: Clothing accessories or equipment, fur clothing, and sport or recreational equipment.

(b) "Clothing accessories or equipment" means incidental items worn on the person or in conjunction with clothing that are sold separately.

(c) "Fur clothing" means clothing that is required to be labeled as a fur product under 15 U.S.C. Sec. 69, and the value of the fur components in the product is more than three times the value of the next most valuable tangible component. For the purposes of this subsection, "fur" means any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state, but does not include such skins that have been converted into leather or suede, or which in processing the hair, fleece, or fur fiber has been completely removed.

(d) "Protective equipment" means items for human wear and designed as protection of the wearer against injury or disease or as protections against damage or injury of other persons or property but not suitable for general use.

(e) "Sewing equipment and supplies" means sewing materials including, but not limited to: Fabrics, thread, knitting yarn, buttons, and zippers, purchased by noncommercial purchasers for incorporation into clothing as a constituent part thereof.

(f) "Sport or recreational equipment" means items designed for human use and worn in conjunction with an athletic or recreational activity that are not suitable for general use.

**Sec. 117.** RCW 82.08.0293 and 2019 c 8 s 401 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of food and food ingredients. "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" includes "prepared food." "Food and food ingredients" does not include:

(a) "Alcoholic beverages," which means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume;

(b) "Tobacco," which means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco; and

(c) Marijuana, useable marijuana, or marijuana-infused products.

(2) The exemption of "food and food ingredients" provided for in subsection (1) of this section does not apply to (~~prepared food,~~) soft drinks, bottled water, or dietary supplements. The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Bottled water" means water that is placed in a safety sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain: (i) Antimicrobial agents; (ii) fluoride; (iii) carbonation; (iv) vitamins, minerals, and electrolytes; (v) oxygen; (vi) preservatives; and (vii) only those flavors, extracts, or essences derived from a spice or fruit. "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.

(b) "Dietary supplement" means any product, other than tobacco, intended to supplement the diet that:

(i) Contains one or more of the following dietary ingredients:

(A) A vitamin;

(B) A mineral;

(C) An herb or other botanical;  
 (D) An amino acid;  
 (E) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or  
 (F) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in this subsection;  
 (ii) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and  
 (iii) Is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label as required pursuant to 21 C.F.R. Sec. 101.36, as amended or renumbered as of January 1, 2003.  
 (c)(i) "Prepared food" means:  
 (A) Food sold in a heated state or heated by the seller;  
 (B) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food; or  
 (C) Two or more food ingredients mixed or combined by the seller for sale as a single item, except:  
 (I) Food that is only cut, repackaged, or pasteurized by the seller; or  
 (II) Raw eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal food and drug administration in chapter 3, part 401.11 of The Food Code, published by the food and drug administration, as amended or renumbered as of January 1, 2003, so as to prevent foodborne illness.  
 (ii) Food is "sold with eating utensils provided by the seller" if:  
 (A) The seller's customary practice for that item is to physically deliver or hand a utensil to the customer with the food or food ingredient as part of the sales transaction. If the food or food ingredient is prepackaged with a utensil, the seller is considered to have physically delivered a utensil to the customer unless the food and utensil are prepackaged together by a food manufacturer classified under sector 311 of the North American industry classification system (NAICS);  
 (B) A plate, glass, cup, or bowl is necessary to receive the food or food ingredient, and the seller makes those utensils available to its customers; or  
 (C)(I) The seller makes utensils available to its customers, and the seller has more than seventy-five percent prepared food sales. For purposes of this subsection (2)(c)(ii)(C), a seller has more than seventy-five percent prepared food sales if the seller's gross retail sales of prepared food under (c)(i)(A), (c)(i)(C), and (c)(ii)(B) of this subsection equal more than seventy-five percent of the seller's gross retail sales of all food and food ingredients, including prepared food, soft drinks, and dietary supplements.  
 (II) However, even if a seller has more than seventy-five percent prepared food sales, four servings or more of food or food ingredients packaged for sale as a single item and sold for a single price are not "sold with utensils provided by the seller" unless the seller's customary practice for the package is to physically hand or otherwise deliver a utensil to the customer as part of the sales transaction. Whenever available, the number of servings included in a package of food or food ingredients must be determined based on the manufacturer's product label. If no label is available, the seller must reasonably determine the number of servings.  
 (III) The seller must determine a single prepared food sales percentage annually for all the seller's establishments in the state based on the prior year of sales. The seller may elect to determine its prepared food sales percentage based either on the prior calendar year or on the prior fiscal year. A seller may not change its elected method for determining its prepared food percentage

without the written consent of the department. The seller must determine its annual prepared food sales percentage as soon as possible after accounting records are available, but in no event later than ninety days after the beginning of the seller's calendar or fiscal year. A seller may make a good faith estimate of its first annual prepared food sales percentage if the seller's records for the prior year are not sufficient to allow the seller to calculate the prepared food sales percentage. The seller must adjust its good faith estimate prospectively if its relative sales of prepared foods in the first ninety days of operation materially depart from the seller's estimate.

(iii) "Prepared food" (~~does not include~~) includes the following items, if sold without eating utensils provided by the seller:

(A) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries), as provided in the "North American industry classification system—United States, 2002";

(B) Food sold in an unheated state by weight or volume as a single item; or

(C) Bakery items. The term "bakery items" includes bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, or tortillas.

(d) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. Soft drinks do not include beverages that contain: Milk or milk products; soy, rice, or similar milk substitutes; or greater than fifty percent of vegetable or fruit juice by volume.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section applies to food and food ingredients that are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);

(b) That are provided to senior citizens, individuals with disabilities, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW; or

(c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" means a facility:

(i) That meets the definition of a qualified low-income housing project under 26 U.S.C. Sec. 42 of the federal internal revenue code, as existing on August 1, 2009;

(ii) That has been partially funded under 42 U.S.C. Sec. 1485; and

(iii) For which the lessor or operator has at any time been entitled to claim a federal income tax credit under 26 U.S.C. Sec. 42 of the federal internal revenue code.

(4)(a) Subsection (1) of this section notwithstanding, the retail sale of food and food ingredients is subject to sales tax under RCW 82.08.020 if the food and food ingredients are sold through a vending machine. Except as provided in (b) of this subsection, the selling price of food and food ingredients sold through a vending machine for purposes of RCW 82.08.020 is fifty-seven percent of the gross receipts.

(b) For soft drinks, bottled water, and hot prepared food and food ingredients, other than food and food ingredients which are heated after they have been dispensed from the vending machine, the selling price is the total gross receipts of such sales divided by the sum of one plus the sales tax rate expressed as a decimal.

FIFTY FIFTH DAY, MARCH 6, 2021

2021 REGULAR SESSION

(c) For tax collected under this subsection (4), the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived.

**NEW SECTION. Sec. 118.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of clothing and footwear for human use.

(2) For the purposes of this section, definitions, conditions, and requirements in section 116 of this act apply to this section."

On page 13, after line 20, insert the following:

**NEW SECTION. Sec. 206.** Sections 116 through 118 of this act take effect January 1, 2023."

On page 13, beginning on line 24, after "assets;" strike all material through "emergency." on line 27 and insert "amending RCW 82.08.0293; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency."

Senators Fortunato, Short, Braun and Gildon spoke in favor of adoption of the amendment to the striking amendment.

Senators Robinson, Carlyle and Liias spoke against adoption of the amendment to the striking amendment.

Senators Frockt and Wilson, L. spoke on adoption of the amendment to the striking amendment.

REMARKS BY THE PRESIDENT

President Heck: "The President has been more than patient. The remarks should be directed to the amendments before us. There will be ample opportunity to make these kinds of arguments as there should be when we get to debating the underlying striking amendment and then again on final passage. The President respectfully requests that you keep your remarks to the amendment before us."

The President declared the question before the Senate to be the adoption of floor amendment no. 406 by Senator Fortunato on page 12, line 3 to striking floor amendment no. 363.

The motion by Senator Fortunato did not carry and floor amendment no. 406 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 407 by Senator Fortunato be adopted:

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

**NEW SECTION. Sec. 116.** The legislature declares that it has never authorized cities or counties to impose a tax on the sale or exchange of capital assets similar to the tax authorized under section 103 of this act. The legislature further declares that the tax authorized in section 103 of this act shall not be construed in any way as providing such state authorization for cities or counties to impose a local tax on the sale or exchange of capital assets."

On page 13, line 1, after "112" strike all material through "115" and insert "and 114 through 116"

On page 13, line 17, after "through" strike "115" and insert "116"

Senators Fortunato, Rivers and Padden spoke in favor of adoption of the amendment to the striking amendment.

Senators Robinson and Liias spoke against adoption of the amendment to the striking amendment.

Senator Braun spoke on adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 407 by Senator Fortunato on page 12, line 32 to striking floor amendment no. 363.

The motion by Senator Fortunato did not carry and floor amendment no. 407 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 431 by Senator Braun be adopted:

On page 13, after line 16, insert the following:

**NEW SECTION. Sec. 205.** The legislature recognizes well-established state supreme court precedent declaring income to be property. The legislature also recognizes the fact that state voters have rejected six income tax constitutional amendments. If the capital gains tax under this act is challenged in court, the state attorney general is prohibited from requesting the court to reconsider its prior rulings declaring income to be property."

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

Senator Braun spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 431 by Senator Braun on page 13, line 16 to striking floor amendment no. 363.

The motion by Senator Braun did not carry and floor amendment no. 431 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 409 by Senator Wagoner be adopted:

On page 13, beginning on line 17, strike all of section 205 and insert the following:

**NEW SECTION. Sec. 205.** This act takes effect July 1, 2025, to allow the legislature to review recommendations from the tax structure work group before imposing a state tax on capital gains."

On page 13, beginning on line 26, after "and" strike all material through "emergency" on line 27 and insert "providing an effective date"

Senator Wagoner spoke in favor of adoption of the amendment to the striking amendment.

Senator Nguyen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 409 by Senator Wagoner on page 13, line 17 to striking floor amendment no. 363.

The motion by Senator Wagoner did not carry and floor amendment no. 409 was not adopted by voice vote.

MOTION

Senator Brown moved that the following floor amendment no. 421 by Senator Brown be adopted:

On page 13, beginning on line 17, strike all of section 205 and insert the following:

**"NEW SECTION. Sec. 205.** The legislature finds that while considering potential modifications to the tax code, the legislature should be mindful of the people's history of rejecting all forms of income tax, resoundingly. On 10 separate occasions, Washington voters have voted down income tax proposals. The following resolutions to impose an income tax have failed:

- (1) House Joint Resolution No. 12 in 1934, failed with 57 percent of the votes;
- (2) Senate Joint Resolution No. 7 in 1936, failed with 78 percent of the votes;
- (3) Senate Joint Resolution No. 5 in 1938, failed with 67 percent of the votes;
- (4) Constitutional amendment, Article VII, section 2 in 1942, failed with 66 percent of the votes;
- (5) Initiative to the people No. 158 in 1944, failed with 70 percent of the votes;
- (6) House Joint Resolution No. 42 in 1970, failed with 68 percent of the votes;
- (7) House Joint Resolution No. 37 in 1973, failed with 77 percent of the votes;
- (8) Initiative to the people No. 314 in 1975, failed with 67 percent of the votes;
- (9) Initiative to the people No. 435 in 1982, failed with 66 percent of the votes; and
- (10) Initiative to the people No. 1098 in 2010, failed with 64 percent of the votes.

**NEW SECTION. Sec. 206.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 13, beginning on line 26, after "and" strike all material through "emergency" on line 27 and insert "providing for submission of this act to a vote of the people"

Senator Brown spoke in favor of adoption of the amendment to the striking amendment.

Senator Robinson spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 421 by Senator Brown on page 13, line 17 to striking floor amendment no. 363.

The motion by Senator Brown did not carry and floor amendment no. 421 was not adopted by voice vote.

#### MOTION

Senator Short moved that the following floor amendment no. 424 by Senator Short be adopted:

On page 13, beginning on line 22, after "insert" strike all material through "assets" on line 24 and insert "enacting a capital gains income tax"

Senators Short and Ericksen spoke in favor of adoption of the amendment to the striking amendment.

Senator Robinson spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 424 by Senator Short on page 13, line 22 to striking floor amendment no. 363.

The motion by Senator Short did not carry and floor amendment no. 424 was not adopted by voice vote.

Senators Wilson, L. and Sheldon spoke against adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 363 by Senator Robinson as amended to Substitute Senate Bill No. 5096.

The motion by Senator Robinson carried and striking floor amendment no. 363 as amended was adopted by voice vote.

#### MOTION

On motion of Senator Robinson, the rules were suspended, Engrossed Substitute Senate Bill No. 5096 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### MOTION

At 4:19 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

----

The Senate was called to order at 4:38 p.m. by President Heck.

The Senate resumed consideration of Substitute Senate Bill No. 5096.

Senators Robinson, Saldaña, Kuderer, Dhingra, Nguyen and Carlyle spoke in favor of passage of the bill.

Senators Padden, Warnick, Dozier, Rivers, Schoesler, Braun, Fortunato, Wilson, J., Brown, Short, Wagoner, Hawkins, Holy, Muzzall, McCune and Wilson, L. spoke against passage of the bill.

#### REMARKS BY THE PRESIDENT

President Heck: "Happy Birthday Senator Wilson."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5096.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5096 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 6:07 p.m., on motion of Senator Lias, the Senate adjourned until 11:00 o'clock a.m. Monday, March 8, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

FIFTY SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia  
Monday, March 8, 2021

The Senate was called to order at 11:06 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Hunter Johnson led the Senate in the Pledge of Allegiance. Mr. Johnson is the grandson of Senator Lynda Wilson.

The prayer was offered by Reverend Mary Gear of Olympia Unitarian Universalist Congregation Church.

MOTIONS

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

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

MESSAGES FROM THE HOUSE

March 6, 2021

MR. PRESIDENT:  
The House has passed:

HOUSE BILL NO. 1030,  
SUBSTITUTE HOUSE BILL NO. 1137,  
SUBSTITUTE HOUSE BILL NO. 1210,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1310,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,  
SUBSTITUTE HOUSE BILL NO. 1445,  
SUBSTITUTE HOUSE BILL NO. 1472,  
SUBSTITUTE HOUSE BILL NO. 1484,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 5, 2021

MR. PRESIDENT:  
The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1076,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1099,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332,  
HOUSE BILL NO. 1376,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410,  
SUBSTITUTE HOUSE BILL NO. 1514,  
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

2SHB 1076 by House Committee on Appropriations (originally sponsored by Hansen, Fitzgibbon, Berry, Dolan, J. Johnson, Ramos, Simmons, Ramel, Ortiz-Self, Gregerson, Ryu, Bronoske, Valdez, Callan, Kloba, Hackney, Chopp, Ormsby, Stonier, Frame, Santos, Macri, Pollet and Harris-Talley)

AN ACT Relating to allowing whistleblowers to bring actions on behalf of the state for violations of workplace protections; adding a new chapter to Title 49 RCW; and creating new sections.

Referred to Committee on Labor, Commerce & Tribal Affairs.

E2SHB 1099 by House Committee on Appropriations (originally sponsored by Duerr, Fitzgibbon, Dolan, Bateman, Ramel, Gregerson, Goodman, Ryu, Kloba, Chopp, Ormsby, Pollet, Fey, Santos and Davis)

AN ACT Relating to improving the state's climate response through updates to the state's comprehensive planning framework; amending RCW 36.70A.020, 36.70A.480, 36.70A.320, 36.70A.190, 36.70A.030, and 86.12.200; reenacting and amending RCW 36.70A.070; adding new sections to chapter 36.70A RCW; adding a new section to chapter 70A.45 RCW; adding a new section to chapter 47.80 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 43.21C RCW; and creating new sections.

Referred to Committee on Housing & Local Government.

ESHB 1332 by House Committee on Finance (originally sponsored by Sullivan, Ramel, Leavitt, Dufault, Hackney, Wylie, Santos, Ortiz-Self, Ormsby, Rule, Stokesbary, Callan, Pollet and Macri)

AN ACT Relating to property tax deferral during the COVID-19 pandemic; amending RCW 84.56.020; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1376 by Representative Fey

AN ACT Relating to registration of land titles; creating new sections; repealing RCW 65.12.005, 65.12.010, 65.12.015, 65.12.020, 65.12.025, 65.12.030, 65.12.035, 65.12.040, 65.12.050, 65.12.055, 65.12.060, 65.12.065, 65.12.070, 65.12.080, 65.12.085, 65.12.090, 65.12.100, 65.12.110, 65.12.120, 65.12.125, 65.12.130, 65.12.135, 65.12.140, 65.12.145, 65.12.150, 65.12.155, 65.12.160, 65.12.165, 65.12.170, 65.12.175, 65.12.180, 65.12.190, 65.12.195, 65.12.200, 65.12.210, 65.12.220, 65.12.225, 65.12.230, 65.12.235, 65.12.240, 65.12.245, 65.12.250, 65.12.255, 65.12.260, 65.12.265, 65.12.270, 65.12.275, 65.12.280, 65.12.290, 65.12.300, 65.12.310, 65.12.320, 65.12.330, 65.12.340, 65.12.350, 65.12.360, 65.12.370, 65.12.375, 65.12.380, 65.12.390, 65.12.400, 65.12.410, 65.12.420, 65.12.430, 65.12.435, 65.12.440, 65.12.445, 65.12.450, 65.12.460, 65.12.470, 65.12.480, 65.12.490, 65.12.500, 65.12.510, 65.12.520, 65.12.530, 65.12.540, 65.12.550, 65.12.560, 65.12.570, 65.12.580, 65.12.590, 65.12.600,

65.12.610, 65.12.620, 65.12.630, 65.12.635, 65.12.640, 65.12.650, 65.12.660, 65.12.670, 65.12.680, 65.12.690, 65.12.700, 65.12.710, 65.12.720, 65.12.730, 65.12.740, 65.12.750, 65.12.760, 65.12.770, 65.12.780, 65.12.790, 65.12.800, and 65.12.900; and providing an effective date.

Referred to Committee on Housing & Local Government.

ESHB 1410 by House Committee on Finance (originally sponsored by Volz, Valdez, Ybarra, Stokesbary, Chase, Dufault, Leavitt, Vick, Dolan, Sutherland, Walen, Chambers, Walsh, Robertson, Caldier, Griffey, Riccelli, Jacobsen, Fitzgibbon, Ormsby and Harris-Talley)

AN ACT Relating to protecting taxpayers from home foreclosure; and amending RCW 84.56.020.

Referred to Committee on Ways & Means.

SHB 1514 by House Committee on Transportation (originally sponsored by Taylor, Ramos and Harris-Talley)

AN ACT Relating to transportation demand management; amending RCW 46.18.285, 46.74.010, 46.74.030, 82.04.355, 82.08.0287, 82.12.0282, 82.16.047, 82.44.015, and 82.70.010; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

MOTIONS

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

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

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

PARLIAMENTARY INQUIRY

Senator Padden: “Thank you. Thank you, Mr. President. I’ve been in the breakout room, not being assigned with other members while business is been going on. It’s been an unusually long time to be assigned today. About thirteen minutes so far. So, I don’t know there’s a problem but I, point of inquiry that all the members in the in the breakout room should be able to be on the floor.”

REPLY BY THE PRESIDENT

President Heck: “Thank you, Senator Padden. It is reported to me that everyone is in.”

MOTION TO LIMIT DEBATE

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

MOTION

At 11:15 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

---

AFTERNOON SESSION

---

The Senate was called to order at 1:55 p.m. by President Heck.

MOTION

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

SECOND READING

SENATE BILL NO. 5135, by Senators Das, Hasegawa, Nguyen, Stanford, and Wilson, C.

Concerning unlawfully summoning a police officer.

The measure was read the second time.

MOTION

Senator Brown moved that the following floor amendment no. 399 by Senator Brown be adopted:

On page 1, beginning on line 12, strike all of subsection (1)(c) Reletter the remaining subsections consecutively.

Senator Rivers spoke in favor of adoption of the amendment. Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 399 by Senator Brown on page 1, line 12 to Senate Bill No. 5135.

The motion by Senator Brown did not carry and floor amendment no. 399 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 400 by Senator Short be adopted:

On page 1, after line 19, insert the following:  
 "(2) A person shall not be held liable under subsection (1) of this section if the person acted in good faith in causing a law enforcement officer to arrive."

Renumber the remaining subsections consecutively.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 400 by Senator Short on page 1, line 19 to Senate Bill No. 5135.

The motion by Senator Short carried and floor amendment no. 400 was adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 412 by Senator Padden be adopted:

Beginning on page 1, line 21, after "recover" strike all material through "The" on page 2, line 1, and insert "the"

On page 2, at the beginning of line 2, strike "(i)" and insert "(a)"

On page 2, at the beginning of line 3, strike "(ii)" and insert "(b)"

On page 2, beginning on line 3, after "section" strike all material through "damages" on line 5

Senator Padden spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 412 by Senator Padden on page 1, line 21 to Senate Bill No. 5135.

The motion by Senator Padden did not carry and floor amendment no. 412 was not adopted by voice vote.

#### MOTION

On motion of Senator Das, the rules were suspended, Engrossed Senate Bill No. 5135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Das and Pedersen spoke in favor of passage of the bill.

Senators Padden, Holy and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5135.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5135 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

ENGROSSED SENATE BILL NO. 5135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REMARKS BY THE PRESIDENT

President Heck: "So before we go there. Before we go there. Having no idea what you're about to say. It is none the less timely given the conversations that occurred on the weekend and before, for me just to remind the members what the rule is, and this is not directed at you Senator Wagoner. It's Rule 33 of the rules you adopted. And it says any senator may rise to a question of privilege and explain a personal matter by leave of the president but shall not discuss any pending question in such explanations in other words can't talk about the bill across, a question of privilege shall only involve subject matter which affects the particular senator personally in a manner unique and peculiar to that senator very grateful for your allowing me the opportunity to clarify this sir but please proceed."

#### PERSONAL PRIVILEGE

Senator Wagoner: "Thank you Mr. President and I think that I fall within the narrow scope of that. I rise with good news, to inform the body. I have it on good authority that our good Senator Hobbs, also known as Lieutenant Colonel Hobbs in another life, was this morning awarded the Armed Forces Service Medal for his service to the state during the covid crisis. Now, I have not read the citation, but I did see the good Colonel in action in my district all summer long, urging his soldiers on to important work that they did. In my case, and in my district with food banks. Now I know his task was much larger than food banks because he was working on all elements of the covid crisis, but it made such a great difference in my district. And I know Colonel Hobbs is going to say, 'It was the soldiers that made me look good,' and that's true, it was. But they make you look good when you exercise excellent leadership and that's what Colonel Hobbs did. So, I just want to bring that to our attention."

#### SECOND READING

SENATE BILL NO. 5370, by Senators Keiser, Dhingra, Saldaña, and Wilson, C.

Updating mental health advance directive laws.

#### MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5370 was substituted for Senate Bill No. 5370 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Dhingra moved that the following striking floor amendment no. 315 by Senator Dhingra be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.32.010 and 2003 c 283 s 1 are each amended to read as follows:

(1) The legislature declares that an individual with capacity has the ability to control decisions relating to his or her own (~~mental~~) behavioral health care. The legislature finds that:

(a) Some (~~mental illnesses~~) behavioral health disorders cause individuals to fluctuate between capacity and incapacity;

(b) During periods when an individual's capacity is unclear, the individual may be unable to access needed treatment because the individual may be unable to give informed consent;

(c) Early treatment may prevent an individual from becoming so ill that involuntary treatment is necessary; and

(d) (~~Mentally ill individuals~~) Individuals with behavioral health disorders need some method of expressing their instructions and preferences for treatment and providing advance consent to or refusal of treatment.

(2) The legislature recognizes that a mental health advance directive can be an essential tool for an individual to express his or her choices at a time when the effects of (~~mental illness~~) a behavioral health disorder have not deprived him or her of the power to express his or her instructions or preferences.

(~~(2)~~) (3) The legislature further finds that:

(a) A mental health advance directive must provide the individual with a full range of choices;

(b) (~~Mentally ill individuals~~) Individuals with behavioral health disorders have varying perspectives on whether they want to be able to revoke a directive during periods of incapacity;

FIFTY SEVENTH DAY, MARCH 8, 2021

2021 REGULAR SESSION

(c) For a mental health advance directive to be an effective tool, individuals must be able to choose how they want their directives treated during periods of incapacity; and

(d) There must be clear standards so that treatment providers can readily discern an individual's treatment choices.

Consequently, the legislature affirms that, pursuant to other provisions of law, a validly executed mental health advance directive is to be respected by agents, guardians, and other surrogate decision makers, health care providers, professional persons, and health care facilities.

**Sec. 2.** RCW 71.32.020 and 2016 c 209 s 407 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means any individual who has attained the age of majority or is an emancipated minor.

(2) "Agent" has the same meaning as an attorney-in-fact or agent as provided in chapter 11.125 RCW.

(3) "Capacity" means that (~~(an adult)~~) a person has not been found to be incapacitated pursuant to this chapter or RCW 11.88.010(1)(e).

(4) "Court" means a superior court under chapter 2.08 RCW.

(5) "Health care facility" means a hospital, as defined in RCW 70.41.020; an institution, as defined in RCW 71.12.455; a state hospital, as defined in RCW 72.23.010; a nursing home, as defined in RCW 18.51.010; or a clinic that is part of a community mental health service delivery system, as defined in RCW 71.24.025.

(6) "Health care provider" means an osteopathic physician or osteopathic physician's assistant licensed under chapter 18.57 or 18.57A RCW, a physician or physician's assistant licensed under chapter 18.71 or 18.71A RCW, or an advanced registered nurse practitioner licensed under RCW 18.79.050.

(7) "Incapacitated" means (~~(an adult)~~) a person who: (a) Is unable to understand the nature, character, and anticipated results of proposed treatment or alternatives; understand the recognized serious possible risks, complications, and anticipated benefits in treatments and alternatives, including nontreatment; or communicate his or her understanding or treatment decisions; or (b) has been found to be incompetent pursuant to RCW 11.88.010(1)(e).

(8) "Informed consent" means consent that is given after (~~(the)~~) a person: (a) Is provided with a description of the nature, character, and anticipated results of proposed treatments and alternatives, and the recognized serious possible risks, complications, and anticipated benefits in the treatments and alternatives, including nontreatment, in language that the person can reasonably be expected to understand; or (b) elects not to be given the information included in (a) of this subsection.

(9) "Long-term care facility" has the same meaning as defined in RCW 43.190.020.

(10) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions.

(11) "Mental health advance directive" or "directive" means a written document in which the principal makes a declaration of instructions or preferences or appoints an agent to make decisions on behalf of the principal regarding the principal's mental health treatment, or both, and that is consistent with the provisions of this chapter.

(12) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(13) "Principal" means (~~(an adult)~~) a person who has executed a mental health advance directive.

(14) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(15) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(16) "Behavioral health disorder" means a mental disorder, a substance use disorder, or a co-occurring mental health and substance use disorder.

(17) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

**Sec. 3.** RCW 71.32.020 and 2020 c 312 s 732 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means any individual who has attained the age of majority or is an emancipated minor.

(2) "Agent" has the same meaning as an attorney-in-fact or agent as provided in chapter 11.125 RCW.

(3) "Capacity" means that (~~(an adult)~~) a person has not been found to be incapacitated pursuant to this chapter or subject to a guardianship under RCW 11.130.265.

(4) "Court" means a superior court under chapter 2.08 RCW.

(5) "Health care facility" means a hospital, as defined in RCW 70.41.020; an institution, as defined in RCW 71.12.455; a state hospital, as defined in RCW 72.23.010; a nursing home, as defined in RCW 18.51.010; or a clinic that is part of a community (~~(mental)~~) behavioral health service delivery system, as defined in RCW 71.24.025.

(6) "Health care provider" means an osteopathic physician or osteopathic physician's assistant licensed under chapter 18.57 or 18.57A RCW, a physician or physician's assistant licensed under chapter 18.71 or 18.71A RCW, or an advanced registered nurse practitioner licensed under RCW 18.79.050.

(7) "Incapacitated" means (~~(an adult)~~) a person who: (a) Is unable to understand the nature, character, and anticipated results of proposed treatment or alternatives; understand the recognized serious possible risks, complications, and anticipated benefits in treatments and alternatives, including nontreatment; or communicate his or her understanding or treatment decisions; or (b) has been found to be subject to a guardianship under RCW 11.130.265.

(8) "Informed consent" means consent that is given after (~~(the)~~) (a) person: (a) Is provided with a description of the nature, character, and anticipated results of proposed treatments and alternatives, and the recognized serious possible risks, complications, and anticipated benefits in the treatments and alternatives, including nontreatment, in language that the person can reasonably be expected to understand; or (b) elects not to be given the information included in (a) of this subsection.

(9) "Long-term care facility" has the same meaning as defined in RCW 43.190.020.

(10) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions.

(11) "Mental health advance directive" or "directive" means a written document in which the principal makes a declaration of instructions or preferences or appoints an agent to make decisions

on behalf of the principal regarding the principal's mental health treatment, or both, and that is consistent with the provisions of this chapter.

(12) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(13) "Principal" means ~~((an adult))~~ a person who has executed a mental health advance directive.

(14) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(15) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(16) "Behavioral health disorder" means a mental disorder, a substance use disorder, or a co-occurring mental health and substance use disorder.

(17) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

**Sec. 4.** RCW 71.32.020 and 2020 c 312 s 732 and 2020 c 80 s 53 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means any individual who has attained the age of majority or is an emancipated minor.

(2) "Agent" has the same meaning as an attorney-in-fact or agent as provided in chapter 11.125 RCW.

(3) "Capacity" means that ~~((an adult))~~ a person has not been found to be incapacitated pursuant to this chapter or subject to a guardianship under RCW 11.130.265.

(4) "Court" means a superior court under chapter 2.08 RCW.

(5) "Health care facility" means a hospital, as defined in RCW 70.41.020; an institution, as defined in RCW 71.12.455; a state hospital, as defined in RCW 72.23.010; a nursing home, as defined in RCW 18.51.010; or a clinic that is part of a community ~~((mental behavioral))~~ behavioral health service delivery system, as defined in RCW 71.24.025.

(6) "Health care provider" means an osteopathic physician licensed under chapter 18.57 RCW, a physician or physician's assistant licensed under chapter 18.71 or 18.71A RCW, or an advanced registered nurse practitioner licensed under RCW 18.79.050.

(7) "Incapacitated" means ~~((an adult))~~ a person who: (a) Is unable to understand the nature, character, and anticipated results of proposed treatment or alternatives; understand the recognized serious possible risks, complications, and anticipated benefits in treatments and alternatives, including nontreatment; or communicate his or her understanding or treatment decisions; or (b) has been found to be subject to a guardianship under RCW 11.130.265.

(8) "Informed consent" means consent that is given after ~~((the))~~ a person: (a) Is provided with a description of the nature, character, and anticipated results of proposed treatments and alternatives, and the recognized serious possible risks, complications, and anticipated benefits in the treatments and alternatives, including nontreatment, in language that the person can reasonably be expected to understand; or (b) elects not to be given the information included in (a) of this subsection.

(9) "Long-term care facility" has the same meaning as defined in RCW 43.190.020.

(10) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions.

(11) "Mental health advance directive" or "directive" means a written document in which the principal makes a declaration of instructions or preferences or appoints an agent to make decisions on behalf of the principal regarding the principal's mental health treatment, or both, and that is consistent with the provisions of this chapter.

(12) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(13) "Principal" means ~~((an adult))~~ a person who has executed a mental health advance directive.

(14) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(15) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(16) "Behavioral health disorder" means a mental disorder, a substance use disorder, or a co-occurring mental health and substance use disorder.

(17) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

**Sec. 5.** RCW 71.32.030 and 2003 c 283 s 3 are each amended to read as follows:

(1) The definition of informed consent is to be construed to be consistent with that term as it is used in chapter 7.70 RCW.

(2) The definitions of mental disorder, behavioral health disorder, mental health professional, and professional person are to be construed to be consistent with those terms as they are defined in RCW 71.05.020.

**Sec. 6.** RCW 71.32.040 and 2003 c 283 s 4 are each amended to read as follows:

For the purposes of this chapter, an adult is presumed to have capacity. A person who is at least 13 years of age but under the age of majority is considered to have capacity for the purpose of executing a mental health advance directive if the person is able to demonstrate that they are capable of making informed decisions related to behavioral health care.

**Sec. 7.** RCW 71.32.050 and 2016 c 209 s 408 are each amended to read as follows:

(1) ~~((An adult))~~ A person with capacity may execute a mental health advance directive.

(2) A directive executed in accordance with this chapter is presumed to be valid. The inability to honor one or more provisions of a directive does not affect the validity of the remaining provisions.

(3) A directive may include any provision relating to ~~((mental))~~ behavioral health treatment or the care of the principal or the principal's personal affairs. Without limitation, a directive may include:

(a) The principal's preferences and instructions for ~~((mental))~~ behavioral health treatment;

(b) Consent to specific types of ~~((mental))~~ behavioral health treatment;

(c) Refusal to consent to specific types of ~~((mental))~~ behavioral health treatment;

FIFTY SEVENTH DAY, MARCH 8, 2021

2021 REGULAR SESSION

(d) Consent to admission to and retention in a facility for ~~((mental))~~ behavioral health treatment for up to ~~((fourteen))~~ 14 days;

(e) Descriptions of situations that may cause the principal to experience a ~~((mental))~~ behavioral health crisis;

(f) Suggested alternative responses that may supplement or be in lieu of direct ~~((mental))~~ behavioral health treatment, such as treatment approaches from other providers;

(g) Appointment of an agent pursuant to chapter 11.125 RCW to make ~~((mental))~~ behavioral health treatment decisions on the principal's behalf, including authorizing the agent to provide consent on the principal's behalf to voluntary admission to inpatient ~~((mental))~~ behavioral health treatment; and

(h) The principal's nomination of a guardian or limited guardian as provided in RCW 11.125.080 for consideration by the court if guardianship proceedings are commenced.

(4) A directive may be combined with or be independent of a nomination of a guardian or other durable power of attorney under chapter 11.125 RCW, so long as the processes for each are executed in accordance with its own statutes.

**Sec. 8.** RCW 71.32.060 and 2016 c 209 s 409 are each amended to read as follows:

(1) A directive shall:

(a) Be in writing;

(b) Contain language that clearly indicates that the principal intends to create a directive;

(c) Be dated and signed by the principal or at the principal's direction in the principal's presence if the principal is unable to sign;

(d) Designate whether the principal wishes to be able to revoke the directive during any period of incapacity or wishes to be unable to revoke the directive during any period of incapacity; and

(e) ~~((Be))~~ Have the signature acknowledged before a notary public or other individual authorized by law to take acknowledgments, or be witnessed in writing by at least two adults, each of whom shall declare that he or she personally knows the principal, was present when the principal dated and signed the directive, and that the principal did not appear to be incapacitated or acting under fraud, undue influence, or duress.

(2) A directive that includes the appointment of an agent pursuant to a power of attorney under chapter 11.125 RCW shall contain the words "This power of attorney shall not be affected by the incapacity of the principal," or "This power of attorney shall become effective upon the incapacity of the principal," or similar words showing the principal's intent that the authority conferred shall be exercisable notwithstanding the principal's incapacity.

(3) A directive is valid upon execution, but all or part of the directive may take effect at a later time as designated by the principal in the directive.

(4) A directive may:

(a) Be revoked, in whole or in part, pursuant to the provisions of RCW 71.32.080; or

(b) Expire under its own terms.

**Sec. 9.** RCW 71.32.070 and 2003 c 283 s 7 are each amended to read as follows:

A directive may not:

(1) Create an entitlement to ~~((mental))~~ behavioral health or medical treatment or supersede a determination of medical necessity;

(2) Obligate any health care provider, professional person, or health care facility to pay the costs associated with the treatment requested;

(3) Obligate any health care provider, professional person, or health care facility to be responsible for the nontreatment personal care of the principal or the principal's personal affairs outside the scope of services the facility normally provides;

(4) Replace or supersede the provisions of any will or testamentary document or supersede the provisions of intestate succession;

(5) Be revoked by an incapacitated principal unless that principal selected the option to permit revocation while incapacitated at the time his or her directive was executed; or

(6) Be used as the authority for inpatient admission for more than ~~((fourteen))~~ 14 days in any ~~((twenty-one))~~ 21 day period.

**Sec. 10.** RCW 71.32.100 and 2016 c 209 s 410 are each amended to read as follows:

(1) If a directive authorizes the appointment of an agent, the provisions of chapter 11.125 RCW and RCW 7.70.065 shall apply unless otherwise stated in this chapter.

(2) The principal who appoints an agent must notify the agent in writing of the appointment.

(3) An agent must act in good faith.

(4) An agent may make decisions on behalf of the principal. Unless the principal has revoked the directive, the decisions must be consistent with the instructions and preferences the principal has expressed in the directive, or if not expressed, as otherwise known to the agent. If the principal's instructions or preferences are not known, the agent shall make a decision he or she determines is in the best interest of the principal.

(5) ~~((Except to the extent the right is limited by the appointment or any federal or state law, the agent has the same right as the principal to receive, review, and authorize the use and disclosure of the principal's health care information when the agent is acting on behalf of the principal and to the extent required for the agent to carry out his or her duties.))~~ A person authorized to act as an agent during periods when the principal is incapacitated may act as the principal's personal representative pursuant to the health insurance portability and accountability act, sections 1171 through 1179 of the social security act, 42 U.S.C. Sec. 1320d, as amended, and applicable regulations, to obtain access to the principal's health care information and communicate with the principal's health care provider. This subsection shall be construed to be consistent with chapters 70.02, 70.24, ~~((70.96A,))~~ 71.05, and 71.34 RCW, and with federal law regarding health care information.

(6) Unless otherwise provided in the appointment and agreed to in writing by the agent, the agent is not, as a result of acting in the capacity of agent, personally liable for the cost of treatment provided to the principal.

(7) An agent may resign or withdraw at any time by giving written notice to the principal. The agent must also give written notice to any health care provider, professional person, or health care facility providing treatment to the principal. The resignation or withdrawal is effective upon receipt unless otherwise specified in the resignation or withdrawal.

(8) If the directive gives the agent authority to act while the principal has capacity, the decisions of the principal supersede those of the agent at any time the principal has capacity.

(9) Unless otherwise provided in the durable power of attorney, the principal may revoke the agent's appointment as provided under other state law.

**Sec. 11.** RCW 71.32.110 and 2016 c 155 s 13 are each amended to read as follows:

(1) For the purposes of this chapter, a principal, agent, professional person, or health care provider may seek a determination whether the principal is incapacitated or has regained capacity.

(2)(a) For the purposes of this chapter, no adult may be declared an incapacitated person except by:

(i) A court, if the request is made by the principal or the principal's agent;

(ii) One mental health professional or substance use disorder professional and one health care provider; or

(iii) Two health care providers.

(b) One of the persons making the determination under (a)(ii) or (iii) of this subsection must be a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, or a psychiatric advanced registered nurse practitioner.

(3) When a professional person or health care provider requests a capacity determination, he or she shall promptly inform the principal that:

(a) A request for capacity determination has been made; and

(b) The principal may request that the determination be made by a court.

(4) At least one mental health professional, substance use disorder professional, or health care provider must personally examine the principal prior to making a capacity determination.

(5)(a) When a court makes a determination whether a principal has capacity, the court shall, at a minimum, be informed by the testimony of one mental health professional or substance use disorder professional familiar with the principal and shall, except for good cause, give the principal an opportunity to appear in court prior to the court making its determination.

(b) To the extent that local court rules permit, any party or witness may testify telephonically.

(6) When a court has made a determination regarding a principal's capacity and there is a subsequent change in the principal's condition, subsequent determinations whether the principal is incapacitated may be made in accordance with any of the provisions of subsection (2) of this section.

**Sec. 12.** RCW 71.32.130 and 2003 c 283 s 13 are each amended to read as follows:

(1) An initial determination of capacity must be completed within ~~((forty-eight))~~ 48 hours of a request made by a person authorized in RCW 71.32.110. During the period between the request for an initial determination of the principal's capacity and completion of that determination, the principal may not be treated unless he or she consents at the time or treatment is otherwise authorized by state or federal law.

(2)(a)(i) When an incapacitated principal is admitted to inpatient treatment pursuant to the provisions of his or her directive, his or her capacity must be reevaluated within ~~((seventy-two))~~ 120 hours or when there has been a change in the principal's condition that indicates that he or she appears to have regained capacity, whichever occurs first.

(ii) When an incapacitated principal has been admitted to and remains in inpatient treatment for more than ~~((seventy-two))~~ 120 hours pursuant to the provisions of his or her directive, the principal's capacity must be reevaluated when there has been a change in his or her condition that indicates that he or she appears to have regained capacity.

(iii) When a principal who is being treated on an inpatient basis and has been determined to be incapacitated requests, or his or her agent requests, a redetermination of the principal's capacity the redetermination must be made within ~~((seventy-two))~~ 120 hours.

(b) When a principal who has been determined to be incapacitated is being treated on an outpatient basis and there is a request for a redetermination of his or her capacity, the redetermination must be made within five days of the first request following a determination.

(3)(a) When a principal who has appointed an agent for ~~((mental))~~ behavioral health treatment decisions requests a

determination or redetermination of capacity, the agent must make reasonable efforts to obtain the determination or redetermination.

(b) When a principal who does not have an agent for ~~((mental))~~ behavioral health treatment decisions is being treated in an inpatient facility and requests a determination or redetermination of capacity, the mental health professional or health care provider must complete the determination or, if the principal is seeking a determination from a court, must make reasonable efforts to notify the person authorized to make decisions for the principal under RCW 7.70.065 of the principal's request.

(c) When a principal who does not have an agent for ~~((mental))~~ behavioral health treatment decisions is being treated on an outpatient basis, the person requesting a capacity determination must arrange for the determination.

(4) If no determination has been made within the time frames established in subsection (1) or (2) of this section, the principal shall be considered to have capacity.

(5) When an incapacitated principal is being treated pursuant to his or her directive, a request for a redetermination of capacity does not prevent treatment.

**Sec. 13.** RCW 71.32.140 and 2016 sp.s. c 29 s 424 and 2016 c 155 s 14 are each reenacted and amended to read as follows:

(1) A principal who:

(a) Chose not to be able to revoke his or her directive during any period of incapacity;

(b) Consented to voluntary admission to inpatient ~~((mental))~~ behavioral health treatment, or authorized an agent to consent on the principal's behalf; and

(c) At the time of admission to inpatient treatment, refuses to be admitted,

may only be admitted into inpatient ~~((mental))~~ behavioral health treatment under subsection (2) of this section.

(2) A principal may only be admitted to inpatient ~~((mental))~~ behavioral health treatment under his or her directive if, prior to admission, a member of the treating facility's professional staff who is a physician, physician assistant, or psychiatric advanced registered nurse practitioner:

(a) Evaluates the principal's mental condition, including a review of reasonably available psychiatric and psychological history, diagnosis, and treatment needs, and determines, in conjunction with another health care provider ~~((or))~~, mental health professional, or substance use disorder professional, that the principal is incapacitated;

(b) Obtains the informed consent of the agent, if any, designated in the directive;

(c) Makes a written determination that the principal needs an inpatient evaluation or is in need of inpatient treatment and that the evaluation or treatment cannot be accomplished in a less restrictive setting; and

(d) Documents in the principal's medical record a summary of the physician's, physician assistant's, or psychiatric advanced registered nurse practitioner's findings and recommendations for treatment or evaluation.

(3) In the event the admitting physician is not a psychiatrist, the admitting physician assistant is not supervised by a psychiatrist, or the advanced registered nurse practitioner is not a psychiatric advanced registered nurse practitioner, the principal shall receive a complete ~~((psychological))~~ behavioral health assessment by a mental health professional or substance use disorder professional within ~~((twenty-four))~~ 24 hours of admission to determine the continued need for inpatient evaluation or treatment.

(4)(a) If it is determined that the principal has capacity, then the principal may only be admitted to, or remain in, inpatient treatment if he or she consents at the time, is admitted for family-initiated treatment under chapter 71.34 RCW, or is detained under

FIFTY SEVENTH DAY, MARCH 8, 2021

2021 REGULAR SESSION

the involuntary treatment provisions of chapter 71.05 or 71.34 RCW.

(b) If a principal who is determined by two health care providers or one mental health professional or substance use disorder professional and one health care provider to be incapacitated continues to refuse inpatient treatment, the principal may immediately seek injunctive relief for release from the facility.

(5) If, at the end of the period of time that the principal or the principal's agent, if any, has consented to voluntary inpatient treatment, but no more than (~~fourteen~~) 14 days after admission, the principal has not regained capacity or has regained capacity but refuses to consent to remain for additional treatment, the principal must be released during reasonable daylight hours, unless detained under chapter 71.05 or 71.34 RCW.

(6)(a) Except as provided in (b) of this subsection, any principal who is voluntarily admitted to inpatient (~~mental~~) behavioral health treatment under this chapter shall have all the rights provided to individuals who are voluntarily admitted to inpatient treatment under chapter 71.05, 71.34, or 72.23 RCW.

(b) Notwithstanding RCW 71.05.050 regarding consent to inpatient treatment for a specified length of time, the choices an incapacitated principal expressed in his or her directive shall control, provided, however, that a principal who takes action demonstrating a desire to be discharged, in addition to making statements requesting to be discharged, shall be discharged, and no principal shall be restrained in any way in order to prevent his or her discharge. Nothing in this subsection shall be construed to prevent detention and evaluation for civil commitment under chapter 71.05 RCW.

(7) Consent to inpatient admission in a directive is effective only while the professional person, health care provider, and health care facility are in substantial compliance with the material provisions of the directive related to inpatient treatment.

**Sec. 14.** RCW 71.32.170 and 2003 c 283 s 17 are each amended to read as follows:

(1) For the purposes of this section, "provider" means a private or public agency, government entity, health care provider, professional person, health care facility, or person acting under the direction of a health care provider or professional person, health care facility, or long-term care facility.

(2) A provider is not subject to civil liability or sanctions for unprofessional conduct under the uniform disciplinary act, chapter 18.130 RCW, when in good faith and without negligence:

(a) The provider provides treatment to a principal in the absence of actual knowledge of the existence of a directive, or provides treatment pursuant to a directive in the absence of actual knowledge of the revocation of the directive;

(b) A health care provider or mental health professional determines that the principal is or is not incapacitated for the purpose of deciding whether to proceed according to a directive, and acts upon that determination;

(c) The provider administers or does not administer (~~mental~~) behavioral health treatment according to the principal's directive in good faith reliance upon the validity of the directive and the directive is subsequently found to be invalid;

(d) The provider does not provide treatment according to the directive for one of the reasons authorized under RCW 71.32.150; or

(e) The provider provides treatment according to the principal's directive.

**Sec. 15.** RCW 71.32.180 and 2016 c 209 s 411 are each amended to read as follows:

(1) Where an incapacitated principal has executed more than one valid directive and has not revoked any of the directives:

(a) The directive most recently created shall be treated as the principal's (~~mental~~) behavioral health treatment preferences and instructions as to any inconsistent or conflicting provisions, unless provided otherwise in either document.

(b) Where a directive executed under this chapter is inconsistent with a directive executed under any other chapter, the most recently created directive controls as to the inconsistent provisions.

(2) Where an incapacitated principal has appointed more than one agent under chapter 11.125 RCW with authority to make (~~mental~~) behavioral health treatment decisions, RCW 11.125.400 controls.

(3) The treatment provider shall inquire of a principal whether the principal is subject to any court orders that would affect the implementation of his or her directive.

**Sec. 16.** RCW 71.32.210 and 2003 c 283 s 21 are each amended to read as follows:

The fact that a person has executed a directive does not constitute an indication of (~~mental~~) behavioral health disorder or that the person is not capable of providing informed consent.

**Sec. 17.** RCW 71.32.220 and 2003 c 283 s 22 are each amended to read as follows:

A person shall not be required to execute or to refrain from executing a directive, nor shall the existence of a directive be used as a criterion for insurance, as a condition for receiving (~~mental~~) behavioral or physical health services, or as a condition of admission to or discharge from a health care facility or long-term care facility.

**Sec. 18.** RCW 71.32.250 and 2016 c 155 s 15 are each amended to read as follows:

(1) If a principal who is a resident of a long-term care facility is admitted to inpatient (~~mental~~) behavioral health treatment pursuant to his or her directive, the principal shall be allowed to be readmitted to the same long-term care facility as if his or her inpatient admission had been for a physical condition on the same basis that the principal would be readmitted under state or federal statute or rule when:

(a) The treating facility's professional staff determine that inpatient (~~mental~~) behavioral health treatment is no longer medically necessary for the resident. The determination shall be made in writing by a psychiatrist, physician assistant working with a supervising psychiatrist, or a psychiatric advanced registered nurse practitioner, or (i) one physician and a mental health professional or substance use disorder professional; (ii) one physician assistant and a mental health professional or substance use disorder professional; or (iii) one psychiatric advanced registered nurse practitioner and a mental health professional or substance use disorder professional; or

(b) The person's consent to admission in his or her directive has expired.

(2)(a) If the long-term care facility does not have a bed available at the time of discharge, the treating facility may discharge the resident, in consultation with the resident and agent if any, and in accordance with a medically appropriate discharge plan, to another long-term care facility.

(b) This section shall apply to inpatient (~~mental~~) behavioral health treatment admission of long-term care facility residents, regardless of whether the admission is directly from a facility, hospital emergency room, or other location.

(c) This section does not restrict the right of the resident to an earlier release from the inpatient treatment facility. This section does not restrict the right of a long-term care facility to initiate transfer or discharge of a resident who is readmitted pursuant to this section, provided that the facility has complied with the laws governing the transfer or discharge of a resident.

(3) The joint legislative audit and review committee shall conduct an evaluation of the operation and impact of this section. The committee shall report its findings to the appropriate committees of the legislature by December 1, 2004.

Sec. 19. RCW 71.32.260 and 2016 c 209 s 413 and 2016 c 155 s 16 are each reenacted and amended to read as follows:

The directive shall be in substantially the following form:

((Mental Health Advance Directive

**NOTICE TO PERSONS  
CREATING A MENTAL HEALTH ADVANCE-  
DIRECTIVE**

This is an important legal document. It creates an advance directive for mental health treatment. Before signing this document you should know these important facts:

(1) This document is called an advance directive and allows you to make decisions in advance about your mental health treatment, including medications, short term admission to inpatient treatment and electroconvulsive therapy.

**YOU DO NOT HAVE TO FILL OUT OR SIGN THIS FORM.**

**IF YOU DO NOT SIGN THIS FORM, IT WILL NOT TAKE EFFECT.**

If you choose to complete and sign this document, you may still decide to leave some items blank.

(2) You have the right to appoint a person as your agent to make treatment decisions for you. You must notify your agent that you have appointed him or her as an agent. The person you appoint has a duty to act consistently with your wishes made known by you. If your agent does not know what your wishes are, he or she has a duty to act in your best interest. Your agent has the right to withdraw from the appointment at any time.

(3) The instructions you include with this advance directive and the authority you give your agent to act will only become effective under the conditions you select in this document. You may choose to limit this directive and your agent's authority to times when you are incapacitated or to times when you are exhibiting symptoms or behavior that you specify. You may also make this directive effective immediately. No matter when you choose to make this directive effective, your treatment providers must still seek your informed consent at all times that you have capacity to give informed consent.

(4) You have the right to revoke this document in writing at any time you have capacity.

**YOU MAY NOT REVOKE THIS DIRECTIVE WHEN YOU HAVE BEEN FOUND TO BE INCAPACITATED UNLESS YOU HAVE SPECIFICALLY STATED IN THIS DIRECTIVE THAT YOU WANT IT TO BE REVOCABLE WHEN YOU ARE INCAPACITATED.**

(5) This directive will stay in effect until you revoke it unless you specify an expiration date. If you specify an expiration date and you are incapacitated at the time it expires, it will remain in effect until you have capacity to make treatment decisions again unless you chose to be able to revoke it while you are incapacitated and you revoke the directive.

(6) You cannot use your advance directive to consent to civil commitment. The procedures that apply to your advance directive are different than those provided for in the Involuntary Treatment Act. Involuntary treatment is a different process.

~~(7) If there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.~~

~~(8) You should be aware that there are some circumstances where your provider may not have to follow your directive.~~

~~(9) You should discuss any treatment decisions in your directive with your provider.~~

~~(10) You may ask the court to rule on the validity of your directive.~~

**PART I.  
STATEMENT OF INTENT TO CREATE A  
MENTAL HEALTH ADVANCE DIRECTIVE**

I, . . . . . being a person with capacity, willfully and voluntarily execute this mental health advance directive so that my choices regarding my mental health care will be carried out in circumstances when I am unable to express my instructions and preferences regarding my mental health care. If a guardian is appointed by a court to make mental health decisions for me, I intend this document to take precedence over all other means of ascertaining my intent.

The fact that I may have left blanks in this directive does not affect its validity in any way. I intend that all completed sections be followed. If I have not expressed a choice, my agent should make the decision that he or she determines is in my best interest. I intend this directive to take precedence over any other directives I have previously executed, to the extent that they are inconsistent with this document, or unless I expressly state otherwise in either document.

I understand that I may revoke this directive in whole or in part if I am a person with capacity. I understand that I cannot revoke this directive if a court, two health care providers, or one mental health professional and one health care provider find that I am an incapacitated person, unless, when I executed this directive, I chose to be able to revoke this directive while incapacitated.

I understand that, except as otherwise provided in law, revocation must be in writing. I understand that nothing in this directive, or in my refusal of treatment to which I consent in this directive, authorizes any health care provider, professional person, health care facility, or agent appointed in this directive to use or threaten to use abuse, neglect, financial exploitation, or abandonment to carry out my directive.

I understand that there are some circumstances where my provider may not have to follow my directive.

**PART II.  
WHEN THIS DIRECTIVE IS EFFECTIVE**

**YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.**

I intend that this directive become effective (YOU MUST CHOOSE ONLY ONE):

..... Immediately upon my signing of this directive.

..... If I become incapacitated.

..... When the following circumstances, symptoms, or behaviors occur:.....

**PART III.  
DURATION OF THIS DIRECTIVE**

**YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.**

I want this directive to (YOU MUST CHOOSE ONLY ONE):

..... Remain valid and in effect for an indefinite period of time.
..... Automatically expire ..... years from the date it was created.

PART IV.
WHEN I MAY REVOKE THIS DIRECTIVE
YOU MUST COMPLETE THIS PART FOR THIS DIRECTIVE TO BE VALID.

I intend that I be able to revoke this directive (YOU MUST CHOOSE ONLY ONE):

..... Only when I have capacity.
I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this directive, even if I object at the time.

..... Even if I am incapacitated.
I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further understand that if I choose this option and revoke this directive while I am incapacitated I may not receive treatment that I specify in this directive, even if I want the treatment.

PART V.
PREFERENCES AND INSTRUCTIONS ABOUT TREATMENT, FACILITIES, AND PHYSICIANS, PHYSICIAN ASSISTANTS, OR PSYCHIATRIC ADVANCED REGISTERED NURSE PRACTITIONERS

A. Preferences and Instructions About Physician(s), Physician Assistant(s), or Psychiatric Advanced Registered Nurse Practitioner(s) to be Involved in My Treatment

I would like the physician(s), physician assistant(s), or psychiatric advanced registered nurse practitioner(s) named below to be involved in my treatment decisions:

Dr., PA-C, or PARNP ..... Contact information:
.....
Dr., PA-C, or PARNP ..... Contact information:
.....

I do not wish to be treated by Dr. or PARNP .....

B. Preferences and Instructions About Other Providers

I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the following treatment provider(s) to be contacted when this directive is effective:

Name ..... Profession .....
..... Contact information .....
Name ..... Profession .....
..... Contact information .....

C. Preferences and Instructions About Medications for Psychiatric Treatment (initial and complete all that apply)

..... I consent, and authorize my agent (if appointed) to consent, to the following medications: .....

..... I do not consent, and I do not authorize my agent (if appointed) to consent, to the administration of the following medications: .....

..... I am willing to take the medications excluded above if my only reason for excluding them is the side effects which include ..... and these side effects can be eliminated by dosage adjustment or other means

..... I am willing to try any other medication the hospital doctor, physician assistant, or psychiatric advanced registered nurse practitioner recommends

..... I am willing to try any other medications my outpatient doctor, physician assistant, or psychiatric advanced registered nurse practitioner recommends

..... I do not want to try any other medications.

Medication Allergies

I have allergies to, or severe side effects from, the following:

Other Medication Preferences or Instructions

..... I have the following other preferences or instructions about medications .....

D. Preferences and Instructions About Hospitalization and Alternatives

(initial all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on)

..... In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as alternatives to psychiatric hospitalizations.

..... I would also like the interventions below to be tried before hospitalization is considered:

..... Calling someone or having someone call me when needed:
Name: ..... Telephone: .....

..... Staying overnight with someone
Name: ..... Telephone: .....

..... Having a mental health service provider come to see me

..... Going to a crisis triage center or emergency room

..... Staying overnight at a crisis respite (temporary) bed

..... Seeing a service provider for help with psychiatric medications

..... Other, specify: .....

Authority to Consent to Inpatient Treatment

I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment for-
..... days (not to exceed 14 days)

(Sign one):

..... If deemed appropriate by my agent (if appointed) and treating physician, physician assistant, or psychiatric advanced registered nurse practitioner

.....

(Signature)

or

..... Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for hospitalization) .....

(Signature)

..... I do **not** consent, or authorize my agent (if appointed) to consent, to inpatient treatment

(Signature)

**Hospital Preferences and Instructions**

If hospitalization is required, I prefer the following hospitals: .....

I do not consent to be admitted to the following hospitals: ...

**E. Preferences and Instructions About Preemergency**

I would like the interventions below to be tried before use of seclusion or restraint is considered (initial all that apply):

..... "Talk me down" one on one

..... More medication

..... Time out/privacy

..... Show of authority/force

..... Shift my attention to something else

..... Set firm limits on my behavior

..... Help me to discuss/vent feelings

..... Decrease stimulation

..... Offer to have neutral person settle dispute

..... Other, specify: ....

**F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications**

If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of medication, I prefer these interventions in the order I have chosen (choose "1" for first choice, "2" for second choice, and so on):

..... Seclusion

..... Seclusion and physical restraint (combined)

..... Medication by injection

..... Medication in pill or liquid form

In the event that my attending physician, physician assistant, or psychiatric advanced registered nurse practitioner decides to use medication in response to an emergency situation after due consideration of my preferences and instructions for emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have expressed in Part III C of this form. The preferences and instructions I express in this section regarding medication in emergency situations do not constitute consent to use of the medication for nonemergency treatment.

**G. Preferences and Instructions About Electroconvulsive Therapy (ECT or Shock Therapy)**

My wishes regarding electroconvulsive therapy are (sign one):

..... I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

.....  
(Signature)

..... I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

(Signature)

..... I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy, but only under the following conditions: .....

(Signature)

**H. Preferences and Instructions About Who is Permitted to Visit**

If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

Name: .....

Name: .....

Name: .....

I understand that persons not listed above may be permitted to visit me:

**I. Additional Instructions About My Mental Health Care**

Other instructions about my mental health care: .....

In case of emergency, please contact:

Name: ..... Address: .....

Work telephone: ..... Home telephone: .....

Physician, \_\_\_\_\_ Physician Assistant, or Psychiatric

Advanced \_\_\_\_\_ Registered

Nurse Practitioner: .....

Telephone: .....

The following may help me to avoid a hospitalization: .....

I generally react to being hospitalized as follows: .....

Staff of the hospital or crisis unit can help me by doing the following: .....

**J. Refusal of Treatment**

I do not consent to any mental health treatment.

.....

(Signature)

**PART VI-**

**DURABLE POWER OF ATTORNEY (APPOINTMENT OF MY AGENT)**

(Fill out this part only if you wish to appoint an agent or nominate a guardian.)

I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure, consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be made in accordance with my expressed wishes as set forth in this document. If I have not expressed a choice in this document **and my agent does not otherwise know my wishes**, I authorize my agent to make the decision that my agent determines is in my best interest. This agency shall not be

affected by my incapacity. Unless I state otherwise in this durable power of attorney, I may revoke it unless prohibited by other state law.

**A. Designation of an Agent**

I appoint the following person as my agent to make mental health treatment decisions for me as authorized in this document and request that this person be notified immediately when this directive becomes effective:

Name: ..... Address: .....  
Work telephone: ..... Home telephone: .....  
Relationship: .....

**B. Designation of Alternate Agent**

If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to serve as my agent, I hereby appoint the following person as my alternate agent and request that this person be notified immediately when this directive becomes effective or when my original agent is no longer my agent:

Name: ..... Address: .....  
Work telephone: ..... Home telephone: .....  
Relationship: .....

**C. When My Spouse is My Agent (initial if desired)**

..... If my spouse is my agent, that person shall remain my agent even if we become legally separated or our marriage is dissolved, unless there is a court order to the contrary or I have remarried.

**D. Limitations on My Agent's Authority**

I do not grant my agent the authority to consent on my behalf to the following:

**E. Limitations on My Ability to Revoke this Durable Power of Attorney**

I choose to limit my ability to revoke this durable power of attorney as follows:

**F. Preference as to Court Appointed Guardian**

In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I nominate the following person as my guardian:

Name: ..... Address: .....  
Work telephone: ..... Home telephone: .....  
Relationship: .....

The appointment of a guardian of my estate or my person or any other decision maker shall not give the guardian or decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by law.

.....  
(Signature required if nomination is made)

**PART VII--  
OTHER DOCUMENTS**

(Initial all that apply)

I have executed the following documents that include the power to make decisions regarding health care services for myself:

..... Health care power of attorney (chapter 11.125 RCW)

..... "Living will" (Health care directive; chapter 70.122 RCW)

..... I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated below:

**PART VIII--  
NOTIFICATION OF OTHERS AND CARE OF PERSONAL AFFAIRS**

(Fill out this part only if you wish to provide nontreatment instructions.)

I understand the preferences and instructions in this part are NOT the responsibility of my treatment provider and that no treatment provider is required to act on them.

**A. Who Should Be Notified**

I desire my agent to notify the following individuals as soon as possible when this directive becomes effective:

Name: ..... Address: .....  
Day telephone: ..... Evening telephone: .....  
Name: ..... Address: .....  
Day telephone: ..... Evening telephone: .....

**B. Preferences or Instructions About Personal Affairs**

I have the following preferences or instructions about my personal affairs (e.g., care of dependents, pets, household) if I am admitted to a mental health treatment facility:

**C. Additional Preferences and Instructions:**

**PART IX--  
SIGNATURE**

By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I intend that my consent in this directive be construed as being consistent with the elements of informed consent under chapter 7.70 RCW.

Signature: ..... Date: .....  
Printed Name: .....

This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not appear to be acting under duress, undue influence, or fraud. We further declare that none of us is:

- (A) A person designated to make medical decisions on the principal's behalf;
- (B) A health care provider or professional person directly involved with the provision of care to the principal at the time the directive is executed;
- (C) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in which the principal is a patient or resident;
- (D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating relationship as defined in RCW 26.50.010;
- (E) An incapacitated person;

(F) A person who would benefit financially if the principal undergoes mental health treatment; or

(G) A minor.

Witness 1: Signature:- ..... Date:- .....

Printed Name:- .....

Telephone:- ..... Address:- .....

Witness 2: Signature:- ..... Date:- .....

Printed Name:- .....

Telephone:- ..... Address:- .....

**PART X.  
RECORD OF DIRECTIVE**

I have given a copy of this directive to the following persons:

.....

DO NOT FILL OUT PART XI UNLESS YOU INTEND TO

REVOKE

THIS DIRECTIVE IN PART OR IN WHOLE

**PART XI.  
REVOCAION OF THIS DIRECTIVE**

*(Initial any that apply):*

..... I am revoking the following part(s) of this directive (specify):- .....

..... I am revoking all of this directive.

By signing here, I indicate that I understand the purpose and effect of my revocation and that no person is bound by any revoked provision(s). I intend this revocation to be interpreted as if I had never completed the revoked provision(s).

Signature:- ..... Date:- .....

Printed Name:- .....

**DO NOT SIGN THIS PART UNLESS YOU INTEND-  
TO REVOKE THIS  
DIRECTIVE IN PART OR IN WHOLE))**

Mental Health Advance Directive of (client name)  
With Appointment of (agent name) as  
Agent for Mental Health Decisions

**PART I.  
STATEMENT OF INTENT TO CREATE A  
MENTAL HEALTH ADVANCE DIRECTIVE**

I, (Client name), being a person with capacity, willfully and voluntarily execute this mental health advance directive so that my choices regarding my mental health care will be carried out in circumstances when I am unable to express my instructions and preferences regarding my mental health care.

**PART II.  
MY CARE NEEDS – WHAT WORKS FOR ME**

In order to assist in carrying out my directive I would like my providers and my agent to know the following information:

I have been diagnosed with (client illnesses both mental health and physical diagnoses) for which I take (list medications).

I am also on the following other medications: (list any other medications for other conditions).

The best treatment method for my illness is (give general overview of what works best for client).

I have/do not have a history of substance abuse. My preferences and treatment options around medication management related to substance abuse are:

**PART III.  
WHEN THIS DIRECTIVE IS EFFECTIVE**

*(You must complete this part for your directive to be valid.)*

I intend that this directive become effective (YOU MUST CHOOSE ONLY ONE):

..... Immediately upon my signing of this directive.

..... If I become incapacitated.

..... When the following circumstances, symptoms, or behaviors occur:

**PART IV.  
DURATION OF THIS DIRECTIVE**

*(You must complete this part for your directive to be valid.)*

I want this directive to (YOU MUST CHOOSE ONLY ONE):

..... Remain valid and in effect for an indefinite period of time.

..... Automatically expire ..... years from the date it was created.

**PART V.  
WHEN I MAY REVOKE THIS DIRECTIVE**

*(You must complete this part for this directive to be valid.)*

I intend that I be able to revoke this directive (YOU MUST CHOOSE ONLY ONE):

..... Only when I have capacity.

I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this directive, even if I object at the time.

..... Even if I am incapacitated.

I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further understand that if I choose this option and revoke this directive while I am incapacitated I may not receive treatment that I specify in this directive, even if I want the treatment.

**PART VI.  
PREFERENCES AND INSTRUCTIONS ABOUT  
TREATMENT, FACILITIES, AND PHYSICIANS,  
PHYSICIAN ASSISTANTS, OR ADVANCED  
REGISTERED NURSE PRACTITIONERS**

**A. Preferences and Instructions About Physician(s), Physician Assistant(s), or Advanced Registered Nurse Practitioner(s) to be Involved in My Treatment**

I would like the physician(s), physician assistant(s), or advanced registered nurse practitioner(s) named below to be involved in my treatment decisions:

I do not wish to be treated by

**B. Preferences and Instructions About Other Providers**

I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the following treatment provider(s) to be contacted when this directive is effective:

**C. Preferences and Instructions About Medications for Psychiatric Treatment (check all that apply)**

..... I consent, and authorize my agent (if appointed) to consent, to the following medications:

..... I do not consent, and I do not authorize my agent (if appointed) to consent, to the administration of the following medications:

..... I am willing to take the medications excluded above if my only reason for excluding them is the side effects which include:

and these side effects can be eliminated by dosage adjustment or other means

..... I am willing to try any other medication the hospital doctor, physician assistant, or advanced registered nurse practitioner recommends.

..... I am willing to try any other medications my outpatient doctor, physician assistant, or advanced registered nurse practitioner recommends.

..... I do not want to try any other medications.  
Medication Allergies.

I have allergies to, or severe side effects from, the following:  
Other Medication Preferences or Instructions

..... I have the following other preferences or instructions about medications:

**D. Preferences and Instructions About Hospitalization and Alternatives**

(check all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on)

..... In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as alternatives to psychiatric hospitalizations.

..... I would also like the interventions below to be tried before hospitalization is considered:

..... Calling someone or having someone call me when needed.

Name:  
.....

Telephone/text:  
.....

Email:.....

..... Staying overnight with someone  
Name:  
.....

Telephone/text:  
.....

Email:.....

..... Having a mental health service provider come to see me.

..... Going to a crisis triage center or emergency room.  
..... Staying overnight at a crisis respite (temporary) bed.

..... Seeing a service provider for help with psychiatric medications.  
..... Other, specify:

Authority to Consent to Inpatient Treatment  
I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment for ..... days (not to exceed 14 days).

(Sign one): .....  
..... If deemed appropriate by my agent (if appointed) and treating physician, physician assistant, or advanced registered nurse practitioner

.....  
(Signature)

Or  
..... Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for hospitalization)

.....  
(Signature)

..... I do not consent, or authorize my agent (if appointed) to consent, to inpatient treatment

.....  
(Signature)

**Hospital Preferences and Instructions**  
If hospitalization is required, I prefer the following hospitals:  
I do not consent to be admitted to the following hospitals:

**E. Preferences and Instructions About Preemergency**  
I would like the interventions below to be tried before use of seclusion or restraint is considered (check all that apply):

- ..... "Talk me down" one-on-one
- ..... More medication
- ..... Time out/privacy
- ..... Show of authority/force
- ..... Shift my attention to something else
- ..... Set firm limits on my behavior
- ..... Help me to discuss/vent feelings
- ..... Decrease stimulation
- ..... Offer to have neutral person settle dispute
- ..... Other:

**F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications**

If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of medication, I prefer these interventions in the order I have chosen (choose "1" for first choice, "2" for second choice, and so on):

- ..... Seclusion
- ..... Seclusion and physical restraint (combined)
- ..... Medication by injection
- ..... Medication in pill or liquid form

In the event that my attending physician, physician assistant, or advanced registered nurse practitioner decides to use medication in response to an emergency situation after due consideration of my preferences and instructions for emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have expressed in Part VI C. of this form. The preferences and instructions I express in this section regarding medication in emergency situations do not constitute consent to use of the medication for nonemergency treatment.

**G. Preferences and Instructions About Electroconvulsive Therapy (ECT or Shock Therapy)**

My wishes regarding electroconvulsive therapy are (sign one):  
..... I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

.....  
(Signature)

..... I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

.....  
(Signature)

..... I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy, but only under the following conditions:

.....  
(Signature)

**H. Preferences and Instructions About Who is Permitted to Visit**

If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

Name: .....

Name: .....

I understand that persons not listed above may be permitted to visit me.

**I. Additional Instructions About My Mental Health Care**

Other instructions about my mental health care:

In case of emergency, please contact:

Name: ..... Address: .....

Work telephone: ..... Home telephone: .....

Physician, physician assistant, or advanced registered nurse practitioner: ..... Address: .....

Telephone: ..... Email: .....

registered nurse practitioner: .....

Telephone: .....

The following may help me to avoid a hospitalization:

I generally react to being hospitalized as follows:

Staff of the hospital or crisis unit can help me by doing the following:

**J. Refusal of Treatment**

I do not consent to any mental health treatment.

.....

(Signature)

**PART VII.**

**DURABLE POWER OF ATTORNEY (APPOINTMENT OF MY AGENT)**

*(Fill out this part only if you wish to appoint an agent or nominate a guardian.)*

I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure, consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be made in accordance with my expressed wishes as set forth in this document. If I have not expressed a choice in this document and my agent does not otherwise know my wishes, I authorize my agent to make the decision that my agent determines is in my best interest. This agency shall not be affected by my incapacity. Unless I state otherwise in this durable power of attorney, I may revoke it unless prohibited by other state law.

HIPAA Release Authority. In addition to the other powers granted by this document, I grant to my Attorney-in-Fact the power and authority to serve as my personal representative for all purposes under the Health Insurance Portability and Accountability Act (HIPAA) of 1996, as amended from time to time, and its regulations. My Attorney-in-Fact will serve as my "HIPAA personal representative" and will exercise this authority at any time that my Attorney-in-Fact is exercising authority under this document.

**A. Designation of an Agent**

Name: ..... Address: .....

Work phone: ..... Home/cell phone: .....

Relationship: ..... Email: .....

**B. Designation of Alternate Agent**

If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to serve as my agent, I hereby appoint the following person as my

alternate agent and request that this person be notified immediately when this directive becomes effective or when my original agent is no longer my agent:

Name: ..... Address: .....

Work phone: ..... Home phone: .....

Relationship: ..... Email: .....

**C. When My Spouse is My Agent (check if desired)**

..... If my spouse is my agent, that person shall remain my agent even if we become legally separated or our marriage is dissolved, unless there is a court order to the contrary.

**D. Limitations on My Agent's Authority**

I do not grant my agent the authority to consent on my behalf to the following: .....

**E. Limitations on My Ability to Revoke this Durable Power of Attorney**

I choose to limit my ability to revoke this durable power of attorney as follows: .....

**F. Preference as to Court-Appointed Guardian**

In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I nominate my then-serving agent (or name someone else) as my guardian:

Name and contact information (if someone other than agent or alternate):

The appointment of a guardian of my estate or my person or any other decision maker shall not give the guardian or decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by law.

**PART VIII. OTHER DOCUMENTS**

*(Initial all that apply)*

I have executed the following documents that include the power to make decisions regarding health care services for myself:

..... Health care power of attorney (chapter 11.125 RCW)

..... "Living will" (Health care directive; chapter 70.122 RCW)

..... I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated below:

**PART IX. NOTIFICATION OF OTHERS AND CARE OF PERSONAL AFFAIRS**

*(Fill out this part only if you wish to provide nontreatment instructions.)*

I understand the preferences and instructions in this part are NOT the responsibility of my treatment provider and that no treatment provider is required to act on them.

**A. Who Should Be Notified**

I desire my agent to notify the following individuals as soon as possible if I am admitted to a mental health facility:

Name: ..... Address: .....

Day telephone: ..... Evening telephone: .....

Name: ..... Address: .....
Day telephone: ..... Evening telephone: .....
Name: ..... Address: .....
Day telephone: ..... Evening telephone: .....

B. Preferences or Instructions About Personal Affairs

I have the following preferences or instructions about my personal affairs (e.g., care of dependents, pets, household) if I am admitted to a mental health treatment facility:

C. Additional Preferences and Instructions:

PART X. SIGNATURE

By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I intend that my consent in this directive be construed as being consistent with the elements of informed consent under chapter 7.70 RCW.

In witness of this, I have signed on this ..... day of ....., 20....

Signature: .....

STATE OF WASHINGTON )

)ss.

COUNTY OF .....

I certify that I know or have satisfactory evidence that (client name) is the person who appeared before me, and said person acknowledged that he or she signed this Durable Power of Attorney and acknowledged it to be his or her free and voluntary act for the uses and purposes mentioned in this instrument.

SUBSCRIBED and SWORN to before me this ..... day of ....., .., 20....

SIGNATURE OF NOTARY

PRINT NAME OF NOTARY

NOTARY PUBLIC for the State of Washington at .....

My commission expires .....

OR have two witnesses:

Name: .....

This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not appear to be acting under duress, undue influence, or fraud. We further declare that none of us is:

(A) A person designated to make medical decisions on the principal's behalf;

(B) A health care provider or professional person directly involved with the provision of care to the principal at the time the directive is executed;

(C) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in which the principal is a patient or resident;

(D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating relationship as defined in RCW 26.50.010;

(E) An incapacitated person;

(F) A person who would benefit financially if the principal undergoes mental health treatment; or

(G) A minor.

Witness 1 Signature: ..... Date: .....

Printed Name: ..... Address: .....

Telephone: .....

Witness 2 Signature: ..... Date: .....

Printed Name: ..... Address: .....

Telephone: .....

PART XI. RECORD OF DIRECTIVE

I have given a copy of this directive to the following persons:

Name: ..... Address: .....

Day telephone: ..... Evening telephone: .....

Name: ..... Address: .....

Day telephone: ..... Evening telephone: .....

DO NOT FILL OUT PART XII UNLESS YOU INTEND TO REVOKE THIS DIRECTIVE IN PART OR IN WHOLE

PART XII. REVOCATION OF THIS DIRECTIVE

(Initial any that apply):

..... I am revoking the following part(s) of this directive (specify):

Date: .....

..... I am revoking all of this directive.

By signing here, I indicate that I understand the purpose and effect of my revocation and that no person is bound by any revoked provision(s). I intend this revocation to be interpreted as if I had never completed the revoked provision(s).

(Signature)

Printed Name: .....

DO NOT SIGN THIS PART UNLESS YOU INTEND TO REVOKE THIS DIRECTIVE IN PART OR IN WHOLE

NEW SECTION. Sec. 20. A new section is added to chapter 71.32 RCW to read as follows:

Nothing in this chapter restricts the right of a parent to seek behavioral health evaluation and treatment for a nonconsenting

adolescent using family-initiated treatment laws under chapter 71.34 RCW.

**Sec. 21.** RCW 71.34.755 and 2020 c 302 s 96 are each amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, must include the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the less restrictive alternative treatment;
- (c) A psychiatric evaluation;
- (d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;
- (e) A transition plan addressing access to continued services at the expiration of the order;
- (f) An individual crisis plan; ~~((and))~~
- (g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; and

(h) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may include the following additional services:

- (a) Medication management;
- (b) Psychotherapy;
- (c) Nursing;
- (d) Substance abuse counseling;
- (e) Residential treatment; and
- (f) Support for housing, benefits, education, and employment.

(3) If the minor was provided with involuntary medication during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(5) The care coordinator assigned to a minor ordered to less restrictive alternative treatment must submit an individualized plan for the minor's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(6) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative treatment orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

NEW SECTION. **Sec. 22.** Section 2 of this act expires January 1, 2022.

NEW SECTION. **Sec. 23.** Section 3 of this act takes effect January 1, 2022.

NEW SECTION. **Sec. 24.** Section 3 of this act expires July 1, 2022.

NEW SECTION. **Sec. 25.** Section 4 of this act takes effect July 1, 2022."

On page 1, line 1 of the title, after "laws;" strike the remainder of the title and insert "amending RCW 71.32.010, 71.32.020, 71.32.020, 71.32.030, 71.32.040, 71.32.050, 71.32.060, 71.32.070, 71.32.100, 71.32.110, 71.32.130, 71.32.170, 71.32.180, 71.32.210, 71.32.220, 71.32.250, and 71.34.755; reenacting and amending RCW 71.32.020, 71.32.140, and 71.32.260; adding a new section to chapter 71.32 RCW; providing effective dates; and providing expiration dates."

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

The President declared the question before the Senate to be the adoption of striking floor amendment no. 315 by Senator Dhingra to Substitute Senate Bill No. 5370.

The motion by Senator Dhingra carried and striking floor amendment no. 315 was adopted by voice vote.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5370.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5370 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Padden

ENGROSSED SUBSTITUTE SENATE BILL NO. 5370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5288, by Senators Liias, Short, Conway, Das, Frockt, Hunt, Lovelett, Nguyen, Nobles, Randall, Saldaña, and Wilson, C.

Increasing access to the Washington opportunity scholarship program.

#### MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 5288 was substituted for Senate Bill No. 5288 and the substitute bill was placed on the second reading and read the second time.

FIFTY SEVENTH DAY, MARCH 8, 2021

2021 REGULAR SESSION

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Holy and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5288.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5288 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5332, by Senator Padden

Clarifying equipment requirements for wheeled all-terrain vehicles.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5332 was substituted for Senate Bill No. 5332 and the substitute bill was placed on the second reading and read the second time.

Revised for 1st Substitute: Concerning off-road and wheeled all-terrain vehicles.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5332.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5332 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5381, by Senators Hobbs, Fortunato, King and Warnick

Addressing fish passage project permit streamlining.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5381 was substituted for Senate Bill No. 5381 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5381.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5381 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5452, by Senators Cleveland, Liias, and Wilson, J.

Concerning electric-assisted bicycles.

MOTION

On motion of Senator Cleveland, Substitute Senate Bill No. 5452 was substituted for Senate Bill No. 5452 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Cleveland moved that the following striking floor amendment no. 243 by Senator Cleveland be adopted:

On page 1, line 14, after "riding," insert "traditional and electric-assisted"

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

The President declared the question before the Senate to be the adoption of striking floor amendment no. 243 by Senator Cleveland to Substitute Senate Bill No. 5452.

The motion by Senator Cleveland carried and striking floor amendment no. 243 was adopted by voice vote.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute Senate Bill No. 5452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5452.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5452 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Erickson, Honeyford and Schoesler

ENGROSSED SUBSTITUTE SENATE BILL NO. 5452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5019, by Senators Kuderer, Hunt, Brown, and Wilson, C.

Concerning the recording standards commission.

The measure was read the second time.

#### MOTION

On motion of Senator Kuderer, the rules were suspended, Senate Bill No. 5019 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5019.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5019 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5085, by Senators Rolfes and Lovelett

Modifying certain alternative fuel vehicles fees.

#### MOTIONS

On motion of Senator Rolfes, Substitute Senate Bill No. 5085 was substituted for Senate Bill No. 5085 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rolfes, the rules were suspended, Substitute Senate Bill No. 5085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5085.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5085 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Schoesler

SUBSTITUTE SENATE BILL NO. 5085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5125, by Senators Cleveland, Short, and Wilson, C.

Affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement.

#### MOTIONS

FIFTY SEVENTH DAY, MARCH 8, 2021

2021 REGULAR SESSION

On motion of Senator Cleveland, Substitute Senate Bill No. 5125 was substituted for Senate Bill No. 5125 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 5125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5125.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5125 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 5125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5159, by Senators Warnick, Van De Wege and Short

Concerning payments in lieu of real property taxes by the department of the fish and wildlife.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5159 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Van De Wege spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5159.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5159 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De

Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Hasegawa and Rolfes

SENATE BILL NO. 5159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5460, by Senators Nguyen and Van De Wege

Implementing recommendations of the autonomous vehicle work group.

MOTIONS

On motion of Senator Nguyen, Substitute Senate Bill No. 5460 was substituted for Senate Bill No. 5460 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nguyen, the rules were suspended, Substitute Senate Bill No. 5460 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5460.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5460 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5425, by Senators Stanford, Das, Hasegawa, Keiser, Kuderer, Nguyen and Saldaña

Concerning extended benefits in the unemployment insurance system.

MOTIONS

On motion of Senator Stanford, Substitute Senate Bill No. 5425 was substituted for Senate Bill No. 5425 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Stanford, the rules were suspended, Substitute Senate Bill No. 5425 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Stanford and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5425.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5425 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Braun, Ericksen and Schoesler

SUBSTITUTE SENATE BILL NO. 5425, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5378, by Senators Das, Nobles, Hasegawa, Lovelett, Randall, Saldaña, and Wilson, C.

Concerning real estate brokers and managing brokers license renewal requirements.

#### MOTIONS

On motion of Senator Das, Substitute Senate Bill No. 5378 was substituted for Senate Bill No. 5378 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Das, the rules were suspended, Substitute Senate Bill No. 5378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Das spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5378.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, McCune, Padden, Schoesler, Short, Wagoner, Warnick and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5163, by Senators Rolfes, Dhingra, Saldaña, and Wilson, C.

Concerning the placement and treatment of conditionally released sexually violent predators.

#### MOTION

On motion of Senator Rolfes, Second Substitute Senate Bill No. 5163 was substituted for Senate Bill No. 5163 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Rivers moved that the following floor amendment no. 446 by Senator Rivers be adopted:

On page 13, line 19, after "that" insert "complies with distance restrictions."

On page 14, line 26, after "must" strike "consider whether it is necessary to"

On page 14, line 29, after "72.09.340." insert "Courts shall require a minimum distance restriction of 500 feet on the proximity of the person's residence to child care facilities and public or private schools providing instruction to kindergarten or any grades one through 12."

On page 14, line 36, after "residence" insert "including distance restrictions"

Senator Rivers spoke in favor of adoption of the amendment.

Senator Darneille spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 446 by Senator Rivers on page 13, line 19 to Second Substitute Senate Bill No. 5163.

The motion by Senator Rivers carried and floor amendment no. 446 was adopted by voice vote.

#### MOTION

Senator Short moved that the following floor amendment no. 447 by Senator Short be adopted:

On page 16, line 12, after "placement" insert "including all community notification processes it undertook to develop the less restrictive alternative"

On page 23, line 10, after "county" insert "west of the crest of the Cascade mountain range"

Senator Short spoke in favor of adoption of the amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendment no. 447 by Senator Short on page 16, line 12 to Second Substitute Senate Bill No. 5163 was withdrawn.

#### MOTION

FIFTY SEVENTH DAY, MARCH 8, 2021

2021 REGULAR SESSION

Senator Dhingra moved that the following floor amendment no. 438 by Senator Dhingra be adopted:

Enhancing opportunity in limited areas of more intense rural development.

On page 24, beginning on line 23, after "counties." strike all material through "71.09.315." on line 28

MOTION

On page 25, beginning on line 8, after "and" strike all material through "applicable" on line 9 and insert "local"

On motion of Senator Short, Substitute Senate Bill No. 5275 was substituted for Senate Bill No. 5275 and the substitute bill was placed on the second reading and read the second time.

On page 25, line 12, after "71.09.315." insert "The department shall require the housing provider to provide proof that the facility is in compliance with all local zoning and building codes."

MOTION

Senator Dhingra spoke in favor of adoption of the amendment. Senator Gildon spoke against adoption of the amendment.

Senator Short moved that the following floor amendment no. 126 by Senator Short be adopted:

The President declared the question before the Senate to be the adoption of floor amendment no. 438 by Senator Dhingra on page 24, line 23 to Second Substitute Senate Bill No. 5163.

Beginning on page 5, line 37, after "sprawl" strike all material through "(v)" on page 6, line 3 and insert "; (v)"

The motion by Senator Dhingra carried and floor amendment no. 438 was adopted by voice vote.

Senators Short and Kuderer spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5163 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the adoption of floor amendment no. 126 by Senator Short on page 5, line 37 to Substitute Senate Bill No. 5275.

Senators Rolfes, Sheldon, Darneille, and Dhingra spoke in favor of passage of the bill.

The motion by Senator Short carried and floor amendment no. 126 was adopted by voice vote.

Senators Gildon, Wagoner and Rivers spoke against passage of the bill.

MOTION

MOTION

On motion of Senator Wilson, C., Senator Randall was excused.

On motion of Senator Short, the rules were suspended, Engrossed Substitute Senate Bill No. 5275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short and Kuderer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5163.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5275.

ROLL CALL

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5163 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5275 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Rivers, Robinson, Saldaña, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Salomon, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Liias, Randall, Rolfes and Salomon

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND READING

SENATE BILL NO. 5275, by Senators Short, Lovelett, Das, Wellman, and Wilson, C.

SENATE BILL NO. 5194, by Senators Liias, Hasegawa, Das, Hunt, Keiser, Nguyen, and Wilson, C.

Providing for equity and access in the community and technical colleges.

## MOTION

On motion of Senator Liias, Second Substitute Senate Bill No. 5194 was substituted for Senate Bill No. 5194 and the substitute bill was placed on the second reading and read the second time.

Revised for 2nd Substitute: Providing for equity and access in the community and technical colleges.

## MOTION

Senator Holy moved that the following floor amendment no. 273 by Senator Holy be adopted:

On page 3, line 11, after "inclusion" insert "of all races"  
 On page 3, line 17, after "inclusion" insert "of all races"  
 On page 3, line 37, after "from" strike "diverse" and insert "all"  
 On page 5, line 30, after "inclusion" insert "of all races"  
 On page 7, line 4, after "inclusion" insert "of all races"

Senators Holy and Randall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 273 by Senator Holy on page 3, line 11 to Second Substitute Senate Bill No. 5194.

The motion by Senator Holy carried and floor amendment no. 273 was adopted by voice vote.

## MOTION

Senator Holy moved that the following floor amendment no. 274 by Senator Holy be adopted:

On page 3, line 17, after "inclusion." insert "Each survey response is confidential. Information or data from surveys may not be stored in any database nor shared with any outside entity unless in the aggregate."

Senator Holy spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 274 by Senator Holy on page 3, line 17 to Second Substitute Senate Bill No. 5194.

The motion by Senator Holy did not carry and floor amendment no. 274 was not adopted by voice vote.

## MOTION

Senator Liias moved that the following floor amendment no. 448 by Senator Liias be adopted:

On page 3, line 26, after "program" strike "to" and insert ". The outreach program may include"

On page 3, line 28, after "communities" insert "and be"

On page 3, at the beginning of line 30, strike "and to assist" and insert ". The outreach program may assist students"

On page 3, line 31, after "programs" strike "shall" and insert "may"

On page 3, beginning on line 34, after "(5)" strike all material through "plan a" on line 35 and insert "The state board for community and technical colleges shall develop a model"

On page 4, beginning on line 2, after "(1)" strike all material through "students" on line 3 and insert "Within existing resources"

On page 5, beginning on line 25, after "positions" strike all material through "year" on line 26 and insert "in the 2021-2023 fiscal biennium"

On page 5, line 36, after "the" strike "600" and insert "200"

On page 6, line 6, after "December 15," strike "2025" and insert "2023"

On page 6, line 7, after "July 1," strike "2027" and insert "2024"

On page 6, line 13, after "select" strike "eight"

On page 6, line 14, after "program" strike ", with" and insert ". At least"

On page 6, line 15, after "colleges" insert "must be"

On page 8, at the beginning of line 21, strike "Beginning" and insert "Within existing resources, and beginning"

Beginning on page 8, line 35, strike all of sections 8 and 9

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 1, beginning on line 1 of the title, after "to" strike all material through "RCW;" at the beginning of line 4, and insert "equity and access in higher education; amending RCW 28B.96.010 and 28B.15.012;"

Senator Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 448 by Senator Liias on page 3, line 26 to Second Substitute Senate Bill No. 5194.

The motion by Senator Liias carried and floor amendment no. 448 was adopted by voice vote.

## MOTION

Senator Short moved that the following floor amendment no. 275 by Senator Short be adopted:

On page 3, line 37, after "diverse" insert "ideological,"

Senator Short spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 275 by Senator Short on page 3, line 37 to Second Substitute Senate Bill No. 5194.

The motion by Senator Short did not carry and floor amendment no. 275 was not adopted by voice vote.

## MOTION

Senator Short moved that the following floor amendment no. 276 by Senator Short be adopted:

On page 3, after line 39, insert the following:

"(6) Each community and technical college shall conspicuously post on its website and include in the strategic plans, programs, and reports definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations."

On page 4, line 37, after "(2)" insert "Each community and technical college shall post on its website and include in the guided pathways program documentation and reports definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations."

(3)"

On page 6, line 6, after "2025." insert "The college board shall conspicuously post on its website and include in the report definitions for key terms including: Diversity, equity, inclusion,

FIFTY SEVENTH DAY, MARCH 8, 2021

2021 REGULAR SESSION

culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations."

On page 8, line 15, after "(7)" insert "Colleges selected for the pilot program shall conspicuously post on their websites and include in the report to the legislature the definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations.

(8)"

Renumber the remaining subsection consecutively.

Senators Short and Randall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 276 by Senator Short on page 3, line 39 to Second Substitute Senate Bill No. 5194.

The motion by Senator Short carried and floor amendment no. 276 was adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 277 by Senator Holy be adopted:

Beginning on page 5, line 18, strike all of section 5

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 5 of the title, after "providing" strike "expiration dates" and insert "an expiration date"

Senator Holy spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Holy and without objection, floor amendment no. 277 by Senator Holy on page 5, line 18 to Second Substitute Senate Bill No. 5194 was withdrawn.

MOTION

Senator Holy moved that the following floor amendment no. 278 by Senator Holy be adopted:

On page 5, beginning on line 31, after "act." strike all material through "provided." on line 34

On page 18, after line 13, insert the following:

"NEW SECTION. **Sec. 12.** If specific funding for the purposes of section 5 of this act, referencing this act by bill or chapter number and section, is not provided by June 30, 2021, in the omnibus appropriations act, section 5 of this act is null and void."

Renumber the remaining section consecutively and correct any internal references accordingly.

Senator Holy spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 278 by Senator Holy on page 5, line 31 to Second Substitute Senate Bill No. 5194.

The motion by Senator Holy did not carry and floor amendment no. 278 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 279 by Senator Holy be adopted:

On page 6, beginning on line 3, after "time" strike all material through "communities" on line 4 and insert "faculty"

Senator Holy spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Holy and without objection, floor amendment no. 279 by Senator Holy on page 6, line 3 to Second Substitute Senate Bill No. 5194 was withdrawn.

MOTION

Senator Holy moved that the following floor amendment no. 280 by Senator Holy be adopted:

On page 6, line 30, after "within" strike "the University of Washington school of social work" and insert "a college or university"

Senator Holy spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 280 by Senator Holy on page 6, line 30 to Second Substitute Senate Bill No. 5194.

The motion by Senator Holy carried and floor amendment no. 280 was adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 281 by Senator Wagoner be adopted:

On page 7, beginning on line 4, after "(a)" strike all material through "counselors" on line 7 and insert "Increase accessibility to mental health and counseling services, especially for rural and underserved populations"

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 281 by Senator Wagoner on page 7, line 4 to Second Substitute Senate Bill No. 5194.

The motion by Senator Wagoner did not carry and floor amendment no. 281 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, floor amendment no. 282 by Senator Rivers on page 18, line 11 to Second Substitute Senate Bill No. 5194 was withdrawn.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5194 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5194.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5194 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5317, by Senator Warnick

Concerning pesticide registration and pesticide licensing fees.

#### MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 5317 was substituted for Senate Bill No. 5317 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 5317 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Van De Wege spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Randall, Senator Frockt was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5317.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5317 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Gildon, Hasegawa, Hobbs, Honeyford, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Warnick, Wellman, Wilson, C., and Wilson, L.

Voting nay: Senators Brown, Dozier, Ericksen, Fortunato, Hawkins, Holy, King, McCune, Padden, Rivers, Schoesler, Short, Wagoner, and Wilson, J.

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 5317, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:33 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

---

#### EVENING SESSION

---

The Senate was called to order at 5:27 p.m. by President Heck.

#### MOTION FOR IMMEDIATE RECONSIDERATION

Senator Liias moved to immediately reconsider the vote by which Substitute Senate Bill No. 5317 passed the Senate today.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate immediately reconsider the vote by which Substitute Senate Bill No. 5317 passed the Senate.

The motion for immediately reconsideration carried by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5317 on reconsideration.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5317 on reconsideration and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Warnick, Wellman and C. Wilson

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Wilson, J. and Wilson, L.

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 5317 on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5226, by Senators Salomon, Saldaña, Das, Frockt, Hasegawa, Kuderer, Liias, Lovelett, Muzzall, Nguyen, Nobles, Pedersen, Randall, and Wilson, C.

Concerning the suspension of licenses for traffic infractions.

#### MOTION

FIFTY SEVENTH DAY, MARCH 8, 2021

2021 REGULAR SESSION

On motion of Senator Salomon, Substitute Senate Bill No. 5226 was substituted for Senate Bill No. 5226 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Salomon and without objection, floor amendment no. 308 by Senator Salomon on page 8, line 21 to Substitute Senate Bill No. 5226 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Salomon and without objection, floor amendment no. 309 by Senator Salomon on page 12, line 17 to Substitute Senate Bill No. 5226 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Cleveland and without objection, striking floor amendment no. 249 by Senator Cleveland to Substitute Senate Bill No. 5226 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, striking floor amendment no. 289 by Senator Padden to Substitute Senate Bill No. 5226 was withdrawn.

MOTION

Senator Pedersen moved that the following striking floor amendment no. 419 by Senator Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.63.060 and 2013 c 170 s 1 are each amended to read as follows:

(1) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(2) The form for the notice of traffic infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; ~~((that the penalty for a traffic infraction may include sanctions against the person's driver's license including suspension, revocation, or denial;))~~ that the penalty for a traffic infraction related to standing, stopping, or parking may include nonrenewal of the vehicle registration;

(c) A statement of the specific traffic infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the traffic infraction;

(e)(i) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(ii) One of the options must allow a person to admit responsibility for the infraction and attest that the person does not have the current ability to pay the infraction in full. The person must receive information on how to submit evidence of inability to pay, obtain a payment plan pursuant to section 4 of this act, and

be informed that failure to pay or enter into a payment plan may result in collection action, including garnishment of wages or other assets;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses; and

(h) A statement that the person must respond to the notice as provided in this chapter within ~~((fifteen))~~ 30 days or the person's driver's license or driving privilege may be suspended by the department until any penalties imposed pursuant to this chapter have been satisfied; and

(i) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances may result in the suspension of the person's driver's license or driving privilege, or in the case of a standing, stopping, or parking violation, refusal of the department to renew the vehicle registration, until any penalties imposed pursuant to this chapter have been satisfied.

~~((3)(a) A form for a notice of traffic infraction printed after July 22, 2011, must include a statement that the person may be able to enter into a payment plan with the court under RCW 46.63.110.~~

~~((b) The forms for a notice of traffic infraction must include the changes in section 1, chapter 170, Laws of 2013 by July 1, 2015.))~~

Sec. 2. RCW 46.63.070 and 2011 c 372 s 3 are each amended to read as follows:

(1) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within ~~((fifteen))~~ 30 days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response, unless the person selects the option attesting that the person does not have the current ability to pay the infraction in full. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department in accordance with RCW 46.20.270.

(3) If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.

(4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing.

(5)(a) Except as provided in (b), (c), and (d) of this subsection, in hearings conducted pursuant to subsections (3) and (4) of this

section, the court may defer findings, or in a hearing to explain mitigating circumstances may defer entry of its order, for up to one year and impose conditions upon the defendant the court deems appropriate. Upon deferring findings, the court may assess costs as the court deems appropriate for administrative processing. If at the end of the deferral period the defendant has met all conditions and has not been determined to have committed another traffic infraction, the court may dismiss the infraction.

(b) A person may not receive more than one deferral within a seven-year period for traffic infractions for moving violations and more than one deferral within a seven-year period for traffic infractions for nonmoving violations.

(c) A person who is the holder of a commercial driver's license or who was operating a commercial motor vehicle at the time of the violation may not receive a deferral under this section.

(d) A person who commits negligent driving in the second degree with a vulnerable user victim may not receive a deferral for this infraction under this section.

(6) If any person issued a notice of traffic infraction:

(a) Fails to respond to the notice of traffic infraction as provided in subsection (2) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection (3) or (4) of this section;

the court shall enter an appropriate order assessing the monetary penalty prescribed for the traffic infraction and any other penalty authorized by this chapter and shall notify the department in accordance with RCW 46.20.270, of the failure to respond to the notice of infraction or to appear at a requested hearing.

**Sec. 3.** RCW 46.63.110 and 2019 c 467 s 4, 2019 c 403 s 13, 2019 c 181 s 1, and 2019 c 65 s 7 are each reenacted and amended to read as follows:

(1)(a) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(b) The court may waive or remit any monetary penalty, fee, cost, assessment, or other monetary obligation associated with a traffic infraction unless the specific monetary obligation in question is prohibited from being waived or remitted by state law.

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is five hundred dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter, it is immediately payable and is enforceable as a civil judgment under Title 6 RCW. If the court determines(~~(, in its discretion,)~~) that a person is not able to pay a monetary obligation in full(~~(, and not more than one year has passed since the later of July 1, 2005, or the date the monetary obligation initially became due and payable)~~), the court shall enter into a payment plan with the person(~~(, unless the person has previously been granted a payment plan with respect to the same monetary obligation, or unless the person is in noncompliance of any existing or prior payment plan, in which case the court may, at its discretion, implement a payment plan. If the court has notified the department that the person has failed to pay or comply and the person has subsequently entered into a payment plan and made an initial payment, the court shall notify the department that the infraction has been adjudicated, and the department shall rescind any suspension of the person's driver's license or driver's privilege based on failure to respond to that infraction. "Payment plan," as used in this section, means a plan that requires reasonable payments based on the financial ability of the person to pay. The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan.~~

(a) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution program on or before the time established under the payment plan, unless the court determines good cause therefor and adjusts the payment plan or the community restitution plan accordingly, the court may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation for civil enforcement until all monetary obligations, including those imposed under subsections (3) and (4) of this section, have been paid, and court authorized community restitution has been completed, or until the court has entered into a new time payment or community restitution agreement with the person. For those infractions subject to suspension under RCW 46.20.289, the court shall notify the department of the person's failure to meet the conditions of the plan, and the department shall suspend the person's driver's license or driving privileges.

(b) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full on or before the time established for payment, the court may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation to a collections agency until all monetary obligations have been paid, including those imposed under subsections (3) and (4) of this section, or until the person has entered into a payment plan under this section. For those infractions subject to suspension under RCW 46.20.289, the court shall notify the department of the person's delinquency, and the department shall suspend the person's driver's license or driving privileges.

(c) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee shall not exceed ten dollars per infraction or twenty-five dollars per payment plan, whichever is less.

(d) Nothing in this section precludes a court from contracting with outside entities to administer its payment plan system. When outside entities are used for the administration of a payment plan, the court may assess the person a reasonable fee for such administrative services, which fee may be calculated on a periodic, percentage, or other basis.

(e) If a court authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due under this section to court authorized community restitution in lieu of time payments if the person is unable to make reasonable time

FIFTY SEVENTH DAY, MARCH 8, 2021

2021 REGULAR SESSION

payments)) in accordance with section 4 of this act and standards that may be set out in court rule.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:

(a) A fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040;

(b) A fee of ten dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the Washington auto theft prevention authority account; and

(c) A fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in RCW 74.31.060.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 or 46.61.212 shall be assessed an additional penalty of ~~((twenty dollars))~~ \$24. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) ~~((Eight dollars and fifty cents))~~ \$12.50 of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as follows: \$8.50 in the state general fund and \$4 in the driver licensing technology support account created under section 15 of this act. The moneys deposited into the driver licensing technology support account must be used to support information technology systems used by the department to communicate with the judicial information system, manage driving records, and implement court orders. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the ~~((court may, at its discretion, enter into))~~ person may request a payment plan pursuant to section 4 of this act.

(10) The monetary penalty for violating RCW 46.37.395 is: (a) Two hundred fifty dollars for the first violation; (b) five hundred dollars for the second violation; and (c) seven hundred fifty dollars for each violation thereafter.

(11) The additional monetary penalty for a violation of RCW 46.20.500 is not subject to assessments or fees provided under this section.

(12) The additional monetary fine for a violation of RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205 is not subject to assessments or fees provided under this section.

(13) The additional monetary penalties for a violation of RCW 46.61.165 are not subject to assessments or fees provided under this section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 46.63 RCW to read as follows:

(1)(a) A person may request a payment plan at any time for the payment of any monetary penalty, fee, cost, assessment, or other monetary obligation associated with a traffic infraction. If the person does not have the ability to pay the monetary obligation in full and the person has not previously been granted a payment plan for the same monetary obligation, the court shall enter into a payment plan with the individual.

(b) If a court authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due under this section to court authorized community restitution in lieu of time payments if the person is unable to make reasonable time payments.

(2) The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan.

(3) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution program on or before the time established under the payment plan, unless the court determines good cause therefor and adjusts the payment plan or the community restitution plan accordingly, the court may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation for civil enforcement until all monetary obligations have been paid and court authorized community restitution has been completed, or until the court has entered into a new payment plan or community restitution agreement with the person.

(4)(a) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full, no sooner than 120 days from the date of the infraction the court may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation to a collections agency until all monetary obligations have been paid or until the person has entered into a payment plan under this section.

(b) If a person responded to a traffic infraction for a moving violation attesting that the person did not have the ability to pay the infraction in full, the court must attempt to enter into a payment plan with the person prior to referring the monetary obligation to a collections agency.

(5) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee shall not exceed \$10 per infraction or \$25 per payment plan, whichever is less.

(6) Nothing in this section precludes a court from contracting with outside entities to administer its payment plan system. When outside entities are used for the administration of a payment plan, the court may assess the person a reasonable fee for such administrative services, which fee may be calculated on a periodic, percentage, or other basis.

(7) The court may modify a payment plan at any time.

(8) For the purposes of this section, "payment plan" means a plan that requires reasonable payments based on the financial ability of the person to pay as determined by court rule.

**Sec. 5.** RCW 46.20.289 and 2019 c 467 s 2 are each amended to read as follows:

(1) Except for traffic violations committed under RCW 46.61.165, the department shall suspend all driving privileges of a person when the department receives notice from a court under RCW 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has failed to respond to a notice of traffic infraction for a moving

violation, failed to appear at a requested hearing for a moving violation, ~~((violated a written promise to appear in court for a notice of infraction for a moving violation, or has))~~ or failed to comply with the terms of a ~~((notice of traffic infraction,))~~ criminal complaint~~((;))~~ or criminal citation for a moving violation~~((; or))~~.

(2) The department shall suspend all driving privileges of a person when the department receives notice from another state under Article IV of the nonresident violator compact under RCW 46.23.010 or from a jurisdiction that has entered into an agreement with the department under RCW 46.23.020, other than for a standing, stopping, or parking violation, provided that the traffic infraction or traffic offense is committed on or after July 1, 2005.

(3) A suspension under this section takes effect pursuant to the provisions of RCW 46.20.245, and remains in effect until the department has received a certificate from the court showing that the case has been adjudicated, and until the person meets the requirements of RCW 46.20.311. ~~((In the case of failure to respond to a traffic infraction issued under RCW 46.55.105, the department shall suspend all driving privileges until the person provides evidence from the court that all penalties and restitution have been paid.))~~

(4) A suspension under this section does not take effect if, prior to the effective date of the suspension, the department receives a certificate from the court showing that the case ~~((has))~~ or cases have been adjudicated.

**Sec. 6.** RCW 46.20.291 and 2016 c 203 s 5 are each amended to read as follows:

The department is authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation or suspension of license is provided by law;

(2) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;

(3) Has been convicted of offenses against traffic regulations governing the movement of vehicles, or found to have committed traffic infractions, with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways;

(4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

(5) Has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, ~~((violated a written promise to appear in court,))~~ or has failed to comply with the terms of a ~~((notice of traffic infraction,))~~ criminal complaint~~((;))~~ or criminal citation for a moving violation, as provided in RCW 46.20.289;

(6) Is subject to suspension under RCW 46.20.305 or 9A.56.078;

(7) Has committed one of the prohibited practices relating to drivers' licenses defined in RCW 46.20.0921; or

(8) Has been certified by the department of social and health services as a person who is not in compliance with a child support order or a residential or visitation order as provided in RCW 74.20A.320.

**NEW SECTION. Sec. 7.** A new section is added to chapter 46.20 RCW to read as follows:

(1) Whenever the official records of the department show that a person has committed a traffic infraction for a moving violation on three or more occasions within a one-year period, or on four or more occasions within a two-year period, the department must suspend the license of the driver for a period of 60 days and establish a period of probation for one calendar year to begin when the suspension ends. Prior to reinstatement of a license, the person must complete a safe driving course as recommended by

the department. During the period of probation, the person must not be convicted of any additional traffic infractions for moving violations. Any traffic infraction for a moving violation committed during the period of probation shall result in an additional 30-day suspension to run consecutively with any suspension already being served.

(2) When a person has committed a traffic infraction for a moving violation on two occasions within a one-year period or three occasions within a two-year period, the department shall send the person a notice that an additional infraction will result in suspension of the person's license for a period of 60 days.

(3) The department may not charge a reissue fee at the end of the term of suspension under this section.

(4) For purposes of this section, multiple traffic infractions issued during or as the result of a single traffic stop constitute one occasion.

**Sec. 8.** RCW 46.20.311 and 2020 c 330 s 7 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle

FIFTY SEVENTH DAY, MARCH 8, 2021

2021 REGULAR SESSION

owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e)(i) ~~(The)~~ Except as provided in section 7(3) of this act, the department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of seventy-five dollars.

(ii) Except as provided in subsection (4) of this section, if the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred seventy dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of seventy-five dollars.

(ii) Except as provided in subsection (4) of this section, if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred seventy dollars. If the revocation is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received

written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of seventy-five dollars.

(b) Except as provided in subsection (4) of this section, if the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred seventy dollars.

(4) When the department reinstates a person's driver's license following a suspension, revocation, or denial under RCW 46.20.3101 or 46.61.5055, and the person is entitled to full day-for-day credit under RCW 46.20.3101(4) or 46.61.5055(9)(b)(ii) for an additional restriction arising from the same incident, the department shall impose no additional reissue fees under subsection (1)(e)(ii), (2)(b)(ii), or (3)(b) of this section associated with the additional restriction.

**Sec. 9.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be a habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. For the purposes of this subsection, a person is not

considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

(i) A conviction of a felony in the commission of which a motor vehicle was used;

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license, a temporary restricted driver's license, or an ignition interlock driver's license;

(v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;

(viii) A conviction of RCW 46.61.212(~~((4))~~) (5), relating to reckless endangerment of emergency zone workers;

(ix) A conviction of RCW 46.61.500, relating to reckless driving;

(x) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;

(xi) A conviction of RCW 46.61.520, relating to vehicular homicide;

(xii) A conviction of RCW 46.61.522, relating to vehicular assault;

(xiii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;

(xiv) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

(xv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

(xvi) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;

(xvii) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

(xviii) An administrative action taken by the department under chapter 46.20 RCW;

(xix) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection; or

(xx) A finding that a person has committed a traffic infraction under RCW 46.61.526 and suspension of driving privileges pursuant to RCW 46.61.526 (4)(b) or (7)(a)(ii).

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because:

(i) ~~((the))~~ The person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program(~~(?)~~);

(ii) ~~((the))~~ The person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW(~~(?)~~);

(iii) ~~((the))~~ The person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents(~~(?)~~);

(iv) ~~((the))~~ The person has failed to respond to a notice of traffic infraction for a moving violation, failed to appear at a requested hearing for a moving violation, ~~((violated a written promise to appear in court,))~~ or ~~((has))~~ failed to comply with the terms of a ~~((notice of traffic infraction))~~ criminal complaint or criminal

citation for a moving violation, as provided in RCW 46.20.289(~~(?)~~)(1);

(v) ~~((the))~~ The person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license(~~(?)~~);

(vi) ~~((the))~~ The person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation(~~(?)~~);

(vii) ~~((the))~~ The person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses(~~(?)~~); or

(viii) ~~((the))~~ The person has been certified by the department of social and health services as a person who is not in compliance with a child support order as provided in RCW 74.20A.320, or any combination of (c)(i) through (viii) of this subsection, is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(d) For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

**Sec. 10.** RCW 46.20.391 and 2012 c 82 s 2 are each amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide, vehicular assault, driving while under the influence of intoxicating liquor or any drug, or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, may submit to the department an application for a temporary restricted driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue a temporary restricted driver's license and may set definite restrictions as provided in RCW 46.20.394.

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or ~~((pay a traffic ticket under))~~ respond pursuant to RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license.

(b) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation.

(3) An applicant for an occupational or temporary restricted driver's license who qualifies under subsection (1) or (2) of this section is eligible to receive such license only if:

(a) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522; and

(b) The applicant demonstrates that it is necessary for him or her to operate a motor vehicle because he or she:

(i) Is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle;

(ii) Is undergoing continuing health care or providing continuing care to another who is dependent upon the applicant;

(iii) Is enrolled in an educational institution and pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion;

(iv) Is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as Alcoholics Anonymous that requires the petitioner to drive to or from the treatment or meetings;

(v) Is fulfilling court-ordered community service responsibilities;

(vi) Is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license;

(vii) Is in an apprenticeship, on-the-job training, or welfare-to-work program; or

(viii) Presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program for which a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect for no longer than fourteen days; and

(c) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW; and

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first-class mail to the driver that the occupational driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection; and

(e) The department shall not issue an occupational driver's license under (b)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (b)(iv) of this subsection.

(4) A person aggrieved by the decision of the department on the application for an occupational or temporary restricted driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an occupational or temporary restricted driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the

cancellation as provided under RCW 46.20.245. A person whose occupational or temporary restricted driver's license has been canceled under this section may reapply for a new occupational or temporary restricted driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

NEW SECTION. **Sec. 11.** A new section is added to chapter 46.20 RCW to read as follows:

(1) The department is authorized to administratively reinstate the license of a person suspended pursuant to RCW 46.20.289(1) prior to the effective date of this section because the person:

(a) Failed to respond to a notice of traffic infraction for a moving violation;

(b) Failed to appear at a requested hearing for a moving violation;

(c) Violated a written promise to appear in court for a notice of infraction for a moving violation; or

(d) Failed to comply with the terms of a notice of traffic infraction.

(2) No later than 90 days after the effective date of this section, the department shall:

(a) Take reasonable steps to publicize the availability of relief to reinstate a suspended license as provided in this section; and

(b) Create an online application process for persons whose licenses are suspended and may be eligible for reinstatement as provided in this section. The online application process shall allow a person to determine whether the person is eligible to have his or her license reinstated and explain the process for reinstatement. A reissue fee as provided in RCW 46.20.311 shall apply.

(3) A reissue fee as provided in RCW 46.20.311 shall apply to any license reinstated under this section.

**Sec. 12.** RCW 46.64.025 and 2017 c 336 s 11 are each amended to read as follows:

Whenever any person (~~(served with, or provided notice of, a traffic infraction or a traffic-related criminal complaint willfully))~~ fails to respond to a notice of traffic infraction for a moving violation, fails to appear at a requested hearing for a moving violation, or fails to comply with the terms of a (~~notice of infraction for a moving violation or a traffic-related~~) criminal complaint or criminal citation for a moving violation, the court with jurisdiction over the traffic infraction, or traffic-related criminal complaint or criminal citation shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear or comply is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated.

For the purposes of this section, "moving violation" is defined by rule pursuant to RCW 46.20.2891.

NEW SECTION. **Sec. 13.** A new section is added to chapter 46.20 RCW to read as follows:

(1) An additional \$1 fee shall be imposed on each application for an original or renewal of a regular driver's license, regular identicard, enhanced driver's license, or enhanced identicard. The entire amount of the fee shall be used to pay for processing costs for driver's license issuance and reinstatements, and information technology upgrades and the ongoing costs to maintain the driver's license and identicard record and issuance system.

(2) The department shall forward all funds accruing under this section to the state treasurer who shall deposit the moneys to the credit of the highway safety fund.

**Sec. 14.** RCW 2.68.040 and 2019 c 467 s 6, 2019 c 403 s 12, and 2019 c 65 s 6 are each reenacted and amended to read as follows:

(1) To support the judicial information system account provided for in RCW 2.68.020, the supreme court may provide by rule for an increase in fines, penalties, and assessments, and the increased amount shall be forwarded to the state treasurer for deposit in the account:

(a) Pursuant to the authority of RCW 46.63.110(3), the sum of ten dollars to any penalty collected by a court pursuant to supreme court infraction rules for courts of limited jurisdiction;

(b) Pursuant to RCW 3.62.060, a mandatory appearance cost in the initial sum of ten dollars to be assessed on all defendants; and

(c) Pursuant to RCW 46.63.110(6), a ten-dollar assessment for each account for which a person requests a time payment schedule.

(2) Notwithstanding a provision of law or rule to the contrary, the assessments provided for in this section may not be waived or suspended and shall be immediately due and payable upon forfeiture, conviction, deferral of prosecution, or request for time payment, as each shall occur.

(3) The supreme court is requested to adjust these assessments for inflation.

(4) This section does not apply to the additional monetary penalty under RCW 46.20.500.

(5) This section does not apply to the additional monetary fine under RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205.

(6) This section does not apply to the additional monetary penalties under RCW 46.61.165.

(7) In addition to any amount prescribed by rule under subsection (1)(a) of this section as an assessment on traffic infractions dedicated for the judicial information system, there shall be assessed \$2 on each traffic infraction. The additional \$2 shall be forwarded to the state treasurer for deposit in the driver licensing technology support account, created under section 15 of this act, to be used to support information technology systems used by the department of licensing to communicate with the judicial information system, manage driving records, and implement court orders.

**NEW SECTION. Sec. 15.** A new section is added to chapter 46.68 RCW to read as follows:

The driver licensing technology support account is created as a subaccount in the highway safety fund under RCW 46.68.060. Moneys in the subaccount may be spent only after appropriation. Expenditures from the subaccount may be used only for supporting information technology systems used by the department to communicate with the judicial information system, manage driving records, and implement court orders.

**NEW SECTION. Sec. 16.** This act takes effect March 1, 2022."

On page 1, line 2 of the title, after "infractions;" strike the remainder of the title and insert "amending RCW 46.63.060, 46.63.070, 46.20.289, 46.20.291, 46.20.311, 46.20.342, 46.20.391, and 46.64.025; reenacting and amending RCW 46.63.110 and 2.68.040; adding a new section to chapter 46.63 RCW; adding new sections to chapter 46.20 RCW; adding a new section to chapter 46.68 RCW; prescribing penalties; and providing an effective date."

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Holy and without objection, floor amendment no. 439 by Senator Holy on page 5, line 18 to striking floor amendment no. 419 was withdrawn.

#### MOTION

Senator Padden moved that the following floor amendment no. 443 by Senator Padden be adopted:

On page 7, line 17, after "~~dollars~~)" strike "\$24" and insert "\$20"

On page 7, line 24, after "~~eents~~)" strike "\$12.50" and insert "\$8.50"

On page 7, line 29, after "follows:" strike "\$8.50" and insert "\$4.50"

Senators Padden and Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

Senator Padden demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 7, line 17 to Substitute Senate Bill No. 5226.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Padden and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

#### MOTION

Senator Cleveland moved that the following floor amendment no. 452 by Senator Cleveland be adopted:

On page 8, beginning on line 23, after "infraction." strike all material through "individual." on line 27 and insert "If the person does not have the ability to pay the monetary obligation in full, the person has not previously been granted a payment plan for the same monetary obligation, and the court has not authorized its collections agency to take civil legal enforcement action, the court shall enter into a payment plan with the individual. Where the court has authorized its collections agency to take civil legal enforcement action, the court may, at its discretion, enter into a payment plan."

On page 9, line 8, after "than" strike "120" and insert "90"

On page 9, line 30, after "(8)" insert "The court may require a person who fails to make payment as required under a payment plan to appear and provide evidence of ability to pay.

(9)"

On page 10, line 1, after "at a" strike "requested" and insert "~~(requested)~~"

On page 11, line 4, after "at a" strike "requested" and insert "~~(requested)~~"

On page 17, at the beginning of line 37, strike "requested" and insert "~~(requested)~~"

On page 22, line 10, after "at a" strike "requested" and insert "~~(requested)~~"

FIFTY SEVENTH DAY, MARCH 8, 2021

2021 REGULAR SESSION

Senators Cleveland and Pedersen spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 452 by Senator Cleveland on page 8, line 23 to striking floor amendment no. 419.

The motion by Senator Cleveland carried and floor amendment no. 452 was adopted by voice vote.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 453 by Senator Padden on page 8, line 26 to striking floor amendment no. 419 was withdrawn.

## MOTION

Senator Padden moved that the following floor amendment no. 441 by Senator Padden be adopted:

On page 22, beginning on line 22, strike all of section 13  
Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 441 by Senator Padden on page 22, line 22 to striking floor amendment no. 419.

The motion by Senator Padden did not carry and floor amendment no. 441 was not adopted by voice vote.

## MOTION

Senator Padden moved that the following floor amendment no. 442 by Senator Padden be adopted:

Beginning on page 22, line 34, strike all of section 14  
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 24, line 8, after "46.63.110" strike "and 2.68.040"

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 442 by Senator Padden on page 22, line 34 to striking floor amendment no. 419

The motion by Senator Padden did not carry and floor amendment no. 442 was not adopted by voice vote.

Senator Pedersen spoke in favor of adoption of the striking amendment as amended.

Senator Padden spoke against adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 419 by Senator Pedersen as amended to Substitute Senate Bill No. 5226.

The motion by Senator Pedersen carried and striking floor amendment no. 419 as amended was adopted by voice vote.

## MOTION

On motion of Senator Salomon, the rules were suspended, Engrossed Substitute Senate Bill No. 5226 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Salomon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5226.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5226 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Brown, Dozier, Ericksen, Fortunato, Holy, Honeyford, King, McCune, Muzzall, Padden, Schoesler, Sheldon, Short, Wagoner, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## REMARKS BY THE PRESIDENT

President Heck: "Prior to putting the motion, I, once again, am compelled at the insistence of Senators Billig, Holy and Padden to announce that the number 1 ranked basketball team in America plays in five minutes in the semi-finals of the West Coast Conference play. That is the reference that Senator Liias was appropriately making."

## MOTION

At 5:55 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Tuesday, March 9, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**FIFTY EIGHTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Tuesday, March 9, 2021

The Senate was called to order at 10:02 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Jude Anderson led the Senate in the Pledge of Allegiance. Mr. Anderson is the nephew of Noelle Connolly, Executive Legislative Assistant to Senator Billig.

The prayer was offered by Imam Adam Jamal of the Muslim Association of Puget Sound, Redmond.

**MOTIONS**

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Liias, the Senate advanced to the fourth order of business.

**MESSAGE FROM THE HOUSE**

March 7, 2021

MR. PRESIDENT:

The House has passed:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236,
- SUBSTITUTE HOUSE BILL NO. 1314,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418,
- SUBSTITUTE HOUSE BILL NO. 1424,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

**MOTION**

On motion of Senator Liias, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

HB 1030 by Representatives Dent, Springer, Boehnke, Eslick, Callan and Slatter

AN ACT Relating to a community aviation revitalization loan program; amending RCW 43.79A.040 and 47.68.020; reenacting and amending 2019 c 413 s 7037 (uncodified); adding new sections to chapter 47.68 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1030 by Representatives Dent, Springer, Boehnke, Eslick, Callan and Slatter

AN ACT Relating to a community aviation revitalization loan program; amending RCW 43.79A.040 and 47.68.020; reenacting and amending 2019 c 413 s 7037 (uncodified); adding new sections to chapter 47.68 RCW; creating a new

section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1137 by House Committee on Transportation (originally sponsored by McCaslin, Young, Barkis, Schmick and Graham)

AN ACT Relating to elevating road maintenance and preservation in transportation planning; and amending RCW 47.04.280.

Referred to Committee on Transportation.

SHB 1137 by House Committee on Transportation (originally sponsored by McCaslin, Young, Barkis, Schmick and Graham)

AN ACT Relating to elevating road maintenance and preservation in transportation planning; and amending RCW 47.04.280.

Referred to Committee on Transportation.

SHB 1210 by House Committee on Commerce & Gaming (originally sponsored by Morgan, Peterson, Kloba, J. Johnson, Ryu, Santos, Ortiz-Self, Ormsby, Simmons, Gregerson, Riccelli, Macri, Frame and Harris-Talley)

AN ACT Relating to replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington; amending RCW 9.01.210, 9.94.041, 9.94A.518, 9.94A.650, 9.96.060, 13.40.0357, 15.13.270, 15.13.270, 15.17.020, 15.49.061, 15.125.010, 15.125.020, 15.125.030, 15.125.040, 15.125.050, 15.140.020, 15.140.100, 15.140.120, 18.170.020, 19.02.110, 20.01.030, 28A.210.325, 28B.20.502, 38.38.762, 42.56.270, 42.56.620, 42.56.625, 42.56.630, 43.05.160, 43.06.490, 43.06.520, 43.21A.735, 43.330.540, 46.20.308, 46.25.120, 46.61.502, 46.61.503, 46.61.504, 46.61.50571, 46.61.5249, 46.61.745, 66.08.050, 69.04.480, 69.07.020, 69.07.200, 69.50.101, 69.50.102, 69.50.204, 69.50.325, 69.50.326, 69.50.327, 69.50.328, 69.50.331, 69.50.334, 69.50.335, 69.50.336, 69.50.339, 69.50.342, 69.50.345, 69.50.346, 69.50.348, 69.50.348, 69.50.351, 69.50.354, 69.50.363, 69.50.366, 69.50.369, 69.50.375, 69.50.378, 69.50.380, 69.50.382, 69.50.385, 69.50.390, 69.50.395, 69.50.401, 69.50.4013, 69.50.4014, 69.50.408, 69.50.410, 69.50.412, 69.50.4121, 69.50.435, 69.50.445, 69.50.450, 69.50.465, 69.50.475, 69.50.505, 69.50.515, 69.50.530, 69.50.535, 69.50.550, 69.50.555, 69.50.560, 69.50.562, 69.50.563, 69.50.564, 69.50.570, 69.50.575, 69.50.580, 69.51.020, 69.51.030, 69.51.060, 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.043, 69.51A.045, 69.51A.050, 69.51A.060, 69.51A.100, 69.51A.210, 69.51A.220, 69.51A.225, 69.51A.240, 69.51A.250, 69.51A.260, 69.51A.270, 69.51A.290, 69.51A.300, 69.51A.310, 79A.60.040, 82.02.010, 82.04.100, 82.04.213, 82.04.260, 82.04.331, 82.04.4266, 82.04.756, 82.08.010, 82.08.020, 82.08.02565, 82.08.0257, 82.08.0273, 82.08.02745, 82.08.0281, 82.08.0288, 82.08.0293, 82.08.820, 82.08.9997, 82.08.9998, 82.12.02565, 82.12.0258, 82.12.0283,

FIFTY EIGHTH DAY, MARCH 9, 2021

2021 REGULAR SESSION

82.12.9997, 82.12.9998, 82.14.430, 82.16.050, 82.25.005, 82.29A.020, 82.84.030, 84.34.410, and 84.40.030; reenacting and amending RCW 69.07.010, 69.50.101, 69.50.345, 69.50.357, 69.50.360, 69.50.372, 69.50.540, 69.51A.010, 69.51A.230, and 70.345.010; adding a new section to chapter 46.04 RCW; adding new sections to chapter 69.50 RCW; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Labor, Commerce & Tribal Affairs.

**SHB 1210** by House Committee on Commerce & Gaming (originally sponsored by Morgan, Peterson, Kloba, J. Johnson, Ryu, Santos, Ortiz-Self, Ormsby, Simmons, Gregerson, Riccelli, Macri, Frame and Harris-Talley) AN ACT Relating to replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington; amending RCW 9.01.210, 9.94.041, 9.94A.518, 9.94A.650, 9.96.060, 13.40.0357, 15.13.270, 15.13.270, 15.17.020, 15.49.061, 15.125.010, 15.125.020, 15.125.030, 15.125.040, 15.125.050, 15.140.020, 15.140.100, 15.140.120, 18.170.020, 19.02.110, 20.01.030, 28A.210.325, 28B.20.502, 38.38.762, 42.56.270, 42.56.620, 42.56.625, 42.56.630, 43.05.160, 43.06.490, 43.06.520, 43.21A.735, 43.330.540, 46.20.308, 46.25.120, 46.61.502, 46.61.503, 46.61.504, 46.61.50571, 46.61.5249, 46.61.745, 66.08.050, 69.04.480, 69.07.020, 69.07.200, 69.50.101, 69.50.102, 69.50.204, 69.50.325, 69.50.326, 69.50.327, 69.50.328, 69.50.331, 69.50.334, 69.50.335, 69.50.336, 69.50.339, 69.50.342, 69.50.345, 69.50.346, 69.50.348, 69.50.348, 69.50.351, 69.50.354, 69.50.363, 69.50.366, 69.50.369, 69.50.375, 69.50.378, 69.50.380, 69.50.382, 69.50.385, 69.50.390, 69.50.395, 69.50.401, 69.50.4013, 69.50.4014, 69.50.408, 69.50.410, 69.50.412, 69.50.4121, 69.50.435, 69.50.445, 69.50.450, 69.50.465, 69.50.475, 69.50.505, 69.50.515, 69.50.530, 69.50.535, 69.50.550, 69.50.555, 69.50.560, 69.50.562, 69.50.563, 69.50.564, 69.50.570, 69.50.575, 69.50.580, 69.51.020, 69.51.030, 69.51.060, 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.043, 69.51A.045, 69.51A.050, 69.51A.060, 69.51A.100, 69.51A.210, 69.51A.220, 69.51A.225, 69.51A.240, 69.51A.250, 69.51A.260, 69.51A.270, 69.51A.290, 69.51A.300, 69.51A.310, 79A.60.040, 82.02.010, 82.04.100, 82.04.213, 82.04.260, 82.04.331, 82.04.4266, 82.04.756, 82.08.010, 82.08.020, 82.08.02565, 82.08.0257, 82.08.0273, 82.08.02745, 82.08.0281, 82.08.0288, 82.08.0293, 82.08.820, 82.08.9997, 82.08.9998, 82.12.02565, 82.12.0258, 82.12.0283, 82.12.9997, 82.12.9998, 82.14.430, 82.16.050, 82.25.005, 82.29A.020, 82.84.030, 84.34.410, and 84.40.030; reenacting and amending RCW 69.07.010, 69.50.101, 69.50.345, 69.50.357, 69.50.360, 69.50.372, 69.50.540, 69.51A.010, 69.51A.230, and 70.345.010; adding a new section to chapter 46.04 RCW; adding new sections to chapter 69.50 RCW; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Labor, Commerce & Tribal Affairs.

**E2SHB 1310** by House Committee on Appropriations (originally sponsored by J. Johnson, Lovick, Ryu, Simmons, Berry, Fitzgibbon, Hackney, Wylie, Sells, Wicks, Cody, Callan, Gregerson, Santos, Senn, Ortiz-

Self, Chopp, Davis, Valdez, Dolan, Bateman, Ormsby, Bergquist, Morgan, Ramel, Ramos, Lekanoff, Frame, Harris-Talley, Pollet, Macri and Peterson)

AN ACT Relating to permissible uses of force by law enforcement and correctional officers; amending RCW 43.101.450; adding a new section to chapter 43.101 RCW; adding a new chapter to Title 10 RCW; creating new sections; and repealing RCW 10.31.050.

Referred to Committee on Law & Justice.

**E2SHB 1310** by House Committee on Appropriations (originally sponsored by J. Johnson, Lovick, Ryu, Simmons, Berry, Fitzgibbon, Hackney, Wylie, Sells, Wicks, Cody, Callan, Gregerson, Santos, Senn, Ortiz-Self, Chopp, Davis, Valdez, Dolan, Bateman, Ormsby, Bergquist, Morgan, Ramel, Ramos, Lekanoff, Frame, Harris-Talley, Pollet, Macri and Peterson)

AN ACT Relating to permissible uses of force by law enforcement and correctional officers; amending RCW 43.101.450; adding a new section to chapter 43.101 RCW; adding a new chapter to Title 10 RCW; creating new sections; and repealing RCW 10.31.050.

Referred to Committee on Law & Justice.

**ESHB 1326** by House Committee on Local Government (originally sponsored by Lekanoff, Goodman, Ramel, Orwall, Klippert, Bateman, Lovick and Pollet)

AN ACT Relating to coroners and medical examiners; amending RCW 36.16.030, 68.50.104, and 68.50.010; adding new sections to chapter 36.24 RCW; adding a new section to chapter 43.101 RCW; and providing an effective date.

Referred to Committee on Housing & Local Government.

**ESHB 1326** by House Committee on Local Government (originally sponsored by Lekanoff, Goodman, Ramel, Orwall, Klippert, Bateman, Lovick and Pollet)

AN ACT Relating to coroners and medical examiners; amending RCW 36.16.030, 68.50.104, and 68.50.010; adding new sections to chapter 36.24 RCW; adding a new section to chapter 43.101 RCW; and providing an effective date.

Referred to Committee on Housing & Local Government.

**SHB 1445** by House Committee on Health Care & Wellness (originally sponsored by Thai, Cody, Ormsby, Pollet and Harris-Talley)

AN ACT Relating to the definition of compounding for purposes of the practice of pharmacy; and reenacting and amending RCW 18.64.011.

Referred to Committee on Health & Long Term Care.

**SHB 1445** by House Committee on Health Care & Wellness (originally sponsored by Thai, Cody, Ormsby, Pollet and Harris-Talley)

AN ACT Relating to the definition of compounding for purposes of the practice of pharmacy; and reenacting and amending RCW 18.64.011.

Referred to Committee on Health & Long Term Care.

SHB 1472 by House Committee on College & Workforce Development (originally sponsored by Slatter, Ortiz-Self, Sutherland, Goodman, Ormsby, Valdez, Eslick, Harris-Talley, Lekanoff, Pollet and Chopp)

AN ACT Relating to membership of the student achievement council; and amending RCW 28B.77.005.

Referred to Committee on Higher Education & Workforce Development.

SHB 1472 by House Committee on College & Workforce Development (originally sponsored by Slatter, Ortiz-Self, Sutherland, Goodman, Ormsby, Valdez, Eslick, Harris-Talley, Lekanoff, Pollet and Chopp)

AN ACT Relating to membership of the student achievement council; and amending RCW 28B.77.005.

Referred to Committee on Higher Education & Workforce Development.

SHB 1484 by House Committee on Education (originally sponsored by Dolan and Lekanoff)

AN ACT Relating to the statewide first responder building mapping information system; reenacting and amending RCW 28A.320.125; creating a new section; repealing RCW 36.28A.060 and 36.28A.070; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

SHB 1484 by House Committee on Education (originally sponsored by Dolan and Lekanoff)

AN ACT Relating to the statewide first responder building mapping information system; reenacting and amending RCW 28A.320.125; creating a new section; repealing RCW 36.28A.060 and 36.28A.070; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

#### MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

#### MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

#### MOTION

At 10:08 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

---

#### NOON SESSION

---

The Senate was called to order at 12:01 p.m. by President Heck.

#### MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5178, by Senators Cleveland, Muzzall, and Wilson, C.

Establishing automatic waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency.

#### MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 5178 was substituted for Senate Bill No. 5178 and the substitute bill was placed on the second reading and read the second time.

Senator Cleveland moved that the following striking floor amendment no. 440 by Senator Cleveland be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.06 RCW to read as follows:

(1)(a) If when declaring or amending a statewide state of emergency pursuant to RCW 43.06.010, the governor determines that the emergency demands immediate action by hospitals to prevent critical health system failures and ensure hospitals' ability to work with emergency management in responding to the emergency, the governor shall, either simultaneously or within five days of that determination, specify within the emergency order or amended emergency order which of the following health care related statutes and substantially equivalent regulations shall be waived or suspended based on the nature of the declared emergency:

(i) RCW 70.38.105(4) (a), (e), and (h);

(ii) RCW 70.41.110, the following language only: "premises and";

(iii) RCW 70.41.230;

(iv) RCW 70.41.090 (3), (4), and (5);

(v) RCW 18.64.043(1), the following language only: "of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the secretary may approve,";

(vi) RCW 18.64.043(2)(a), the following language only: "of location";

(vii) RCW 18.64.043(3), the following language only: "and to keep the license of location or the renewal thereof properly exhibited in said pharmacy.";

(viii) RCW 43.70.280(2), the following language only: "Such extension, reduction, or other modification of a licensing, certification, or registration period shall be by rule or regulation of the department of health adopted in accordance with the

FIFTY EIGHTH DAY, MARCH 9, 2021

2021 REGULAR SESSION

provisions of chapter 34.05 RCW. Such rules and regulations may provide a method for imposing and collecting such additional proportional fee as may be required for the extended or modified period."; and

(ix) RCW 18.360.010(11), the following language only: "physically present and is" and "in the facility. The health care practitioner does not need to be present during procedures to withdraw blood, but must be immediately available."

(b) Hospitals that rely on waiver or suspension under (a) of this subsection shall notify the department within 14 days of initiating such reliance.

(c) Nothing in this section prevents the governor from waving or suspending any statutes and substantially equivalent regulations outside the time frames established in this section. Additionally, the governor may waive or suspend any additional statutes, without limitation, as the governor deems necessary to address the emergency.

(2) Waivers and suspensions in subsection (1) of this section do not apply except to projects undertaken to provide or respond to surge capacity, including temporary increases in bed capacity, during the governor's declaration of a statewide state of emergency. Such projects and increases in bed capacity must comply with these statutory and regulatory provisions after the termination of the state of emergency."

On page 1, line 1 of the title, after "establishing" strike the remainder of the title and insert "timely considerations of waivers of select state health care laws to enable timely response by the health care system during a governor-declared statewide state of emergency; and adding a new section to chapter 43.06 RCW."

Senators Cleveland and Muzzall spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 440 by Senator Cleveland to Substitute Senate Bill No. 5178.

The motion by Senator Cleveland carried and striking floor amendment no. 440 was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute Senate Bill No. 5178 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5178.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5178 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Padden and Short

ENGROSSED SUBSTITUTE SENATE BILL NO. 5178, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5353, by Senators Conway, Darneille, Nguyen, and Wilson, C.

Creating a partnership model that facilitates community engagement with law enforcement.

MOTION

On motion of Senator Conway, Substitute Senate Bill No. 5353 was substituted for Senate Bill No. 5353 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wagoner and without objection, floor amendment no. 418 by Senator Wagoner on page 2, line 34 to Substitute Senate Bill No. 5353 was withdrawn.

MOTION

Senator Conway moved that the following floor amendment no. 437 by Senator Conway be adopted:

On page 2, line 34, after "agency" insert "serving a city or county with a population in excess of 10,000 people"

Senators Pedersen and Wagoner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 437 by Senator Conway on page 2, line 34 to Substitute Senate Bill No. 5353.

The motion by Senator Conway carried and floor amendment no. 437 was adopted by voice vote.

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Substitute Senate Bill No. 5353 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5353.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5353 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short,

Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5353, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5454, by Senators Schoesler, Brown, Frockt, Honeyford, Padden, Rolfes, Van De Wege, Wagoner, Warnick, and Wilson, J.

Providing property tax relief to Washington citizens who lost their homes in the labor day fires.

The measure was read the second time.

#### MOTION

Senator Schoesler moved that the following striking floor amendment no. 411 by Senator Schoesler be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.70.010 and 2005 c 56 s 1 are each amended to read as follows:

(1) If, on or before December 31 in any calendar year, any real or personal property placed upon the assessment roll of that year is destroyed in whole or in part, or is in an area that has been declared a disaster area by the governor or the county legislative authority and has been reduced in value by more than twenty percent as a result of a natural disaster, the true and fair value of such property shall be reduced for that assessment year by an amount determined by taking the true and fair value of such taxable property before destruction or reduction in value and deduct therefrom the true and fair value of the remaining property after destruction or reduction in value.

(2) Taxes levied for collection in the year in which the true and fair value has been reduced under subsection (1) of this section shall be abated in whole or in part as provided in this subsection. The amount of taxes to be abated shall be determined by first multiplying the amount deducted from the true and fair value under subsection (1) of this section by the rate of levy applicable to the property in the tax year. Then divide the product by the number of days in the year and multiply the quotient by the number of days remaining in the calendar year after the date of the destruction or reduction in value of the property. If taxes abated under this section have been paid, the amount paid shall be refunded under RCW 84.69.020. The tax relief provided for in this section for the tax year in which the damage or destruction occurred does not apply to property damaged or destroyed voluntarily.

(3) No reduction in the true and fair value or abatements shall be made more than three years after the date of destruction or reduction in value.

(4) The assessor shall make such reduction on his or her own motion; however, the taxpayer may make application for reduction on forms prepared by the department and provided by the assessor. The assessor shall notify the taxpayer of the amount of reduction.

(5) If destroyed property is replaced prior to the valuation dates contained in RCW 36.21.080 and 36.21.090, the total taxable value for that assessment year shall not exceed the value as of the

appropriate valuation date in RCW 36.21.080 or 36.21.090, whichever is appropriate.

(6) The taxpayer may appeal the amount of reduction to the county board of equalization in accordance with the provisions of RCW 84.40.038. The board shall reconvene, if necessary, to hear the appeal.

(7)(a) Physical improvements to qualifying single-family dwellings are exempt from taxation for three assessment years subsequent to the completion of the improvement, subject to the conditions and limitations in this subsection (7).

(b) The amount of the exemption provided in this subsection (7) is limited to the amount of the reduction in value determined in subsection (1) of this section with respect to the qualifying single-family dwelling.

(c)(i) A taxpayer desiring to obtain the exemption provided in this subsection (7) must file an application with the county assessor on forms prescribed or approved by the department and made available to the taxpayer by the county assessor. Except as provided in (c)(ii) of this subsection (7), the application must be submitted by the taxpayer before initiating construction of the improvement. County assessors may not approve any application for exemption received after June 30, 2026.

(ii) If a taxpayer has, before the effective date of this section, initiated construction of physical improvements to a qualifying single-family dwelling, the taxpayer may apply for the exemption under this subsection (7) by October 1, 2021.

(d) The value of the improvements must be considered as new construction for the purposes of chapters 36.21 and 84.55 RCW as though the property was not exempt under this chapter.

(e) The department may adopt any rules necessary to administer this section.

(f) For purposes of this subsection (7), the following definitions apply:

(i) "Improvement" means any actual, material, and permanent change to a qualifying single-family dwelling damaged as a result of a natural disaster that increases the value of the dwelling. "Improvement" also includes the construction of a new single-family dwelling that replaces a qualifying single-family dwelling totally destroyed as a result of a natural disaster.

(ii) "Qualifying single-family dwelling" means a single-family dwelling:

(A) Upon real property located in an area that has been declared a disaster area by the governor or the county legislative authority and has been reduced in value by more than 20 percent as a result of a natural disaster that occurred on or after August 31, 2020;

(B) That has received a reduction in the true and fair value under subsection (1) of this section; and

(C) In which the legal or beneficial ownership is held by the same individual or individuals who owned the property at the time that it was reduced in value as a result of a natural disaster, or their relatives. For the purpose of this subsection (7)(f)(ii), "relative" means any individual related to another individual by blood, marriage, or adoption.

(8) For purposes of this section, an area that has been declared a disaster area by the governor includes areas within the scope of the governor's request to the president of the United States for a major disaster declaration.

NEW SECTION. Sec. 2. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. Sec. 3. This act applies for taxes levied for collection in 2022 and thereafter."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "creating a property tax exemption for homes damaged by natural disasters; amending RCW 84.70.010; and creating new sections."

FIFTY EIGHTH DAY, MARCH 9, 2021

2021 REGULAR SESSION

Senator Schoesler spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 411 by Senator Schoesler to Senate Bill No. 5454.

The motion by Senator Schoesler carried and striking floor amendment no. 411 was adopted by voice vote.

#### MOTION

On motion of Senator Schoesler, the rules were suspended, Engrossed Senate Bill No. 5454 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler, Rolfes and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5454.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5454 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Erickson, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SENATE BILL NO. 5454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5372, by Senators Stanford, Warnick, Conway, Hasegawa, Saldaña, and Wilson, J.

Concerning a hemp processor registration process.

The measure was read the second time.

#### MOTION

Senator Stanford moved that the following striking floor amendment no. 427 by Senator Stanford be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to authorize and establish hemp processor registration and hemp extract certification necessary for entrance and compliance with interstate and international commerce and business requirements or stipulations in regard to hemp processing. A voluntary processor registration or hemp extract certification in lieu of a hemp processor license will allow persons or companies to ship transitional or final hemp products to states and countries that require a hemp processor license or registration.

**Sec. 2.** RCW 15.140.020 and 2019 c 158 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agriculture improvement act of 2018" means sections 7605, 10113, 10114, and 12619 of the agriculture improvement act of 2018, P.L. 115-334.

(2) "Crop" means hemp grown as an agricultural commodity.

(3) "Cultivar" means a variation of the plant *Cannabis sativa* L. that has been developed through cultivation by selective breeding.

(4) "Department" means the Washington state department of agriculture.

(5) "Food" has the same meaning as defined in RCW 69.07.010.

(6) "Hemp" means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

~~((6))~~ (7) "Hemp processor" means a person who takes possession of raw hemp material with the intent to modify, package, or sell a transitional or finished hemp product.

(8)(a) "Industrial hemp" means all parts and varieties of the genera *Cannabis*, cultivated or possessed by a grower, whether growing or not, that contain a tetrahydrocannabinol concentration of 0.3 percent or less by dry weight that was grown under the industrial hemp research program as it existed on December 31, 2019.

(b) "Industrial hemp" does not include plants of the genera *Cannabis* that meet the definition of "marijuana" as defined in RCW 69.50.101.

~~((7))~~ (9) "Postharvest test" means a test of delta-9 tetrahydrocannabinol concentration levels of hemp after being harvested based on:

(a) Ground whole plant samples without heat applied; or

(b) Other approved testing methods.

~~((8))~~ (10) "Process" means the processing, compounding, or conversion of hemp into hemp commodities or products.

~~((9))~~ (11) "Produce" or "production" means the planting, cultivation, growing, or harvesting of hemp including hemp seed.

**Sec. 3.** RCW 15.140.060 and 2019 c 158 s 6 are each amended to read as follows:

(1) The department must issue hemp producer licenses to applicants qualified under this chapter and the agriculture improvement act of 2018. The department may adopt rules pursuant to this chapter and chapter 34.05 RCW as necessary to license persons to grow hemp under a commercial hemp program. The department may adopt rules pursuant to this chapter and chapter 34.05 RCW as necessary to register hemp processors.

(2) A hemp processor that processes hemp for commercial use or sale may register with the department. The registration application must include the physical address of all locations where hemp is processed or stored, a registration fee as set in rule, and any other information required by the department by rule. A registered hemp processor is not required to obtain a hemp producer license. A registered hemp processor must be a registered business entity in Washington state or a foreign entity compliant with state laws.

(3) The plan must identify qualifications for license applicants, to include adults and corporate persons and to exclude persons with felony convictions as required under the agriculture improvement act of 2018.

~~((3))~~ (4) The department must establish license fees in an amount that will fund the implementation of this chapter and sustain the hemp program. The department may adopt rules establishing fees for tetrahydrocannabinol testing, inspections,

and additional services required by the United States department of agriculture. License fees and any money received by the department under this chapter must be deposited in the hemp regulatory account created in RCW 15.140.080.

**Sec. 4.** RCW 15.140.120 and 2019 c 158 s 16 are each amended to read as follows:

Beginning on April 26, 2019:

(1) No law or rule related to certified or interstate hemp seeds applies to or may be enforced against a person with a license to produce or process hemp issued under this chapter (~~or chapter 15.120 RCW~~); and

(2) No department or other state agency rule may establish or enforce a buffer zone or distance requirement between a person with a license or authorization to produce or process hemp under this chapter (~~or chapter 15.120 RCW~~) and a person with a license to produce or process marijuana issued under chapter 69.50 RCW. The department may not adopt rules without the evaluation of sufficient data showing impacts to either crop as a result of cross-pollination.

(3) Notwithstanding the rule-making provisions of RCW 15.140.030(2), if a marijuana producer or marijuana processor licensed by the liquor and cannabis board under chapter 69.50 RCW is engaged in producing or processing hemp at the same location for which they are licensed to produce or process marijuana, the liquor and cannabis board may test samples represented as hemp that are obtained from a location licensed for marijuana production or marijuana processing for the sole purpose of validating THC content of products represented as hemp. Any product with a delta-9 tetrahydrocannabinol concentration exceeding 0.3 percent on a dry weight basis is considered marijuana and is subject to the provisions of chapter 69.50 RCW.

**Sec. 5.** RCW 69.07.010 and 2017 c 138 s 1 are each reenacted and amended to read as follows:

~~((For the purposes of this chapter.))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the state liquor and cannabis board;

(2) "Department" means the department of agriculture of the state of Washington;

(3) "Director" means the director of the department;

(4) "Food" means any substance used for food or drink by any person, including ice, bottled water, and any ingredient used for components of any such substance regardless of the quantity of such component;

(5) "Food processing" means the handling or processing of any food in any manner in preparation for sale for human consumption: PROVIDED, That it shall not include fresh fruit or vegetables merely washed or trimmed while being prepared or packaged for sale in their natural state;

(6) "Food processing plant" includes but is not limited to any premises, plant, establishment, building, room, area, facilities and the appurtenances thereto, in whole or in part, where food is prepared, handled or processed in any manner for distribution or sale for resale by retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer: PROVIDED, That, as set forth herein, establishments processing foods in any manner for resale shall be considered a food processing plant as to such processing;

(7) "Food service establishment" shall mean any fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, industrial-feeding establishment, retail grocery, retail food market, retail meat market, retail bakery, private, public, or nonprofit organization routinely serving food, catering kitchen,

commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

For the purpose of this chapter any custom cannery or processing plant where raw food products, food, or food products are processed for the owner thereof, or the food processing facilities are made available to the owners or persons in control of raw food products or food or food products for processing in any manner, shall be considered to be food processing plants;

(8) "Hemp extract" means a substance or compound intended for human ingestion that is derived from, or made by, processing hemp. The term does not include hemp seeds or hemp seed-derived ingredients that are generally recognized as safe by the United States food and drug administration.

(9) "Hemp extract certification" means a certification issued by the department to a hemp processor manufacturing hemp extract for export to other states, which certifies the hemp processor's compliance with Washington state's inspection and sanitation requirements.

(10) "Hemp processor" has same meaning as defined in RCW 15.140.020.

(11) "Marijuana" has the definition in RCW 69.50.101;

~~((9))~~ (12) "Marijuana-infused edible" has the same meaning as "marijuana-infused products" as defined in RCW 69.50.101, but limited to products intended for oral consumption;

~~((40))~~ (13) "Marijuana-infused edible processing" means processing, packaging, or making marijuana-infused edibles using marijuana, marijuana extract, or marijuana concentrates as an ingredient. The term does not include preparation of marijuana as an ingredient including, but not limited to, processing marijuana extracts or marijuana concentrates;

~~((44))~~ (14) "Marijuana processor" has the definition in RCW 69.50.101;

~~((42))~~ (15) "Person" means an individual, partnership, corporation, or association;

~~((43))~~ (16) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

**NEW SECTION. Sec. 6.** A new section is added to chapter 69.07 RCW to read as follows:

(1) Until such time as hemp extract is federally authorized for use as a food ingredient, hemp extract is not an approved food ingredient in Washington state. A hemp processor who wishes to engage in the production of hemp extract for use as a food ingredient in another state that allows its use as a food ingredient may apply for a hemp extract certification to certify the hemp processor's compliance with Washington's inspection and good manufacturing practices requirements. The department shall regulate hemp extract processing the same as other food processing under chapters 15.130, 69.07, and 69.22 RCW with the exceptions contained in subsections (2) through (6) of this section.

(2) The department's oversight is limited to certifying a hemp processor's compliance with applicable inspection and good manufacturing practices requirements as adopted by the department under chapter 15.130 RCW.

(3) The department must issue a hemp extract certification in lieu of a food processing license under RCW 69.07.040 to a hemp processor who meets the application requirements described in subsection (4) of this section. A hemp processor holding a hemp extract certification must apply for renewal of the certification annually.

(4) The application, initial certification, and renewal fees must be in an amount established by the department. Applicants for certification otherwise must meet the same requirements as

FIFTY EIGHTH DAY, MARCH 9, 2021

2021 REGULAR SESSION

applicants for a food processing license under chapter 69.07 RCW including, but not limited to, successful completion of an inspection by the department.

(5) The department may deny, suspend, or revoke a hemp extract certification on the same grounds as the department may deny, suspend, or revoke a food processor's license under this chapter.

(6) At such time as federal authorization of hemp extracts as a food ingredient occurs, the department must cease issuance of certifications under this chapter. At renewal, hemp processors certified under this section must apply for a food processor license in accordance with RCW 69.07.040.

**Sec. 7.** RCW 69.07.020 and 2017 c 138 s 2 are each amended to read as follows:

(1) The department shall enforce and carry out the provisions of this chapter, and may adopt the necessary rules to carry out its purposes.

(2) Such rules may include:

(a) Standards for temperature controls in the storage of foods, so as to provide proper refrigeration.

(b) Standards for temperatures at which low acid foods must be processed and the length of time such temperatures must be applied and at what pressure in the processing of such low acid foods.

(c) Standards and types of recording devices that must be used in providing records of the processing of low acid foods, and how they shall be made available to the department of agriculture for inspection.

(d) Requirements for the keeping of records of the temperatures, times and pressures at which foods were processed, or for the temperatures at which refrigerated products were stored by the licensee and the furnishing of such records to the department.

(e) Standards that must be used to establish the temperature and purity of water used in the processing of foods.

(3) The department may adopt rules specific to marijuana-infused edibles. Such rules must be written and interpreted to be consistent with rules adopted by the board and the department of health.

(4) The department may adopt rules specific to hemp extract certification to implement section 6 of this act."

On page 1, beginning on line 1 of the title, after "Relating to" strike the remainder of the title and insert "hemp processor registration and a hemp extract certification; amending RCW 15.140.020, 15.140.060, 15.140.120, and 69.07.020; reenacting and amending RCW 69.07.010; adding a new section to chapter 69.07 RCW; and creating a new section."

Senators Stanford and Warnick spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 427 by Senator Stanford to Senate Bill No. 5372.

The motion by Senator Stanford carried and striking floor amendment no. 427 was adopted by voice vote.

#### MOTION

On motion of Senator Stanford, the rules were suspended, Engrossed Senate Bill No. 5372 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stanford and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5372.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5372 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SENATE BILL NO. 5372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5040, by Senators Fortunato, Lovelett, and Wilson, J.

Enhancing litter control along state highways.

The measure was read the second time.

#### MOTION

On motion of Senator Fortunato, the rules were suspended, Senate Bill No. 5040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fortunato, Carlyle and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5040.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5040 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:32 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

---

 AFTERNOON SESSION
 

---

The Senate was called to order at 3:17 p.m. by President Heck.

## SECOND READING

SENATE BILL NO. 5294, by Senators Cleveland, Muzzall, Conway, Randall, Robinson, Van De Wege, and Wilson, C.

Concerning the creation of statewide epidemic preparedness and response guidelines for long-term care facilities.

## MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 5294 was substituted for Senate Bill No. 5294 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 5294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

## PARLIAMENTARY INQUIRY

Senator Honeyford: "Thank you Mr. President. I was inquiring do we have an order of consideration on our desk?"

## REPLY BY THE PRESIDENT

President Heck: "Yes, you do."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5294.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5294 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Rivers

SUBSTITUTE SENATE BILL NO. 5294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5362, by Senators McCune and Warnick

Ensuring the funding of agricultural fairs.

## MOTIONS

On motion of Senator McCune, Second Substitute Senate Bill No. 5362 was substituted for Senate Bill No. 5362 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McCune, the rules were suspended, Second Substitute Senate Bill No. 5362 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McCune spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5362.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5362 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Randall, Rivers, Robinson, Rolfes, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Carlyle, Frockt, Hasegawa, Liias, Pedersen and Saldaña

SECOND SUBSTITUTE SENATE BILL NO. 5362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

Pursuant to Rule 18, on motion of Senator Liias, Substitute House Bill No. 1088, relating to potential impeachment disclosures, was named a special order to be considered at 4:55 p.m.

## POINT OF ORDER

Senator Pedersen: "Thank you, Mr. President. I wonder if the President could clarify what the fine is when the President calls himself Mr. Speaker?"

## RULING BY THE PRESIDENT

President Heck: "That is \$5.00. So very grateful to you for pointing it out to me sir."

## SECOND READING

SENATE BILL NO. 5230, by Senators Dozier, Honeyford, King, Schoesler, Warnick and Muzzall

Concerning agreements for allocation of groundwater resulting from bureau of reclamation project operations.

## MOTIONS

On motion of Senator Dozier, Substitute Senate Bill No. 5230 was substituted for Senate Bill No. 5230 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dozier, the rules were suspended, Substitute Senate Bill No. 5230 was advanced to third reading,

FIFTY EIGHTH DAY, MARCH 9, 2021

2021 REGULAR SESSION

the second reading considered the third and the bill was placed on final passage.

Senator Dozier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5230.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5230 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Padden, Pedersen, Rivers, Robinson, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Hasegawa, Kuderer, Nobles, Randall, Rolfes, Saldaña, Salomon, Stanford, Wellman and Wilson, C.

SUBSTITUTE SENATE BILL NO. 5230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5124, by Senators Cleveland and Rivers

Concerning the practice of colon hydrotherapy.

The measure was read the second time.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 5124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5124.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5124 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford and Schoesler

SENATE BILL NO. 5124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5355, by Senator Conway

Establishing wage liens.

#### MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 5355 was substituted for Senate Bill No. 5355 and the substitute bill was placed on the second reading and read the second time.

Senator Conway moved that the following floor amendment no. 127 by Senator Conway be adopted:

On page 3, beginning on line 4, after "chapter" strike all material through "property" on line 5 and insert "for any wage claim"

Senator Conway spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 127 by Senator Conway on page 3, line 4 to Substitute Senate Bill No. 5355.

The motion by Senator Conway carried and floor amendment no. 127 was adopted by voice vote.

#### MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Substitute Senate Bill No. 5355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Keiser spoke in favor of passage of the bill.

Senators Braun, Short, King, Rivers, Wilson, L., Schoesler and Muzzall spoke against passage of the bill.

Senator Rolfes spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5355.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5355 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Rolfes, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5065, by Senators Kuderer, Stanford, Conway, Hasegawa, Hunt, Keiser, Lovelett, Saldaña, Salomon, and Wilson, C.

Safeguarding the public safety by protecting railroad workers.

MOTION

On motion of Senator Kuderer, Substitute Senate Bill No. 5065 was substituted for Senate Bill No. 5065 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wagoner moved that the following floor amendment no. 474 by Senator Wagoner be adopted:

Beginning on page 1, line 5, strike all of section 1  
Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Wagoner and Short spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 474 by Senator Wagoner on page 1, line 5 to Substitute Senate Bill No. 5065.

The motion by Senator Wagoner did not carry and floor amendment no. 474 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 470 by Senator Short be adopted:

On page 19, at the beginning of line 14, strike "(1)"  
On page 19, beginning on line 18, strike all of subsection (2)

Senator Short spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 470 by Senator Short on page 19, line 14 to Substitute Senate Bill No. 5065.

The motion by Senator Short did not carry and floor amendment no. 470 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 473 by Senator Braun be adopted:

On page 19, beginning on line 32, strike all of section 24  
Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Braun spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 473 by Senator Braun on page 19, line 32 to Substitute Senate Bill No. 5065.

The motion by Senator Braun did not carry and floor amendment no. 473 was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following floor amendment no. 471 by Senator Honeyford be adopted:

On page 19, beginning on line 34, strike all of section 25

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Honeyford and Kuderer spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 471 by Senator Honeyford on page 19, line 34 to Substitute Senate Bill No. 5065.

The motion by Senator Honeyford carried and floor amendment no. 471 was adopted by voice vote.

MOTION

Senator Schoesler moved that the following floor amendment no. 472 by Senator Schoesler be adopted:

On page 20, beginning on line 1, strike all of section 26  
Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Schoesler spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 472 by Senator Schoesler on page 20, line 1 to Substitute Senate Bill No. 5065.

The motion by Senator Schoesler did not carry and floor amendment no. 472 was not adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute Senate Bill No. 5065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Keiser spoke in favor of passage of the bill.

Senators Schoesler, King and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5065.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5065 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

FIFTY EIGHTH DAY, MARCH 9, 2021

2021 REGULAR SESSION

SENATE BILL NO. 5352, by Senators Braun, Dozier, King, and Wilson, J.

Allowing new government employees the option of opting out of retirement system membership if the employee is age sixty or older when first hired, or when the employee's employer opts into retirement plan participation.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Honeyford, Sheldon and Schoesler spoke in favor of passage of the bill.

Senator Conway spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5352.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5352 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Mullet, Muzzall, Nguyen, Padden, Pedersen, Rivers, Robinson, Salomon, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Conway, Darneille, Das, Dhingra, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Nobles, Randall, Rolfes, Saldaña and Stanford

SENATE BILL NO. 5352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5403, by Senators Wellman, Warnick, Hasegawa, Kuderer, Lovelett, Mullet, Saldaña, and Wilson, C.

Concerning the interagency, multijurisdictional system improvement team.

MOTIONS

On motion of Senator Wellman, Substitute Senate Bill No. 5403 was substituted for Senate Bill No. 5403 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wellman, the rules were suspended, Substitute Senate Bill No. 5403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5403.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5403 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5430, by Senator Mullet

Concerning the advanced college tuition payment program.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 5430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5430.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5430 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

SENATE BILL NO. 5430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5315, by Senators Mullet and Dozier

Concerning captive insurance.

MOTIONS

On motion of Senator Mullet, Second Substitute Senate Bill No. 5315 was substituted for Senate Bill No. 5315 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Second Substitute Senate Bill No. 5315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5315.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5315 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5172, by Senators King, Brown, Fortunato, Honeyford, Muzzall, Schoesler, Short and Wagoner

Concerning the retroactivity of overtime claims in exceptional cases.

#### MOTION

Senator King moved Substitute Senate Bill No. 5172 be substituted for Senate Bill No. 5172 and the substitute bill be placed on second reading and read a second time.

Revised for 1st Substitute: Concerning the retroactivity of overtime claims in exceptional cases.

#### MOTION

At 4:41 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

----

The Senate was called to order at 4:54 p.m. by President Heck.

The time arriving at 4:55 p.m. the Senate advanced to the designated special order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1088, by House Committee on Civil Rights & Judiciary (originally sponsored by Lovick, Goodman, Fitzgibbon, J. Johnson, Slatter, Wylie, Ramos, Bateman, Berry, Dolan, Tharinger, Simmons, Ryu, Ramel, Shewmake, Leavitt, Senn, Peterson, Gregerson, Valdez, Callan, Chopp, Duerr, Ormsby, Taylor, Lekanoff, Santos, Macri, Frame, Orwall, Berg, Pollet and Harris-Talley)

Concerning potential impeachment disclosures.

The measure was read the second time.

#### MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 10.93 RCW to read as follows:

(1)(a) Each county prosecutor shall develop and adopt a written protocol addressing potential impeachment disclosures pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), and subsequent case law. The protocol must provide guidance for: (i) The types of conduct that should be recognized as potentially exculpatory or as creating potential impeachment material; (ii) how information about an officer or officer conduct should be shared and maintained; and (iii) under what circumstances an officer's information or name may be removed from any list of potential impeachment disclosures.

(b) The protocol shall be developed by the prosecuting attorney with consultation of agencies representing law enforcement officers and local departments that will be impacted by the protocol.

(c) Subject to amounts appropriated for this purpose, no later than June 30, 2022, the criminal justice training commission shall provide, or contract with an organization that serves prosecuting attorneys in Washington to provide, online training for potential impeachment disclosures.

(d) Local protocols under this section shall be adopted and in place no later than July 1, 2022. Local protocols must be reviewed every two years to determine whether modifications are needed.

(2)(a) A law enforcement agency shall report the following information to the prosecuting authority of any jurisdiction in which the officer may testify as a witness:

(i) Any act by the officer that may be potentially exculpatory to a criminal defendant; and

(ii) Misconduct that the officer has engaged in that affects his or her credibility.

(b) The law enforcement agency shall report the information within 10 days of the discovery of the act under (a)(i) of this subsection or the misconduct under (a)(ii) of this subsection.

(3)(a) Prior to hiring any peace officer with previous law enforcement experience, a law enforcement agency must inquire as to whether the officer has ever been subject to potential impeachment disclosure. The agency shall verify the officer's response with the prosecuting authorities in the jurisdictions of the officer's previous employment. Prosecuting authorities shall respond within 10 days of receiving a request from a law enforcement agency for verification. The fact that an officer has been subject to impeachment disclosure is not, in and of itself, a bar to employment. Any pre-hiring process or hiring decision by an agency does not constitute a personnel action under RCW 10.93.150.

(b) Within 10 days of hiring an officer with a prior potential impeachment disclosure, the law enforcement agency shall forward that information to the prosecuting authority of any jurisdiction in which the officer may testify as a witness.

(4) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for sharing impeachment information about a peace officer with the peace officer's employer, potential employer, or

FIFTY EIGHTH DAY, MARCH 9, 2021

2021 REGULAR SESSION

prosecuting authority unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith."

On page 1, line 1 of the title, after "disclosures;" strike the remainder of the title and insert "and adding a new section to chapter 10.93 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 1088.

The motion by Senator Dhingra carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute House Bill No. 1088 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra, Padden, Pedersen and Nobles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1088 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1088 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Ericksen, Honeyford and Schoesler

SUBSTITUTE HOUSE BILL NO. 1088, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5172, by Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by King, Brown, Fortunato, Honeyford, Muzzall, Schoesler, Short and Wagoner)

Concerning the retroactivity of overtime claims in exceptional cases.

The measure was read the second time.

MOTION

Senator Keiser moved that the following striking floor amendment no. 459 by Senator Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In order to stabilize, strengthen, and protect our state's agricultural workforce and economy, it is the intent of the legislature to pass the laws necessary to protect farmworkers and to provide agricultural employers with certainty and predictability.

The legislature intends to address the historical exceptions of agricultural work from overtime standards from both the federal fair labor standards act and the state minimum wage act when they were enacted over 70 years ago. Excluded from the opportunity to earn overtime pay, farmworkers across our state remain among our state's poorest workers. A United States department of labor study in 2016 found that nationally, 30 percent of farmworker families live below the poverty line, almost double the poverty rate of American families overall. The state department of health found that the current novel coronavirus pandemic has had a significant and disproportionate impact on farmworkers. The virus' risks to essential farmworkers from potential workplace exposures are compounded by systemic barriers to testing, prevention measures, and medical care.

The legislature also intends to avoid disruptions within the state's vital agricultural sector. While Washington is well known as the national leader in apple production, the state's agricultural sector is incredibly diverse: Over 300 crops are harvested, and a variety of livestock are raised on over 35,000 farms across the state. The robust size of our agricultural sector means our state overall ranks in the top 10 nationally in the size of our farm labor force. Agriculture is a cornerstone of our state economy. Uncertainty from recent legal decisions regarding overtime standards are compounding the pandemic's disruptions to the food chain and the safety challenges of operating during a public health crisis.

The legislature intends to provide clear overtime standards to reduce litigation between parties in this key sector of the state's economy during the challenges and additional costs brought on by the novel coronavirus and to protect the security of our food supply chain. This act's transitional approach is reasonable to achieve the legislature's purpose of increasing the safety of an at risk and essential workforce, increasing the public welfare of low-income individuals by removing a historical barrier to their earning potential, and maintaining the food security and economic security provided by a stable agricultural sector.

**Sec. 2.** RCW 49.46.130 and 2013 c 207 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this section and section 4 of this act, no employer shall employ any of his or her employees for a workweek longer than forty hours unless such employee receives compensation for his or her employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he or she is employed.

(2) This section does not apply to:

(a) Any person exempted pursuant to RCW 49.46.010(3). The payment of compensation or provision of compensatory time off in addition to a salary shall not be a factor in determining whether a person is exempted under RCW 49.46.010(3)(c);

(b) Employees who request compensating time off in lieu of overtime pay;

(c) Any individual employed as a seaman whether or not the seaman is employed on a vessel other than an American vessel;

(d) Seasonal employees who are employed at concessions and recreational establishments at agricultural fairs, including those seasonal employees employed by agricultural fairs, within the state provided that the period of employment for any seasonal employee at any or all agricultural fairs does not exceed fourteen working days a year;

(e) Any individual employed as a motion picture projectionist if that employee is covered by a contract or collective bargaining agreement which regulates hours of work and overtime pay;

(f) An individual employed as a truck or bus driver who is subject to the provisions of the Federal Motor Carrier Act (49 U.S.C. Sec. 3101 et seq. and 49 U.S.C. Sec. 10101 et seq.), if the compensation system under which the truck or bus driver is paid includes overtime pay, reasonably equivalent to that required by this subsection, for working longer than forty hours per week;

(g) ~~((Any)) Except as otherwise provided in section 4 of this act, any~~ individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(h) Any industry in which federal law provides for an overtime payment based on a workweek other than forty hours. However, the provisions of the federal law regarding overtime payment based on a workweek other than forty hours shall nevertheless apply to employees covered by this section without regard to the existence of actual federal jurisdiction over the industrial activity of the particular employer within this state. For the purposes of this subsection, "industry" means a trade, business, industry, or other activity, or branch, or group thereof, in which individuals are gainfully employed (section 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law 93-259));

(i) Any hours worked by an employee of a carrier by air subject to the provisions of subchapter II of the Railway Labor Act (45 U.S.C. Sec. 181 et seq.), when such hours are voluntarily worked by the employee pursuant to a shift-trading practice under which the employee has the opportunity in the same or in other workweeks to reduce hours worked by voluntarily offering a shift for trade or reassignment; and

(j) Any individual licensed under chapter 18.85 RCW unless the individual is providing real estate brokerage services under a written contract with a real estate firm which provides that the individual is an employee. For purposes of this subsection (2)(j), "real estate brokerage services" and "real estate firm" mean the same as defined in RCW 18.85.011.

(3) No employer shall be deemed to have violated subsection (1) of this section by employing any employee of a retail or service establishment for a workweek in excess of the applicable workweek specified in subsection (1) of this section if:

(a) The regular rate of pay of the employee is in excess of one and one-half times the minimum hourly rate required under RCW 49.46.020; and

(b) More than half of the employee's compensation for a representative period, of not less than one month, represents commissions on goods or services.

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate is to be deemed commissions on goods or

services without regard to whether the computed commissions exceed the draw or guarantee.

(4) No employer of commissioned salespeople primarily engaged in the business of selling automobiles, trucks, recreational vessels, recreational vessel trailers, recreational vehicle trailers, recreational campers, manufactured housing, or farm implements to ultimate purchasers shall violate subsection (1) of this section with respect to such commissioned salespeople if the commissioned salespeople are paid the greater of:

(a) Compensation at the hourly rate, which may not be less than the rate required under RCW 49.46.020, for each hour worked up to forty hours per week, and compensation of one and one-half times that hourly rate for all hours worked over forty hours in one week; or

(b) A straight commission, a salary plus commission, or a salary plus bonus applied to gross salary.

(5) No public agency shall be deemed to have violated subsection (1) of this section with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if: (a) In a work period of twenty-eight consecutive days the employee receives for tours of duty which in the aggregate exceed two hundred forty hours; or (b) in the case of such an employee to whom a work period of at least seven but less than twenty-eight days applies, in his or her work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his or her work period as two hundred forty hours bears to twenty-eight days; compensation at a rate not less than one and one-half times the regular rate at which he or she is employed.

**Sec. 3.** RCW 49.46.130 and 2013 c 207 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this section, no employer shall employ any of his or her employees for a workweek longer than forty hours unless such employee receives compensation for his or her employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he or she is employed.

(2) This section does not apply to:

(a) Any person exempted pursuant to RCW 49.46.010(3). The payment of compensation or provision of compensatory time off in addition to a salary shall not be a factor in determining whether a person is exempted under RCW 49.46.010(3)(c);

(b) Employees who request compensating time off in lieu of overtime pay;

(c) Any individual employed as a seaman whether or not the seaman is employed on a vessel other than an American vessel;

(d) Seasonal employees who are employed at concessions and recreational establishments at agricultural fairs, including those seasonal employees employed by agricultural fairs, within the state provided that the period of employment for any seasonal employee at any or all agricultural fairs does not exceed fourteen working days a year;

(e) Any individual employed as a motion picture projectionist if that employee is covered by a contract or collective bargaining agreement which regulates hours of work and overtime pay;

(f) An individual employed as a truck or bus driver who is subject to the provisions of the Federal Motor Carrier Act (49 U.S.C. Sec. 3101 et seq. and 49 U.S.C. Sec. 10101 et seq.), if the compensation system under which the truck or bus driver is paid includes overtime pay, reasonably equivalent to that required by this subsection, for working longer than forty hours per week;

~~(g) ((Any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or~~

FIFTY EIGHTH DAY, MARCH 9, 2021

2021 REGULAR SESSION

~~horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;~~

(h)) Any industry in which federal law provides for an overtime payment based on a workweek other than forty hours. However, the provisions of the federal law regarding overtime payment based on a workweek other than forty hours shall nevertheless apply to employees covered by this section without regard to the existence of actual federal jurisdiction over the industrial activity of the particular employer within this state. For the purposes of this subsection, "industry" means a trade, business, industry, or other activity, or branch, or group thereof, in which individuals are gainfully employed (section 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law 93-259));

((+)) (h) Any hours worked by an employee of a carrier by air subject to the provisions of subchapter II of the Railway Labor Act (45 U.S.C. Sec. 181 et seq.), when such hours are voluntarily worked by the employee pursuant to a shift-trading practice under which the employee has the opportunity in the same or in other workweeks to reduce hours worked by voluntarily offering a shift for trade or reassignment; and

((+)) (i) Any individual licensed under chapter 18.85 RCW unless the individual is providing real estate brokerage services under a written contract with a real estate firm which provides that the individual is an employee. For purposes of this subsection (2)((+)) (i), "real estate brokerage services" and "real estate firm" mean the same as defined in RCW 18.85.011.

(3) No employer shall be deemed to have violated subsection (1) of this section by employing any employee of a retail or service establishment for a workweek in excess of the applicable workweek specified in subsection (1) of this section if:

(a) The regular rate of pay of the employee is in excess of one and one-half times the minimum hourly rate required under RCW 49.46.020; and

(b) More than half of the employee's compensation for a representative period, of not less than one month, represents commissions on goods or services.

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate is to be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

(4) No employer of commissioned salespeople primarily engaged in the business of selling automobiles, trucks, recreational vessels, recreational vessel trailers, recreational vehicle trailers, recreational campers, manufactured housing, or farm implements to ultimate purchasers shall violate subsection (1) of this section with respect to such commissioned salespeople if the commissioned salespeople are paid the greater of:

(a) Compensation at the hourly rate, which may not be less than the rate required under RCW 49.46.020, for each hour worked up to forty hours per week, and compensation of one and one-half

times that hourly rate for all hours worked over forty hours in one week; or

(b) A straight commission, a salary plus commission, or a salary plus bonus applied to gross salary.

(5) No public agency shall be deemed to have violated subsection (1) of this section with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if: (a) In a work period of twenty-eight consecutive days the employee receives for tours of duty which in the aggregate exceed two hundred forty hours; or (b) in the case of such an employee to whom a work period of at least seven but less than twenty-eight days applies, in his or her work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his or her work period as two hundred forty hours bears to twenty-eight days; compensation at a rate not less than one and one-half times the regular rate at which he or she is employed.

**NEW SECTION. Sec. 4.** A new section is added to chapter 49.46 RCW to read as follows:

(1) The overtime requirements of RCW 49.46.130 apply to hours worked by an agricultural employee for an employer engaged in dairy cattle and milk production activities described in code 112120 of the North American industry classification system.

(2) Beginning January 1, 2022, any agricultural employee other than employees described in subsection (1) of this section shall not be employed for more than 55 hours in any one workweek unless the agricultural employee receives one and one-half times that agricultural employee's regular rate of pay for all hours worked over 55 in any one workweek.

(3) Beginning January 1, 2023, any agricultural employee other than employees described in subsection (1) of this section shall not be employed for more than 48 hours in any one workweek unless the agricultural employee receives one and one-half times that agricultural employee's regular rate of pay for all hours worked over 48 in any one workweek.

(4) Beginning January 1, 2024, any agricultural employee other than employees described in subsection (1) of this section shall not be employed for more than 40 hours in any one workweek unless the agricultural employee receives one and one-half times that agricultural employee's regular rate of pay for all hours worked over 40 in any one workweek.

(5) For the purposes of this section, "agricultural employee" means any individual employed: (a) On a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; (b) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (c) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(6) The payment of compensation or provision of compensatory time off in addition to a salary required under this

section shall not be a factor in determining whether a person is exempt under RCW 49.46.010(3)(c).

**NEW SECTION. Sec. 5.** A new section is added to chapter 49.48 RCW to read as follows:

(1) Before January 1, 2022, no damages, statutory penalties, attorneys' fees and costs, or other type of relief may be granted against an employer to an agricultural employee seeking unpaid overtime due to the agricultural employee. This subsection applies retroactively to claims filed before the effective date of this section.

(2)(a) After January 1, 2022, for any claim or cause of action filed between November 5, 2020, and January 1, 2025, seeking unpaid overtime due to an agricultural employee for work performed between November 5, 2017, and January 1, 2022, damages, statutory or civil penalties, and attorneys' fees and costs shall not be granted against an employer, if the employer:

(i) Provides a complete list to the department of labor and industries with identifying information, as defined by the department of labor and industries, of all the agricultural employees who were employed by the employer for the preceding three years before the effective date of this section; and

(ii) Timely responds to questions from the department of labor and industries regarding agricultural employee eligibility under section 7 of this act.

(b) This section does not apply to claims or causes of action for unpaid overtime due to an agricultural employee for hours worked for an employer engaged in dairy cattle and milk production activities described in code 112120 of the North American industry classification system.

(3) Employers may begin providing agricultural employee lists to the department of labor and industries January 1, 2022.

(4) This section applies retroactively to claims filed for unpaid overtime after November 5, 2020, and before the effective date of this section.

(5)(a) For the purposes of this section, "agricultural employee" means any individual employed: (i) On a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(b) For the purposes of this section, "agricultural employee" does not include any agricultural employee of an employer engaged in dairy cattle and milk production activities described in code 112120 of the North American industry classification system.

(c) For the purposes of this section, "agricultural employee" does not include any employee exempt under RCW 49.46.010(3)(c).

**NEW SECTION. Sec. 6.** A new section is added to chapter 49.48 RCW to read as follows:

The agricultural overtime pay transition account is created in the custody of the state treasurer. Expenditures from the account may be used only for providing payments to eligible employees

under section 7 of this act. Only the director of the department of labor and industries or the director's designee may authorize expenditures from the account. The account is subject to allotment proceedings under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 7.** A new section is added to chapter 49.48 RCW to read as follows:

(1)(a) Beginning January 1, 2022, an employee may apply to the department for a one-time payment under this subsection. If eligible, the employee must receive \$5,000 in compensation from the agricultural overtime pay transition account, subject to (b) of this subsection. Applications must be submitted by December 31, 2024.

(b) Within 60 days of the application, the department must determine the employee's eligibility and notify the employee of its determination in writing. Upon determining an employee is eligible for payment under this subsection, the department must provide payment to the employee within 30 days. The department may extend either of these time periods by providing advance written notice to the employee setting forth good cause for an extension of the time period and specifying the duration of the extension.

(c) An employee is eligible for compensation under this subsection if:

(i) The employee is or was an agricultural employee who worked at least 1,300 hours in any 12-month period between January 1, 2019, and January 1, 2022, not including any hours worked for an employer engaged in dairy cattle and milk production activities described in code 112120 of the North American industry classification system;

(ii) The employee was not exempted under RCW 49.46.010(3)(c); and

(iii) The employee signs a release for any past claims of unpaid overtime against their agricultural employers for hours worked before the effective date of this section.

(2) The applicable statute of limitations for civil actions and wage complaints filed with the department is tolled from the date an employee submits an application to the department to the date on which a final determination is made by the department on the application or the date on which the employee receives a notification from the department under subsection (1)(b) of this section, whichever is later.

(3) The department may enter into an agreement with the department of revenue or the employment security department for data and technology sharing as it deems necessary to implement this section.

(4) If an employer fails to respond to the department regarding employee eligibility under this section, or has ceased operations, the employee may submit an affidavit of their hours worked during the eligibility window in this section. The director of the department may assess a civil penalty of at least \$5,000, but not more than \$5,100 for intentionally filing a false affidavit.

(5) For the purposes of this section:

(a) "Agricultural employee" has the meaning provided in section 4 of this act.

(b) "Department" means the department of labor and industries.

**NEW SECTION. Sec. 8.** A new section is added to chapter 49.48 RCW to read as follows:

(1) The department of labor and industries may conduct outreach to agricultural employers and agricultural employees regarding the provisions of this act and may provide technical assistance where appropriate. The department of labor and industries may contract with nonprofit organizations to assist with outreach and technical assistance.

(2) The department of labor and industries may adopt rules to carry out the purposes of this act.

FIFTY EIGHTH DAY, MARCH 9, 2021

2021 REGULAR SESSION

NEW SECTION. Sec. 9. (1) Section 2 of this act expires January 1, 2024.

(2) Section 4 of this act expires January 1, 2025.

NEW SECTION. Sec. 10. Section 3 of this act takes effect January 1, 2024."

On page 1, line 2 of the title, after "cases;" strike the remainder of the title and insert "amending RCW 49.46.130 and 49.46.130; adding a new section to chapter 49.46 RCW; adding new sections to chapter 49.48 RCW; creating a new section; providing an effective date; and providing expiration dates."

MOTION

Senator Van De Wege moved that the following floor amendment no. 469 by Senator Van De Wege be adopted:

Beginning on page 9, line 12, strike all of sections 5 through 8 and insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 49.48 RCW to read as follows:

(1) No damages, statutory or civil penalties, attorneys' fees and costs, or other type of relief may be granted against an employer to an agricultural employee seeking unpaid overtime due to the agricultural employee's historical exclusion from overtime under RCW 49.46.130(2)(g), as it existed on November 4, 2020.

(2) This section applies retroactively to claims filed after November 5, 2020, and before the effective date of this section.

(3) This section does not apply to agricultural employees entitled to backpay or other relief as a result of being a member in the class of plaintiffs in *Martinez-Cuevas v. DeRuyter Bros. Dairy*, 196 Wn.2d 506 (2020).

(4)(a) For the purposes of this section, "agricultural employee" means any individual employed: (i) On a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) in commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(b) For the purposes of this section, "agricultural employee" does not include any employee exempt under RCW 49.46.010(3)(c)."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 12, beginning on line 25, after "49.46 RCW;" strike "adding new sections to chapter 49.48 RCW;" and insert "adding a new section to chapter 49.48 RCW;"

Senators Van De Wege and King spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 469 by Senator Van De Wege on page 9, line 12 to striking floor amendment no. 459.

The motion by Senator Van De Wege carried and floor amendment no. 469 was adopted by voice vote.

Senators Keiser and King spoke in favor of adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 459 by Senator Keiser as amended to Substitute Senate Bill No. 5172.

The motion by Senator Keiser carried and striking floor amendment no. 459 as amended was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute Senate Bill No. 5172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Keiser, Saldaña, Van De Wege, Warnick and Holy spoke in favor of passage of the bill.

Senators Ericksen, Dozier and Schoesler spoke against passage of the bill.

Senators Wagoner and Honeyford spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5172.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5172 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wagoner, Warnick, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Hawkins, McCune, Padden, Schoesler, Sheldon, Short, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. I would just first like to begin by thanking you and the members of the rostrum team for getting us through a very productive first half of session. I'd particularly like to highlight our Secretary Brad Hendrickson and our Deputy Secretary Sarah, as well as our Readers; Sean, Aldo, and Bre. Brittany, who has been so instrumental. Of course, the amazing folks at LEG-TECH who have made this all possible. And last but not least, Victoria and Jeannie, the amazing Senate Counsel that help us get through this. We entered this session wondering if we could pass any bills, and here we are having passed over 200 through the Senate. That is in no small part due to the great work of the folks at the rostrum and our members. So, thank you to all of you for your help."

MOTION

At 5:33 p.m., on motion of Senator Liiias, the Senate adjourned until 12:30 p.m. Wednesday, March 10, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**FIFTY NINTH DAY**

**AFTERNOON SESSION**

Senate Chamber, Olympia  
Wednesday, March 10, 2021

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Liias, the Senate advanced to the fourth order of business.

**MESSAGE FROM THE HOUSE**

March 8, 2021

MR. PRESIDENT:

The House has passed:

- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1152,
- SECOND SUBSTITUTE HOUSE BILL NO. 1161,
- SUBSTITUTE HOUSE BILL NO. 1223,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1232,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1241,
- HOUSE BILL NO. 1289,
- HOUSE BILL NO. 1328,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1370,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1457,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1476,
- ENGROSSED HOUSE BILL NO. 1482,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1515,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

**MOTION**

On motion of Senator Liias, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

SB 5473 by Senators Brown and Sheldon

AN ACT Relating to implementing the "open safe, open now" plan for reopening Washington; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government & Elections.

E2SHB 1152 by House Committee on Appropriations (originally sponsored by Riccelli, Leavitt, Stonier, Ormsby, Lekanoff, Pollet, Bronoske and Bateman)

AN ACT Relating to supporting measures to create comprehensive public health districts; amending RCW 43.70.515, 70.05.030, 70.05.035, 70.46.020, 70.46.031, 70.05.130, 70.08.100, 70.46.090, and 82.08.170; reenacting and amending RCW 69.50.540; adding new sections to

chapter 43.20 RCW; adding new sections to chapter 70.05 RCW; adding a new section to chapter 43.70 RCW; creating new sections; repealing RCW 43.70.060, 43.70.064, 43.70.066, 43.70.068, and 43.70.070; providing an effective date; providing contingent effective dates; and providing expiration dates.

Referred to Committee on Health & Long Term Care.

2SHB 1161 by House Committee on Appropriations (originally sponsored by Peterson, Davis, Pollet and Thai)

AN ACT Relating to modifying the requirements for drug take-back programs; amending RCW 69.48.010, 69.48.050, 69.48.070, 69.48.120, 43.131.423, and 43.131.424; and creating a new section.

Referred to Committee on Health & Long Term Care.

SHB 1223 by House Committee on Transportation (originally sponsored by Peterson, Simmons, Bateman, Sells, Davis, Lovick, Orwall, Ryu, Ortiz-Self, Senn, Dolan, Fitzgibbon, Ormsby, Gregerson, Hackney, Valdez, Macri and Frame)

AN ACT Relating to the uniform electronic recordation of custodial interrogations act; reenacting and amending RCW 9.73.030; adding a new chapter to Title 10 RCW; and providing an effective date.

Referred to Committee on Law & Justice.

ESHB 1232 by House Committee on Local Government (originally sponsored by Barkis, Griffey, Eslick, Robertson and Young)

AN ACT Relating to planning for affordable housing under the growth management act; amending RCW 36.70A.210; and reenacting and amending RCW 36.70A.070.

Referred to Committee on Housing & Local Government.

ESHB 1236 by House Committee on Housing, Human Services & Veterans (originally sponsored by Macri, Taylor, Dolan, Gregerson, Berry, Fitzgibbon, Frame, Simmons, Ramel, Bateman, J. Johnson, Hackney, Chopp, Thai, Peterson, Santos, Orwall, Ortiz-Self, Ryu, Wicks, Lekanoff, Slatter, Berg, Senn, Harris-Talley, Ormsby and Pollet)

AN ACT Relating to protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination; amending RCW 59.18.220 and 59.12.030; reenacting and amending RCW 59.18.030, 59.18.200, and 59.18.230; adding a new section to chapter 59.18 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Housing & Local Government.

ESHB 1241 by House Committee on Local Government (originally sponsored by Duerr, Berg, Ortiz-Self, Bateman, Wicks, Macri, Harris-Talley and Pollet)  
AN ACT Relating to planning under the growth management act; amending RCW 90.58.080, 90.58.080, 36.70A.040, 36.70A.080, 36.70A.106, 36.70A.110, 36.70A.190, and 36.70A.210; reenacting and amending RCW 36.70A.130; providing an effective date; and providing an expiration date.

Referred to Committee on Housing & Local Government.

HB 1289 by Representatives Chambers, Kloba, Robertson, J. Johnson, Sutherland, Fitzgibbon, Chandler, Jacobsen, Ybarra, Rude, Boehnke, Barkis and Klicker  
AN ACT Relating to winery workforce development; and amending RCW 66.44.318.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SHB 1314 by House Committee on Civil Rights & Judiciary (originally sponsored by Young, Lovick, Dufault, Hackney, Bateman, Rule, Lekanoff, Pollet and Callan)  
AN ACT Relating to veteran diversion from involuntary commitment; reenacting and amending RCW 71.05.153 and 71.05.153; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

HB 1328 by Representatives Pollet and Ryu  
AN ACT Relating to exempting information gathered for controlling diseases from public inspecting requirements; and reenacting and amending RCW 42.56.230.

Referred to Committee on State Government & Elections.

ESHB 1370 by House Committee on Capital Budget (originally sponsored by Callan, Shewmake, Davis, Ramos, Leavitt, Duerr, Senn, Wicks, Chopp, Bateman, Kloba, Macri, Ramel, Harris-Talley, Pollet, Rule and Goodman)  
AN ACT Relating to early learning facilities; and amending RCW 43.31.577, 43.31.575, 43.31.565, and 43.185.050.

Referred to Committee on Ways & Means.

ESHB 1372 by House Committee on State Government & Tribal Relations (originally sponsored by Lekanoff, Shewmake, Peterson, Dolan, J. Johnson, Slatter, Cody, Fitzgibbon, Lovick, Sells, Wicks, Kloba, Taylor, Valdez, Bateman, Wylie, Santos, Ormsby, Senn, Leavitt, Ybarra, Goodman, Ramel, Gregerson, Macri, Callan, Fey, Ramos, Pollet, Ryu, Berg and Simmons)  
AN ACT Relating to replacing the Marcus Whitman statue in the national statuary hall collection with a statue of Billy Frank Jr.; adding a new section to chapter 43.08 RCW; creating new sections; and providing a contingent expiration date.

Referred to Committee on State Government & Elections.

ESHB 1418 by House Committee on Transportation (originally sponsored by Leavitt, Bronoske, Lovick,

Ryu, Ortiz-Self, Gregerson, Shewmake, Ramel and Pollet)

AN ACT Relating to enhancing rail safety governance by expanding the role of the utilities and transportation commission; amending RCW 81.04.540, 81.04.550, 81.104.115, 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180; adding a new section to chapter 81.04 RCW; creating new sections; recodifying RCW 81.104.115; providing an effective date; and providing contingent effective dates.

Referred to Committee on Transportation.

SHB 1424 by House Committee on Consumer Protection & Business (originally sponsored by Walen, Ybarra, Springer, Simmons, Ramel and Berg)  
AN ACT Relating to consumer protection with respect to the sale of dogs and cats; and adding a new section to chapter 16.52 RCW.

Referred to Committee on Business, Financial Services & Trade.

ESHB 1457 by House Committee on Transportation (originally sponsored by Wylie, Riccelli, Kloba, Santos, Slatter, Shewmake, Ramel and Hackney)  
AN ACT Relating to facilitating the installation of broadband facilities on limited access highways; amending RCW 47.52.001; and creating a new section.

Referred to Committee on Transportation.

ESHB 1476 by House Committee on Appropriations (originally sponsored by Dolan, Sullivan, Ortiz-Self, Callan, Santos, Ryu, Shewmake, J. Johnson, Valdez, Eslick, Rule, Lekanoff, Stonier, Ramel, Tharinger, Peterson and Pollet)  
AN ACT Relating to enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic; amending RCW 84.52.0531; and creating a new section.

Referred to Committee on Ways & Means.

EHB 1482 by Representatives Walsh, Orwall, Lekanoff, Leavitt, Sutherland, Jacobsen, Dufault and Pollet  
AN ACT Relating to foreclosure protections for homeowners in common interest communities; and amending RCW 64.90.485.

Referred to Committee on Law & Justice.

ESHB 1515 by House Committee on Housing, Human Services & Veterans (originally sponsored by Peterson, Springer, Simmons, Santos, Taylor, Shewmake, Dufault, Barkis, Thai, Ormsby and Lekanoff)  
AN ACT Relating to security deposit waiver fees; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Housing & Local Government.

#### MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

## REMARKS BY SENATOR LIAS

Senator Lias: “Thank you Mr. President. I know tomorrow will be the 60<sup>th</sup> day, which next year will be momentous, for this session it just means we have a lot more work to do.”

## REMARKS BY THE PRESIDENT

President Heck: “Senator Lias, you did not note however that the number one ranked basketball team in America, yesterday in wrapping up their WCC Conference title, achieved their 23<sup>rd</sup> consecutive win by double digits, not having been accomplished by any D1 team in 60 years.”

## MOTION

At 12:32 p.m., on motion of Senator Lias, the Senate adjourned until 12:30 p.m. Thursday, March 11, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**SIXTIETH DAY**

---

AFTERNOON SESSION

---

Senate Chamber, Olympia  
Thursday, March 11, 2021

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

MOTIONs

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 10, 2021

2SHB 1127 Prime Sponsor, Committee on Appropriations: Protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers and Robinson.

Referred to Committee on Environment, Energy & Technology.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

Pursuant to Senate Rule 45(13), notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

HOUSE BILL NO. 1063,  
SUBSTITUTE HOUSE BILL NO. 1074,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1086,  
ENGROSSED HOUSE BILL NO. 1311,  
and SECOND SUBSTITUTE HOUSE BILL NO. 1325.

MOTIONs

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 9, 2021

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015,  
SECOND SUBSTITUTE HOUSE BILL NO. 1168,  
SUBSTITUTE HOUSE BILL NO. 1170,  
ENGROSSED HOUSE BILL NO. 1192,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1213,  
SUBSTITUTE HOUSE BILL NO. 1250,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1258,  
HOUSE BILL NO. 1280,  
HOUSE BILL NO. 1296,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1297,  
SUBSTITUTE HOUSE BILL NO. 1330,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,  
and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

At 12:32 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Friday, March 12, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

## SIXTY FIRST DAY

## AFTERNOON SESSION

Senate Chamber, Olympia  
Friday, March 12, 2021

The Senate was called to order at 12:31 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

## MOTIONS

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

## REPORTS OF STANDING COMMITTEES

March 11, 2021

HB 1055 Prime Sponsor, Representative Berg: Extending the expiration date for reporting requirements on timber purchases. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

March 12, 2021

2SHB 1061 Prime Sponsor, Committee on Appropriations: Concerning youth eligible for developmental disability services who are expected to exit the child welfare system. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Muzzall, Ranking Member; Cleveland, Chair; Holy; Randall; Rivers; Robinson and Van De Wege.

Referred to Committee on Human Services, Reentry & Rehabilitation.

March 11, 2021

HB 1072 Prime Sponsor, Representative Lekanoff: Removing only one of the restrictions on the use of civil legal aid funds. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

Referred to Committee on Rules for second reading.

March 11, 2021

E2SHB 1089 Prime Sponsor, Committee on Appropriations: Concerning compliance audits of requirements relating to peace officers and law enforcement agencies. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member and Holy.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

Referred to Committee on Ways & Means.

March 11, 2021

EHB 1199 Prime Sponsor, Representative Corry: Providing compensation to department of natural resources lessees whose leases are terminated for reasons other than default. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

March 12, 2021

EHB 1342 Prime Sponsor, Representative Berg: Eliminating lunch copays for students who qualify for reduced-price lunches. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Ways & Means.

March 11, 2021

HB 1437 Prime Sponsor, Representative MacEwen: Concerning a vessel crewmember license. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

March 11, 2021

HB 1491 Prime Sponsor, Representative Orcutt: Concerning the rights-of-way for the transport of timber, minerals, stone, sand, gravel, or other valuable materials. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

March 11, 2021  
SGA 9241 WILLIAM C. HOUSER, reappointed on November 10, 2020, for the term ending August 2, 2023, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

March 11, 2021  
SGA 9248 JUDGE WESLEY SAINT CLAIR, appointed on December 24, 2020, for the term ending August 2, 2022, as Chair of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Holy; Kuderer; Salomon and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member McCune, Assistant Ranking Member.

Referred to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Lias, all measures listed on the Standing Committee report were referred to the committees as designated.

On motion of Senator Lias, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

E2SHB 1015 by House Committee on Finance (originally sponsored by Maycumber, Chapman, Tharinger, Graham, Santos and Macri)

AN ACT Relating to creating the Washington equitable access to credit act; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Business, Financial Services & Trade.

2SHB 1168 by House Committee on Appropriations (originally sponsored by Springer, Kretz, Fitzgibbon, Griffey, Riccelli, Lekanoff, Ramos, Callan, Harris-Talley, Dent and Klicker)

AN ACT Relating to long-term forest health and the reduction of wildfire dangers; amending RCW 76.06.200 and 76.06.150; adding new sections to chapter 76.04 RCW;

adding a new section to chapter 76.13 RCW; and creating new sections.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 1170 by House Committee on Community & Economic Development (originally sponsored by Boehnke, Paul, Walsh, Kloba, Shewmake, Santos, Springer, Dolan, Dye, Graham, Leavitt, McCaslin, Young, Walen, Riccelli, Bateman, Lovick, Lekanoff, Eslick, Frame, Barkis, Sutherland, Robertson and Dent)  
 AN ACT Relating to building economic strength through manufacturing; adding new sections to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Business, Financial Services & Trade.

EHB 1192 by Representatives Goodman and Dufault  
 AN ACT Relating to making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025; amending RCW 7.60.025, 7.60.150, 7.80.120, 8.25.280, 15.58.180, 15.66.017, 15.115.020, 18.106.010, 18.210.130, 19.27.080, 19.27.580, 19.27A.210, 19.405.090, 28B.10.926, 28B.130.010, 34.05.272, 35A.56.010, 36.32.265, 39.04.175, 39.26.265, 39.26.310, 39.34.190, 43.01.225, 43.01.230, 43.01.240, 43.19.623, 43.19.637, 43.19.800, 43.20.050, 43.20.065, 43.21K.010, 43.21K.020, 43.21K.030, 43.30.570, 43.42.070, 43.70.080, 43.70.660, 43.83.350, 43.131.421, 43.131.422, 43.155.070, 46.37.470, 46.55.230, 46.80.020, 47.01.475, 47.28.220, 49.17.270, 49.70.175, 52.12.150, 53.08.470, 54.04.092, 57.08.017, 64.44.010, 69.07.170, 69.48.060, 69.50.511, 69.55.020, 70.79.090, 70.290.050, 70A.45.090, 70A.45.100, 70A.325.070, 70A.325.130, 70A.330.010, 70A.445.020, 70A.530.020, 70A.530.020, 76.04.205, 76.09.905, 77.12.734, 77.60.170, 78.44.050, 78.56.020, 78.56.040, 78.56.100, 78.56.150, 79.100.030, 79.100.050, 79A.05.050, 79A.05.189, 80.01.300, 80.04.110, 80.04.180, 80.28.030, 80.28.110, 80.70.010, 80.70.040, 81.04.010, 81.88.160, 90.44.105, and 26.51.020; reenacting and amending RCW 15.86.020, 18.104.020, 43.19A.010, 46.16A.060, 70.345.010, 70A.345.030, and 80.04.010; reenacting RCW 53.54.030 and 70.97.040; creating a new section; decodifying RCW 1.08.130; and providing an effective date.

Referred to Committee on Law & Justice.

E2SHB 1213 by House Committee on Appropriations (originally sponsored by Senn, Chopp, Ramos, Bateman, Sells, Shewmake, Lekanoff, Peterson, Stonier, Duerr, Fitzgibbon, Berry, Rule, Davis, Wicks, Fey, Callan, Dolan, Frame, Lovick, Chapman, Ryu, Santos, Thai, Ortiz-Self, Orwall, Simmons, Slatter, Gregerson, Bergquist, Hackney, Valdez, Ramel, Riccelli, Macri, Goodman and Harris-Talley)

AN ACT Relating to expanding accessible, affordable child care and early childhood development programs; amending RCW 43.216.075, 43.216.136, 43.216.505, 43.216.512, 43.216.556, 43.216.749, 43.216.090, 43.216.578, 43.216.710, 43.216.514, and 43.216.136; reenacting and amending RCW 43.216.010, 28B.50.248, 43.84.092, 43.84.092, and 43.84.092; adding new sections to chapter 43.216 RCW; adding a new section to chapter 43.330 RCW;

SIXTY FIRST DAY, MARCH 12, 2021

2021 REGULAR SESSION

creating new sections; repealing RCW 43.216.1365; providing effective dates; providing expiration dates; and declaring an emergency.

AN ACT Relating to the working families tax exemption; amending RCW 82.08.0206; creating new sections; and prescribing penalties.

Referred to Committee on Early Learning & K-12 Education.

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 1250 by House Committee on State Government & Tribal Relations (originally sponsored by Orcutt, Ryu, Boehnke, Dufault and Riccelli)

SHB 1330 by House Committee on Finance (originally sponsored by Shewmake, Ramel, Berry, Fitzgibbon, Duerr, Lovick, Rule, Lekanoff, Callan, Pollet, Macri and Slatter)

AN ACT Relating to designating Washington a purple heart state; adding a new section to chapter 1.20 RCW; adding a new section to chapter 38.40 RCW; adding a new section to chapter 43.60A RCW; adding a new section to chapter 47.04 RCW; and creating a new section.

AN ACT Relating to providing a retail sales and use tax exemption for the purchase of electric bicycles and related cycling equipment; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing contingent expiration dates.

Referred to Committee on State Government & Elections.

Referred to Committee on Ways & Means.

E2SHB 1258 by House Committee on Appropriations (originally sponsored by Frame, Peterson, Dolan, Ryu, Leavitt, Simmons, Jacobsen, Lovick, Taylor, Fitzgibbon, Fey, Ramel, Ortiz-Self, Shewmake, J. Johnson, Bateman, Eslick, Ramos, Davis, Thai, Santos, Chambers, Wylie, Callan, Wicks, Rule, Sutherland, Chase, Macri, Gregerson, Slatter, Berg and Riccelli)

ESHB 1512 by House Committee on Finance (originally sponsored by Ryu)

AN ACT Relating to the operation, authorization, and permitting of microenterprise home kitchens; adding a new section to chapter 69.07 RCW; adding a new section to chapter 70.54 RCW; adding a new chapter to Title 69 RCW; creating new sections; and providing expiration dates.

AN ACT Relating to lodging-related assessments under chapter 35.87A RCW; amending RCW 35.87A.010, 35.87A.020, and 82.08.010; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTIONS

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

At 12:32 p.m., on motion of Senator Liias, the Senate adjourned until 11:45 a.m. Monday, March 15, 2021.

DENNY HECK, President of the Senate

HB 1280 by Representatives Ramel, Duerr, Bateman, Fitzgibbon, Berry, Peterson, Goodman, Hackney, Frame, Macri, Pollet and Harris-Talley

AN ACT Relating to greenhouse gas emissions reductions in the design of public facilities; and amending RCW 39.35.010, 39.35.020, 39.35.030, and 39.35.050.

Referred to Committee on Environment, Energy & Technology.

BRAD HENDRICKSON, Secretary of the Senate

HB 1296 by Representatives Young, Thai, Robertson and Rule

AN ACT Relating to providing a business and occupation tax preference for behavioral health administrative services organizations; adding a new section to chapter 82.04 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 1297 by House Committee on Appropriations (originally sponsored by Thai, Stokesbary, Ramel, Ryu, Robertson, Leavitt, Bateman, Fitzgibbon, Shewmake, Chapman, J. Johnson, Senn, Frame, Riccelli, Chopp, Wylie, Wicks, Simmons, Boehnke, Berry, Davis, Tharinger, Walsh, Eslick, Goodman, Peterson, Santos, Valdez, Cody, Chambers, Kloba, Ramos, Kirby, Bronoske, Gregerson, Macri, Callan, Paul, Sells, Bergquist, Ormsby, Pollet, Slatter, Stonier, Taylor and Harris-Talley)

**SIXTY FOURTH DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia  
Monday, March 15, 2021

The Senate was called to order at 11:50 a.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

March 12, 2021

SHB 1007 Prime Sponsor, Committee on Health Care & Wellness: Concerning the completion of supervised experience through distance supervision. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

Referred to Committee on Rules for second reading.

March 12, 2021

ESHB 1068 Prime Sponsor, Committee on State Government & Tribal Relations: Exempting election security information from public records disclosure. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Rules for second reading.

March 12, 2021

ESHB 1078 Prime Sponsor, Committee on State Government & Tribal Relations: Restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Rules for second reading.

March 12, 2021

HB 1096 Prime Sponsor, Representative Schmick: Concerning nonmedicare plans offered through the Washington state health insurance pool. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J..

Referred to Committee on Ways & Means.

March 12, 2021

SHB 1124 Prime Sponsor, Committee on Health Care & Wellness: Concerning nurse delegation of glucose monitoring, glucose testing, and insulin injections. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

Referred to Committee on Rules for second reading.

March 12, 2021

E2SHB 1295 Prime Sponsor, Committee on Appropriations: Providing public education to youth in or released from institutional education facilities. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Ways & Means.

March 12, 2021

SGA 9257 UMAIR A. SHAH, M.D., M.P.H., appointed on December 21, 2020, for the term ending at the governors pleasure, as Director of the Department of Health - Agency Head. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

Referred to Committee on Rules for second reading.

**MOTIONS**

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

SIXTY FOURTH DAY, MARCH 15, 2021

2021 REGULAR SESSION

On motion of Senator Liias, the Senate advanced to the third order of business.

MESSAGE FROM OTHER STATE OFFICERS

The following reports were submitted to and received by the office of the Secretary of the Senate:

**Ecology, Department of** – *“Reducing Greenhouse Gas Emissions in Washington State Government”*, in accordance with House Bill No. 2311; *“Yakima River Basin Integrated Water Resource Management Plan, 2020 Cost Estimate and Financing Plan”*, pursuant to 90.38.120 RCW;

**Employment Security Department** – *“2020 Labor Market and Economic Report”*, pursuant to 50.38.040 RCW;

**Enterprise Services, Department of** – *“Energy Star Portfolio Manager Benchmarking Report, October 2018 - September 2020”*, pursuant to 19.27A.190 RCW;

**Natural Resources, Department of** – *“Wildfire Proviso Volume 2 Report”* in accordance with Engrossed Substitute Senate Bill No. 6168; *“Wildfire Proviso Volume 1 Report”*, in accordance with Engrossed Substitute Senate Bill No. 6168;

**Social & Health Services, Department of** - *“WorkFirst Spending Plan Monitoring Report, 2019-21, 2nd Quarter Report State Fiscal Year 2021”*, pursuant to 74.08A.341 RCW; *“Forensic Admissions & Evaluations, 2020 Annual Report”*, in accordance with Substitute Senate Bill No. 6492;

**Transportation, Department of** – *“I-405 Express Toll Lanes and SR 167 HOT Lanes: 60 Months of Operations, July - September 2020”*, pursuant to 47.56.880 RCW.

MOTION

On motion of Senator Liias, the Senate advanced to the eighth order of business.

MOTION

Senator Salomon moved adoption of the following resolution:

SENATE RESOLUTION  
8608

By Senators Salomon, Das, Hasegawa, Keiser, Kuderer, Lovelett, and Nobles

WHEREAS, Betty Peace-Gladstone, MS, Associate Professor of Early Childhood Education, Shoreline Community College, retired on December 11, 2020, after completing outstanding and exemplary service to the college since 2001; and

WHEREAS, Betty Peace-Gladstone earned her Bachelor's and Master's of Science from Colorado State University where she studied Human Development and Family Studies, with additional studies in Child Development, Social Work, and Cultural Anthropology; and

WHEREAS, Betty Peace-Gladstone began her esteemed career in early childhood education, teaching, and advocacy in 1986 on the Blackfeet Reservation in Montana, where she held titles that included Child Care Center Director, Preschool Special Education Teacher, and Family Literacy Program Director; and

WHEREAS, Betty Peace-Gladstone then began her higher education teaching career at Shoreline Community College (SCC) in 2001, where as a Professor of Early Childhood Education she has made many lasting contributions to the field of early childhood education that centered on culturally inclusive

classrooms, the principles of multicultural education, creating anti-bias curriculum, classrooms, and pedagogy; and

WHEREAS, Betty Peace-Gladstone provided excellent leadership and service to the SCC community by serving as a faculty advisor to various clubs, groups, and events that included the First Nations Club, Assistant Dean of Education, and a leading voice in both local and statewide Early Childhood Education Committees, with a legacy of creating multicultural guidelines and standards in the field of early childhood education; and

WHEREAS, Betty Peace-Gladstone's nineteen years of distinguished service are a hallmark of exceptional commitment and dedication to the field of early childhood education, as she has guided hundreds of college students to careers in early childhood education, be it preschools, K-12, center directors, social services, and even elected officials; and

WHEREAS, Betty Peace-Gladstone's students share nothing but the highest regards for her unwavering support, as she created a safe space for all students and taught students to bring their authentic self to the classroom; creating generations of children that have benefited from her work;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its appreciation to Betty Peace-Gladstone for her distinguished years of service as a Professor of Early Childhood Education and for her many years of service to the state of Washington, and also commend Betty Peace-Gladstone for her lifetime of accomplishments and her dedication to children, families, early childhood education, and the Shoreline Community College community; and

BE IT FURTHER RESOLVED, That the Washington State Senate, along with family, friends, students, and colleagues, do hereby extend best wishes to Betty Peace-Gladstone as she enters her retirement.

Senators Salomon and Short spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8608.

The motion by Senator Salomon carried and the resolution was adopted by voice vote.

MOTION

At 11:55 a.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Tuesday, March 16, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**SIXTY FIFTH DAY**

**AFTERNOON SESSION**

Senate Chamber, Olympia  
 Tuesday, March 16, 2021

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

March 15, 2021

SHB 1052 Prime Sponsor, Committee on Health Care & Wellness: Concerning group insurance contract performance standards. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

Referred to Committee on Rules for second reading.

March 15, 2021

SHB 1356 Prime Sponsor, Committee on Education: Prohibiting the inappropriate use of Native American names, symbols, or images as public school mascots, logos, or team names. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Hunt; McCune; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Dozier.

Referred to Committee on Ways & Means.

March 15, 2021

HB 1378 Prime Sponsor, Representative Ybarra: Concerning the supervision of medical assistants. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

Referred to Committee on Rules for second reading.

March 15, 2021

SHB 1383 Prime Sponsor, Committee on Health Care & Wellness: Concerning respiratory care practitioners. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

Referred to Committee on Rules for second reading.

**SUPPLEMENTAL REPORTS OF STANDING COMMITTEES**

Pursuant to Senate Rule 45(13), notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

SUBSTITUTE HOUSE BILL NO. 1226  
 and SUBSTITUTE HOUSE BILL NO. 1314.

**MOTIONS**

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

At 12:31 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Wednesday, March 17, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**SIXTY SIXTH DAY**

---

**AFTERNOON SESSION**

---

Senate Chamber, Olympia  
 Wednesday, March 17, 2021

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

March 16, 2021

SB 5444 Prime Sponsor, Senator Saldaña: Implementing a per mile charge on electric and hybrid vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5444 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; Cleveland; Das; Lovelett; Nguyen; Nobles; Randall; Wilson, C. and Wilson, J.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Fortunato; Hawkins; Padden and Sheldon.

Referred to Committee on Rules for second reading.

March 16, 2021

HB 1030 Prime Sponsor, Representative Dent: Concerning a community aviation revitalization loan program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

March 16, 2021

SHB 1037 Prime Sponsor, Committee on Consumer Protection & Business: Concerning insurance adjusters. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

Referred to Committee on Rules for second reading.

March 16, 2021

2SHB 1044 Prime Sponsor, Committee on Appropriations: Creating prison to postsecondary education pathways. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass as amended. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Saldaña and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon, Ranking Member; Dozier and McCune.

Referred to Committee on Ways & Means.

March 16, 2021

EHB 1049 Prime Sponsor, Representative Kirby: Concerning the off-site delivery of a vehicle by a vehicle dealer licensed under chapter 46.70 RCW. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass as amended. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

Referred to Committee on Transportation.

March 16, 2021

ESHB 1070 Prime Sponsor, Committee on Finance: Modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member and Warnick.

Referred to Committee on Rules for second reading.

March 16, 2021

EHB 1090 Prime Sponsor, Representative Ortiz-Self: Concerning private, for-profit detention facilities. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Saldaña and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators Gildon, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 16, 2021

E3SHB 1091 Prime Sponsor, Committee on Transportation: Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Liias; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown; Fortunato; Sheldon and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hobbs.

Referred to Committee on Ways & Means.

March 16, 2021

SHB 1107 Prime Sponsor, Committee on Transportation: Expanding certain nonresident vessel permit provisions. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Ways & Means.

March 16, 2021

ESHB 1108 Prime Sponsor, Committee on Civil Rights & Judiciary: Maintaining funding and assistance for homeowners navigating the foreclosure process. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass as amended. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

Referred to Committee on Rules for second reading.

March 16, 2021

SHB 1114 Prime Sponsor, Committee on Environment & Energy: Encouraging utility mitigation of urban heat island effects. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Ericksen, Ranking Member; Brown; Das; Fortunato; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

Referred to Committee on Rules for second reading.

March 16, 2021

HB 1115 Prime Sponsor, Representative Fey: Implementing cost recovery of state agency credit card and transaction fees and related costs for driver and vehicle fee transactions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett;

Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, J. and Wilson, C.

Referred to Committee on Rules for second reading.

March 16, 2021

SHB 1151 Prime Sponsor, Committee on Housing, Human Services & Veterans: Bolstering economic recovery. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; McCune; Saldaña and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Dozier.

Referred to Committee on Ways & Means.

March 16, 2021

HB 1159 Prime Sponsor, Representative Berg: Concerning the number of fire protection district commissioners. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

Referred to Committee on Rules for second reading.

March 16, 2021

E2SHB 1274 Prime Sponsor, Committee on Appropriations: Concerning cloud computing solutions. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; Nguyen; Sheldon; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown; Fortunato and Short.

Referred to Committee on Rules for second reading.

March 16, 2021

SHB 1309 Prime Sponsor, Committee on Finance: Concerning the dates of certification of levies. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

Referred to Committee on Rules for second reading.

March 16, 2021

HB 1393 Prime Sponsor, Representative Shewmake: Delaying certain implementation dates for the photovoltaic

SIXTY SIXTH DAY, MARCH 17, 2021

2021 REGULAR SESSION

module stewardship and takeback program. Reported by Committee on Environment, Energy & Technology

The following bills on the 2<sup>nd</sup> Reading Calendar to be moved to the Committee on Rules *Senate Rules X*:

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Erickson, Ranking Member; Brown; Das; Fortunato; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

- SENATE BILL NO. 5010;
- SENATE BILL NO. 5042;
- SENATE BILL NO. 5049;
- SENATE BILL NO. 5059;
- SENATE BILL NO. 5064;
- SENATE BILL NO. 5079;
- SENATE BILL NO. 5089;
- SENATE BILL NO. 5123;
- SENATE BILL NO. 5129;
- SENATE BILL NO. 5130;
- SENATE BILL NO. 5137;
- SENATE BILL NO. 5170;
- SENATE BILL NO. 5174;
- SENATE BILL NO. 5260;
- SENATE BILL NO. 5264;
- SENATE BILL NO. 5326;
- SENATE BILL NO. 5329;
- SENATE BILL NO. 5333;
- SENATE BILL NO. 5337;
- SENATE BILL NO. 5375;
- SENATE BILL NO. 5410;
- SENATE BILL NO. 5412;
- SENATE BILL NO. 5420;
- SENATE BILL NO. 5427;
- SENATE BILL NO. 5428;
- and SENATE BILL NO. 5436.

Referred to Committee on Rules for second reading.

March 16, 2021

ESHB 1521 Prime Sponsor, Committee on Finance: Supporting warehousing and manufacturing job centers. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

Referred to Committee on Ways & Means.

MOTIONS

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed House Bill No. 1049 which was designated to the Committee on Rules and referred to the Committee on Transportation.

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5474 by Senator Mullet

AN ACT Relating to preparedness of state agencies to manage data backup and improve disaster recovery practices; creating new sections; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

BILL DISPOSITIONS 3/17/2021

The following bills in the Committee on Rules to be moved from *Senate Rules 2* to *Senate Rules X*:

- SENATE BILL NO. 5002;
- SENATE BILL NO. 5014;
- SENATE BILL NO. 5078;
- SENATE BILL NO. 5120;
- SENATE BILL NO. 5155;
- SENATE BILL NO. 5161;
- SENATE BILL NO. 5175;
- SENATE BILL NO. 5182;
- SENATE BILL NO. 5211;
- SENATE BILL NO. 5340;
- SENATE BILL NO. 5448;
- and SENATE JOINT MEMORIAL NO. 8002.

MOTIONS

On motion of Senator Liias, the rules were suspended, and the bills listed on the sheet entitled *Bill Dispositions 3/17/2021* were referred as designated.

At 12:32 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Thursday, March 18, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**SIXTY SEVENTH DAY**

---

**AFTERNOON SESSION**

---

Senate Chamber, Olympia  
Thursday, March 18, 2021

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

March 17, 2021

HB 1022 Prime Sponsor, Representative MacEwen: Modifying Washington state horse racing commission provisions. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Honeyford; Robinson; Saldaña and Schoesler.

Referred to Committee on Rules for second reading.

March 17, 2021

ESHB 1056 Prime Sponsor, Committee on Local Government: Concerning open public meeting notice requirements and declared emergencies. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

March 17, 2021

E2SHB 1073 Prime Sponsor, Committee on Appropriations: Expanding coverage of the paid family and medical leave program. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Honeyford and Schoesler.

Referred to Committee on Ways & Means.

March 17, 2021

HB 1087 Prime Sponsor, Representative Berry: Clarifying the continuity of employee family and medical leave rights. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

March 17, 2021

ESHB 1097 Prime Sponsor, Committee on Labor & Workplace Standards: Increasing worker protections. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Honeyford and Schoesler.

Referred to Committee on Rules for second reading.

March 17, 2021

SHB 1206 Prime Sponsor, Committee on Labor & Workplace Standards: Protecting temporary workers. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

Referred to Committee on Rules for second reading.

March 17, 2021

SHB 1208 Prime Sponsor, Committee on Education: Modifying the learning assistance program. Reported by Committee on Early Learning & K-12 Education

SIXTY SEVENTH DAY, MARCH 18, 2021

2021 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Referred to Committee on Rules for second reading.

March 17, 2021

EHB 1271 Prime Sponsor, Representative Orwall: Ensuring continuity of operations in the offices of county elected officials during the current COVID-19 pandemic and future public health crises. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

March 17, 2021

SHB 1302 Prime Sponsor, Committee on Education: Concerning college in the high school programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

March 17, 2021

HB 1315 Prime Sponsor, Representative Mosbrucker: Creating a task force to identify the role of the workplace in helping curb domestic violence. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford and Schoesler.

Referred to Committee on Rules for second reading.

March 17, 2021

SHB 1363 Prime Sponsor, Committee on Education: Addressing secondary trauma in the K-12 workforce. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 17, 2021

E2SHB 1365 Prime Sponsor, Committee on Appropriations: Procuring and supporting appropriate computers and devices for public school students and instructional staff. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Ways & Means.

March 17, 2021

SHB 1455 Prime Sponsor, Committee on Labor & Workplace Standards: Concerning the use of social security numbers by the department of labor and industries and the employment security department. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Honeyford; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

March 17, 2021

HB 1469 Prime Sponsor, Representative Wicks: Concerning enhanced raffle procedures. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Honeyford; Robinson; Saldaña and Schoesler.

Referred to Committee on Rules for second reading.

March 17, 2021

E2SHB 1480 Prime Sponsor, Committee on Appropriations: Extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Robinson; Saldaña and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford.

Referred to Committee on Rules for second reading.

March 17, 2021

SHB 1493 Prime Sponsor, Committee on Labor & Workplace Standards: Concerning job search monitoring. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Engrossed Substitute House Bill No. 1097 and Substitute House Bill No. 1208 which were designated to the Committee on Ways & Means and referred to the Committee on Rules.

On motion of Senator Liias, the Senate advanced to the eighth order of business.

Senator Liias moved adoption of the following resolution:

#### SENATE RESOLUTION 8613

By Senators Liias and Salomon

WHEREAS, The COVID-19 pandemic has placed an incredible burden on the people of Washington state, both through the loss of loved ones and through financial hardship; and

WHEREAS, The economic impacts of COVID-19 have created vulnerability and the need for support in many working families in our state; and

WHEREAS, Community support and generous assistance can be a line of support, hope, and safety for vulnerable populations; and

WHEREAS, Washington Kids in Transition (WAKIT) is a group that works in Edmonds, WA to provide support to income-eligible Edmonds families; and

WHEREAS, WAKIT assists residents who have children in the Edmonds School District, providing housing and basic living assistance; and

WHEREAS, As part of the City of Edmonds Housing and Supplementary Relief Program WAKIT distributed more than \$215,000 to qualifying Edmonds School District families; and

WHEREAS, Their good work has been further validated by the recent award of a \$129,000 Student Learning Support Grant from the state Office of the Superintendent of Public Instruction (OSPI); and

WHEREAS, WAKIT is also a supporter of the Edmonds Hub (E-Hub), which provides access to meals, stable technology, tutoring, educational support materials, and access to laundry services, all for students and families who qualify for McKinney-Vento and foster care; and

WHEREAS, WAKIT has gone above and beyond to ensure that our most vulnerable children and families are able to safely receive extra care and support during these difficult times;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Washington Kids in Transition for the generosity, support, and assistance they provide to their community.

Senators Liias and Short spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8613.

The motion by Senator Liias carried and the resolution was adopted by voice vote.

#### MOTION

At 12:35 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Friday, March 19, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**SIXTY EIGHTH DAY**

---

**AFTERNOON SESSION**

---

Senate Chamber, Olympia  
Friday, March 19, 2021

The Senate was called to order at 12:28 p.m. by the President Pro Tempore, Senator Keiser presiding. No roll call was taken.

**MOTIONS**

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

March 18, 2021

SB 5008 Prime Sponsor, Senator Robinson: Extending the business and occupation tax exemption for amounts received as credits against contracts with or funds provided by the Bonneville power administration and used for low-income ratepayer assistance and weatherization. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Frockt, Vice Chair, Capital.

Referred to Committee on Rules for second reading.

March 18, 2021

SB 5029 Prime Sponsor, Senator Honeyford: Concerning tax deferrals for investment projects in high unemployment counties. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

March 18, 2021

SB 5187 Prime Sponsor, Senator Fortunato: Exempting clay targets from sales and use tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Conway; Gildon; Mullet; Muzzall; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Frockt, Vice Chair, Capital; Carlyle; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias and Pedersen.

Referred to Committee on Rules for second reading.

March 18, 2021

SB 5192 Prime Sponsor, Senator Das: Supporting access to electric vehicle supply equipment. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5192 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Honeyford, Assistant Ranking Member, Capital; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Rivers; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Braun; Muzzall; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

March 18, 2021

2SHB 1033 Prime Sponsor, Committee on Finance: Concerning the Washington customized employment training program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Ways & Means.

March 18, 2021

ESHB 1054 Prime Sponsor, Committee on Public Safety: Establishing requirements for tactics and equipment used by peace officers. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

Referred to Committee on Rules for second reading.

March 18, 2021

SHB 1064 Prime Sponsor, Committee on Consumer Protection & Business: Requiring the disclosure of high-speed internet access availability in the seller's disclosure statement. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

Referred to Committee on Rules for second reading.

March 18, 2021

E2SHB 1069 Prime Sponsor, Committee on Finance: Concerning local government fiscal flexibility. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon, Assistant Ranking Member; Short, Assistant Ranking Member and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Fortunato, Ranking Member.

Referred to Committee on Rules for second reading.

March 18, 2021

2SHB 1076 Prime Sponsor, Committee on Appropriations: Allowing whistleblowers to bring actions on behalf of the state for violations of workplace protections. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Braun; Honeyford and Schoesler.

Referred to Committee on Ways & Means.

March 18, 2021

E2SHB 1083 Prime Sponsor, Committee on Appropriations: Concerning relocation assistance for tenants of closed or converted manufactured/mobile home parks. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant

Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

Referred to Committee on Rules for second reading.

March 18, 2021

HB 1104 Prime Sponsor, Representative Ryu: Extending the operation of the mortgage lending fraud prosecution account until June 30, 2027. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

Referred to Committee on Rules for second reading.

March 18, 2021

HB 1105 Prime Sponsor, Representative Kloba: Concerning arrest protections for the medical use of cannabis. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators McCune, Assistant Ranking Member and Holy.

Referred to Committee on Rules for second reading.

March 18, 2021

ESHB 1109 Prime Sponsor, Committee on Public Safety: Concerning victims of sexual assault. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

March 18, 2021

HB 1119 Prime Sponsor, Representative Jacobsen: Notifying students of courses with low-cost instructional materials and open educational resources at the four-year institutions of higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Ways & Means.

March 18, 2021

HB 1165 Prime Sponsor, Representative Ryu: Concerning the Washington credit union act. Reported by Committee on Business, Financial Services & Trade

SIXTY EIGHTH DAY, MARCH 19, 2021

2021 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

ESHB 1189 Prime Sponsor, Committee on Finance: Concerning tax increment financing. Reported by Committee on Business, Financial Services & Trade

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

March 18, 2021

SHB 1166 Prime Sponsor, Committee on Appropriations: Expanding access to the homeless and foster care college students pilot program. Reported by Committee on Higher Education & Workforce Development

Referred to Committee on Rules for second reading.

March 18, 2021

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

E2SHB 1216 Prime Sponsor, Committee on Appropriations: Concerning urban and community forestry. Reported by Committee on Agriculture, Water, Natural Resources & Parks

Referred to Committee on Ways & Means.

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Rolfes and Stanford.

March 18, 2021

HB 1167 Prime Sponsor, Representative Bateman: Concerning Thurston county superior court judges. Reported by Committee on Law & Justice

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senator Short.

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

March 18, 2021

SHB 1173 Prime Sponsor, Committee on Capital Budget: Concerning state lands development authorities. Reported by Committee on Business, Financial Services & Trade

SHB 1221 Prime Sponsor, Committee on Children, Youth & Families: Standardizing homelessness definitions. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Frockt and Hobbs.

MAJORITY recommendation: Do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Saldaña and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier, Ranking Member; Brown and Wilson, L..

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier and McCune.

Referred to Committee on Ways & Means.

Referred to Committee on Rules for second reading.

March 18, 2021

ESHB 1184 Prime Sponsor, Committee on Local Government: Concerning risk-based water quality standards for on-site nonpotable water systems. Reported by Committee on Housing & Local Government

SHB 1223 Prime Sponsor, Committee on Transportation: Enacting the uniform electronic recordation of custodial interrogations act. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Short, Assistant Ranking Member and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member and Wagoner.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators McCune, Assistant Ranking Member and Holy.

Referred to Committee on Transportation.

March 18, 2021

March 18, 2021

ESHB 1236 Prime Sponsor, Committee on Housing, Human Services & Veterans: Protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction,

refusal to continue, and termination. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Short, Assistant Ranking Member and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Gildon, Assistant Ranking Member.

Referred to Committee on Rules for second reading.

March 18, 2021

ESHB 1267 Prime Sponsor, Committee on Public Safety: Concerning investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

Referred to Committee on Ways & Means.

March 18, 2021

SHB 1279 Prime Sponsor, Committee on Finance: Modifying the Washington main street program tax incentive to respond to the economic impacts of the COVID-19 pandemic. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass as amended. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

Referred to Committee on Ways & Means.

March 18, 2021

SHB 1294 Prime Sponsor, Committee on Civil Rights & Judiciary: Addressing misdemeanor supervision services by limited jurisdiction courts. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

March 18, 2021

ESHB 1297 Prime Sponsor, Committee on Appropriations: Concerning working families tax exemption. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair;

Nguyen, Vice Chair; Dozier; McCune; Saldaña and Wilson, C.

Referred to Committee on Ways & Means.

March 18, 2021

E2SHB 1310 Prime Sponsor, Committee on Appropriations: Concerning permissible uses of force by law enforcement and correctional officers. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

Referred to Committee on Ways & Means.

March 18, 2021

E2SHB 1382 Prime Sponsor, Committee on Appropriations: Streamlining the environmental permitting process for salmon recovery projects. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Ways & Means.

March 18, 2021

EHB 1386 Prime Sponsor, Representative Wicks: Modifying the property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Conway; Darneille; Dhingra; Gildon; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Wagoner and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Braun and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Carlyle and Hasegawa.

Referred to Committee on Rules for second reading.

March 18, 2021

ESHB 1410 Prime Sponsor, Committee on Finance: Protecting taxpayers from home foreclosure. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking

SIXTY EIGHTH DAY, MARCH 19, 2021

2021 REGULAR SESSION

Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

March 18, 2021

SHB 1425 Prime Sponsor, Committee on College & Workforce Development: Expanding scholarships for community and technical college students. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

March 18, 2021

SHB 1438 Prime Sponsor, Committee on Finance: Expanding eligibility for property tax exemptions for service-connected disabled veterans and senior citizens by modifying income thresholds for eligibility to allow deductions for common health care-related expenses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Rivers; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Muzzall.

Referred to Committee on Rules for second reading.

March 18, 2021

SHB 1472 Prime Sponsor, Committee on College & Workforce Development: Adding a graduate student to the student achievement council. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Rules for second reading.

March 18, 2021

E2SHB 1504 Prime Sponsor, Committee on Appropriations: Modifying the workforce education investment act. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member and Liias.

Referred to Committee on Ways & Means.

March 18, 2021

SHB 1508 Prime Sponsor, Committee on Rural Development, Agriculture & Natural Resources: Concerning the sanitary control of shellfish. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Ways & Means.

March 18, 2021

SGA 9132 JENNIFER R. ALBRIGHT, reappointed on December 5, 2019, for the term ending August 2, 2022, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

March 18, 2021

SGA 9236 KIMBERLY N. GORDON, reappointed on October 30, 2020, for the term ending August 2, 2023, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

March 18, 2021

SGA 9237 PHILLIP R. LEMLEY, reappointed on October 30, 2020, for the term ending August 2, 2023, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

March 18, 2021

SGA 9276 JEFF SBIAH, appointed on February 17, 2021, for the term ending June 17, 2025, as Member of the Human Rights Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Holy and Wagoner.

Referred to Committee on Rules for second reading.

March 18, 2021  
SGA 9278 JUDY F. KUSCHEL, reappointed on February 18, 2021, for the term ending December 31, 2023, as Member of the State Investment Board. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

On motion of Senator Liias, the Senate advanced to the third order of business.

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 24, 2021  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

LORRAINE LEE, reappointed February 24, 2021, for the term ending June 30, 2025, as Chief Administrative Law Judge of the Office of Administrative Hearings.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9280.

February 8, 2021  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

CAROL A. LIEN, reappointed February 8, 2021, for the term ending March 1, 2025, as Member of the Board of Tax Appeals.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Ways & Means as Senate Gubernatorial Appointment No. 9281.

February 25, 2021  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

KATHLEEN DREW, reappointed February 25, 2021, for the term ending at the governor's pleasure, as a Chair of the Energy Facility Site Evaluation Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Environment, Energy & Technology as Senate Gubernatorial Appointment No. 9282.

March 8, 2021  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ELIZABETH CATTIN, appointed March 8, 2021, for the term ending September 30, 2024, as Member of the Lower Columbia College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9283.

March 8, 2021  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ALICE PHILLIPS, appointed March 8, 2021, for the term ending September 30, 2024, as Member of the Clover Park Technical College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9284.

March 8, 2021  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MARTIN VALADEZ, appointed March 8, 2021, for the term ending September 30, 2023, as Member of the State Board for Community and Technical Colleges.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9285.

March 10, 2021  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PEDRO ESPINOZA-BRAVO, appointed March 10, 2021, for the term ending June 30, 2021, as Member of the Housing Finance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Housing & Local Government as Senate Gubernatorial Appointment No. 9286.

SIXTY EIGHTH DAY, MARCH 19, 2021

2021 REGULAR SESSION

March 17, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DAVID POSTMAN, appointed March 15, 2021, for the term ending January 15, 2027, as a Chair of the Liquor and Cannabis Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Labor, Commerce & Tribal Affairs as Senate Gubernatorial Appointment No. 9287.

MOTIONS

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 17, 2021

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

PERSONAL PRIVILEGE

Senator Liias: “Thank you, Madam President. I just want to take a moment to speak out against the rise in anti-Asian hate we are seeing in communities across this country. As you know, my predecessor in the Senate, Paul Shin, was one of Washington’s first Asian-American lawmakers. First Korean American elected to the Legislature. And I can recall Senator Shin, both in public and private conversations, sharing some of the hateful experiences he had experienced in our country decades ago and it is horrifying to see that here in 2021, Asian-Americans in my district, across our state, across the country continue to experience hate and violence and marginalization. And I know we’ve got some Senators working on a more formal statement of the Senate’s condemnation of this violence, but I just want to say today, as we continue to reflect on this issue that there is no space for this kind of hateful conduct in our state and each of us has an obligation to seek out and protect vulnerable members of our community and stand in solidarity with Asian-Americans across our communities and across the state in this difficult moment.”

MOTION

At 12:32 p.m., on motion of Senator Liias, the Senate adjourned until 11:45 a.m. Monday, March 22, 2021.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**SEVENTY FIRST DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Monday, March 22, 2021

The Senate was called to order at 11:45 a.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

March 19, 2021

HB 1009 Prime Sponsor, Representative Thai: Concerning student health plans. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Holy; Padden; Rivers and Wilson, J.

Referred to Committee on Rules for second reading.

March 19, 2021

SHB 1016 Prime Sponsor, Committee on Appropriations: Making Juneteenth a legal holiday. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hawkins.

Referred to Committee on Ways & Means.

March 19, 2021

2SHB 1028 Prime Sponsor, Committee on Appropriations: Concerning evaluation and recommendation of candidates for residency teacher certification. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt and McCune.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Dozier and Mullet.

Referred to Committee on Rules for second reading.

March 19, 2021

HB 1031 Prime Sponsor, Representative Walen: Concerning the government issuance of a certificate of birth resulting in stillbirth. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Van De Wege.

Referred to Committee on Rules for second reading.

March 19, 2021

2SHB 1061 Prime Sponsor, Committee on Appropriations: Concerning youth eligible for developmental disability services who are expected to exit the child welfare system. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Wilson, C.

Referred to Committee on Ways & Means.

March 19, 2021

HB 1063 Prime Sponsor, Representative Harris: Additional renewals for behavioral health professional trainee and associate credentials. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Frockt; Nobles and Warnick.

Referred to Committee on Rules for second reading.

March 19, 2021

SHB 1074 Prime Sponsor, Committee on Health Care & Wellness: Concerning overdose and suicide fatality reviews. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Frockt; Nobles and Warnick.

Referred to Committee on Rules for second reading.

March 19, 2021

SEVENTY FIRST DAY, MARCH 22, 2021

2021 REGULAR SESSION

E2SHB 1086 Prime Sponsor, Committee on Appropriations: Creating the state office of behavioral health consumer advocacy. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Frockt; Nobles and Warnick.

Referred to Committee on Ways & Means.

March 19, 2021

E2SHB 1139 Prime Sponsor, Committee on Appropriations: Taking action to address lead in drinking water. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Ways & Means.

March 19, 2021

ESHB 1140 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning juvenile access to attorneys when contacted by law enforcement. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Saldaña and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon, Ranking Member and Dozier.

MINORITY recommendation: Do not pass. Signed by Senator McCune.

Referred to Committee on Ways & Means.

March 19, 2021

E2SHB 1194 Prime Sponsor, Committee on Appropriations: Strengthening parent-child visitation during child welfare proceedings. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass as amended. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Wilson, C.

Referred to Committee on Ways & Means.

March 19, 2021

2SHB 1219 Prime Sponsor, Committee on Appropriations: Concerning the appointment of counsel for youth in dependency court proceedings. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass as amended. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Saldaña and Wilson, C.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier and McCune.

Referred to Committee on Ways & Means.

March 19, 2021

SHB 1225 Prime Sponsor, Committee on Health Care & Wellness: Concerning school-based health centers. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Holy; Padden; Rivers and Wilson, J.

Referred to Committee on Ways & Means.

March 19, 2021

E2SHB 1227 Prime Sponsor, Committee on Appropriations: Protecting the rights of families responding to allegations of abuse or neglect of a child. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass as amended. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Wilson, C.

Referred to Committee on Ways & Means.

March 19, 2021

HB 1237 Prime Sponsor, Representative Eslick: Defining family resource centers. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Wilson, C.

Referred to Committee on Rules for second reading.

March 19, 2021

ESHB 1273 Prime Sponsor, Committee on Appropriations: Concerning menstrual products in schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; Mullet and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senator McCune.

Referred to Committee on Ways & Means.

March 19, 2021

EHB 1311 Prime Sponsor, Representative Bronoske: Authorizing the issuance of substance use disorder professional certifications to persons participating in apprenticeship programs.

Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Dhingra, Chair; Frockt; Nobles and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner, Ranking Member.

Referred to Committee on Rules for second reading.

March 19, 2021

2SHB 1325 Prime Sponsor, Committee on Appropriations: Implementing policies related to children and youth behavioral health. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Frockt; Nobles and Warnick.

Referred to Committee on Ways & Means.

March 19, 2021

ESHB 1372 Prime Sponsor, Committee on State Government & Tribal Relations: Replacing the Marcus Whitman statue in the national statuary hall collection with a statue of Billy Frank Jr. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

#### MOTION

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed Second Substitute House Bill No. 1086 which was designated to the Committee on Rules and referred to the Committee on Ways & Means.

#### MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SB 5475 by Senators Mullet and Hobbs

AN ACT Relating to knowing possession of a controlled substance; reenacting and amending RCW 69.50.4013; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Law & Justice.

E2SHB 1477 by House Committee on Appropriations (originally sponsored by Orwall, Davis, Ortiz-Self, Callan, Simmons, J. Johnson, Goodman, Ryu, Ormsby, Valdez, Frame, Berg, Bergquist, Harris-Talley, Chopp, Macri, Peterson and Pollet)

AN ACT Relating to the implementation of the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services statewide by imposing an excise tax on certain telecommunications services; reenacting and amending RCW 71.24.025 and 71.24.025; adding new sections to chapter 71.24 RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

#### MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Liias, the Senate advanced to the eighth order of business.

#### MOTION

Senator Schoesler moved adoption of the following resolution:

#### SENATE RESOLUTION 8614

By Senator Schoesler

WHEREAS, William "Bill" Wills was born June 12, 1932, in Log Lick, Kentucky, to Elmo and Eda Wills; and

WHEREAS, Bill Wills joined the United States Air Force and was stationed at Radar Hill, near Othello, where he met the love of his life, Jeanette; and

WHEREAS, Bill and Jeanette married, settled in Lind and raised two sons, Joe and Bradley; and

WHEREAS, Bill and Jeanette Wills owned several businesses in Lind, including the Empire Café; and

WHEREAS, Bill Wills owned and operated a farm in the Lind area; and

WHEREAS, Bill Wills served twice on the Lind City Council and also served three terms as an Adams County Commissioner and loved serving the people of Adams County; and

WHEREAS, Bill Wills was a charter member of the Lind Lions Club when it was formed in 1967, serving many years as the "Tail Twister" for the club; and

WHEREAS, Bill Wills served as the organizer for the community Easter egg hunt for many years, and also supervised the annual kite-flying contest for the Lind Lions Club; and

WHEREAS, Bill Wills was instrumental, after extensive research, in acquiring new flags for the local cemetery and seeing that they were properly displayed to honor his fellow veterans; and

WHEREAS, Bill Wills was the weekend public address announcer at the "World Famous Lind Combine Demolition Derby" from its inception in 1988 until 2020 when the COVID-19 pandemic put an end to his consecutive year streak; and

WHEREAS, Bill Wills was known for driving his special "Jeep" that he drove on his ranch and at local parades; and

WHEREAS, Bill Wills was also active in the local food bank and senior center; and

WHEREAS, William L. Wills died recently in Lind, surrounded by his family;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the life of William "Bill" Wills

SEVENTY FIRST DAY, MARCH 22, 2021

2021 REGULAR SESSION

and thank him for his many years of friendship and service to the Lind community and the people of Adams County.

Senator Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8614.

The motion by Senator Schoesler carried and the resolution was adopted by voice vote.

MOTION

At 11:52 a.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Tuesday, March 23, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SEVENTY SECOND DAY

AFTERNOON SESSION

Senate Chamber, Olympia  
 Tuesday, March 23, 2021

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

MOTIONS

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 22, 2021

HB 1001 Prime Sponsor, Representative Maycumber: Establishing a law enforcement professional development outreach grant program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Van De Wege; Warnick and Wellman.

Referred to Committee on Rules for second reading.

March 22, 2021

ESHB 1120 Prime Sponsor, Committee on Health Care & Wellness: Concerning state of emergency operations impacting long-term services and supports. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Holy; Padden; Rivers and Wilson, J.

Referred to Committee on Rules for second reading.

March 22, 2021

SHB 1129 Prime Sponsor, Committee on Health Care & Wellness: Concerning the licensure of international medical graduates. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Holy; Rivers and Wilson, J.

Referred to Committee on Rules for second reading.

March 22, 2021

SHB 1151 Prime Sponsor, Committee on Housing, Human Services & Veterans: Bolstering economic recovery. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Honeyford, Assistant Ranking Member, Capital; Carlyle; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Braun; Muzzall and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

March 22, 2021

2SHB 1161 Prime Sponsor, Committee on Appropriations: Modifying the requirements for drug take-back programs. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

Referred to Committee on Rules for second reading.

March 22, 2021

ESHB 1176 Prime Sponsor, Committee on Education: Concerning access to higher education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Referred to Committee on Rules for second reading.

March 22, 2021

ESHB 1214 Prime Sponsor, Committee on Education: Providing K-12 public school safety and security services by classified staff or contractors. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Hunt; Mullet and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Dozier and McCune.

Referred to Committee on Rules for second reading.

March 22, 2021

ESHB 1426 Prime Sponsor, Committee on Education: Specifying minimum continuing education requirements for administrator and teacher certificate renewals that focus on equity-based school and classroom practices. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 22, 2021

SHB 1445 Prime Sponsor, Committee on Health Care & Wellness: Concerning the definition of compounding for purposes of the practice of pharmacy. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

Referred to Committee on Rules for second reading.

March 22, 2021

SHB 1484 Prime Sponsor, Committee on Education: Concerning the statewide first responder building mapping information system. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

March 22, 2021

SGA 9030 JACK S. ENG, reappointed on March 14, 2018, for the term ending June 17, 2023, as Member of the Board of

Industrial Insurance Appeals. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Honeyford; Robinson; Saldaña and Schoesler.

Referred to Committee on Rules for second reading.

March 22, 2021

SGA 9033 MARCUS J. GLASPER, appointed on March 28, 2018, for the term ending at the governors pleasure, as Director of the Lottery Commission as Agency Head. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Honeyford; Robinson; Saldaña and Schoesler.

Referred to Committee on Rules for second reading.

March 22, 2021

SGA 9079 KENNETH J. PEDERSEN, appointed on March 21, 2019, for the term ending September 8, 2023, as Member of the Public Employment Relations Commission. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Honeyford; Robinson; Saldaña and Schoesler.

Referred to Committee on Rules for second reading.

March 22, 2021

SGA 9086 ISABEL A. COLE, appointed on June 18, 2019, for the term ending June 17, 2025, as Member of the Board of Industrial Insurance Appeals. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Honeyford; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

March 22, 2021

SGA 9089 BUD E. SIZEMORE, reappointed on July 3, 2019, for the term ending June 30, 2025, as Member of the Gambling Commission. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King,

Ranking Member; Braun; Honeyford; Robinson; Saldaña and Schoesler.

Referred to Committee on Rules for second reading.

March 22, 2021

SGA 9174 LAUREN KING, appointed on June 11, 2020, for the term ending June 30, 2021, as Member of the Gambling Commission. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Honeyford; Robinson; Saldaña and Schoesler.

Referred to Committee on Rules for second reading.

#### MOTIONS

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Substitute House Bill No. 1151 which was designated to the Committee on Rules and placed on the 2<sup>nd</sup> Reading Calendar.

On motion of Senator Liias, the Senate advanced to the eighth order of business.

Senator Liias moved adoption of the following resolution:

#### SENATE RESOLUTION 8618

By Senator Liias

WHEREAS, Multiple System Atrophy, also known as MSA, is a rare degenerative and terminal neurological disease, which has a distinctive impact on each patient; and

WHEREAS, According to the Multiple System Atrophy Coalition, MSA affects approximately 50,000 Americans; and

WHEREAS, It has been estimated that as many as 35,000 people with MSA have been misdiagnosed with other neurodegenerative disorders; and

WHEREAS, Symptoms include problems with balance, coordination, gait, bladder and bowel functions, speech, swallowing, and breathing; and

WHEREAS, A multidisciplinary approach to MSA care includes physical, psychological, and financial support for patients and caregivers, including support groups; and

WHEREAS, There are some medications that treat the symptoms and some clinical trials for the development of improved treatment, much more research is needed for better management of the disease and ultimately a cure; and

WHEREAS, Increased education and awareness are needed to assist in accurately diagnosing MSA and to raise funds for research for treatments with fewer side effects and ultimately a cure; and

WHEREAS, March has been proclaimed as Multiple System Atrophy Awareness Month among the MSA worldwide community in dealing with the devastating effects of MSA;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate support the observation of March as Multiple System Atrophy Awareness Month to call attention to the pressing need to increase public awareness of this progressive

neurodegenerative disorder and encourage further research into treatments and a cure for this terrible disease.

Senators Liias and Short spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8618.

The motion by Senator Liias carried and the resolution was adopted by voice vote.

#### MOTION

At 12:37 p.m., on motion of Senator Liias, the Senate adjourned until 1:30 p.m. Wednesday, March 24, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SEVENTY THIRD DAY

AFTERNOON SESSION

Senate Chamber, Olympia  
Wednesday, March 24, 2021

The Senate was called to order at 1:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Paiton Jensen led the Senate in the Pledge of Allegiance. Miss Jensen, a student at Lake Washington High School, is a guest of Senator Dhingra.

Bishop Daniel Mueggenborg, Auxiliary Bishop of the Catholic Archdiocese of Seattle offered the prayer.

MOTIONS

On motion of Senator Liias the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Liias, the Senate advanced to the eighth order of business.

MOTION

Senator Warnick moved adoption of the following resolution:

SENATE RESOLUTION  
8615

By Senators Warnick, Holy, Honeyford, Nobles, Hasegawa, and Wilson, L.

WHEREAS, In June of this year, James L. Gaudino will conclude twelve and a half very successful years of service to the state as president of Central Washington University; and

WHEREAS, President Gaudino's leadership has been instrumental in overcoming some of the most challenging times of the 129-year history of CWU; and

WHEREAS, During the Great Recession President Gaudino's budget management avoided mass layoffs and actually increased financial stability of the university; and

WHEREAS, He led the modernization and digitization of 14 business processes, from procurement to human resources, reducing the time and cost of administrative processes; and

WHEREAS, His intense focus on creating a welcoming and inclusive campus climate has resulted in CWU being the most diverse public university in the state, and the only university to earn the Higher Education Excellence in Diversity award in six of the past seven years; and

WHEREAS, The overhaul of campus technology and data-management systems has given CWU the ability to better inform planning and decisions; and

WHEREAS, President Gaudino has modernized budget and management processes, and shifted the planning horizon from one to six years in order to ensure sustainable and accountable university management; and

WHEREAS, His modernization of enrollment management allowed CWU to recover from Great Recession enrollment drops and become one of the fastest growing institutions in the country; and

WHEREAS, He has expanded educational opportunities by launching online degree programs and establishing instructional sites in Sammamish and at Joint Base Lewis-McChord; and

WHEREAS, President Gaudino's insistence on science-informed pandemic strategies and close partnerships with local public health officials created a safe, low-transmission learning environment and has resulted in no serious illnesses to date from COVID;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate extend to Dr. James L. Gaudino their sincere thanks for his service to the people of Washington and his work to expand educational opportunities for the citizens of our state; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Dr. James L. Gaudino and the Board of Trustees of Central Washington University.

Senators Warnick, Liias, Honeyford, Wellman and King spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8615.

The motion by Senator Warnick carried and the resolution was adopted by voice vote.

MOTION

At 1:48 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

----

The Senate was called to order at 3:13 p.m. by President Heck.

MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

March 22, 2021

SB 5126 Prime Sponsor, Senator Carlyle: Concerning the Washington climate commitment act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5126 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hunt; Keiser; Liias; Mullet; Pedersen and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member,

Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa and Van De Wege.

Referred to Committee on Rules for second reading.

March 23, 2021

HB 1023 Prime Sponsor, Representative Steele: Concerning predesign requirements and thresholds. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

March 23, 2021

E2SHB 1050 Prime Sponsor, Committee on Appropriations: Reducing greenhouse gas emissions from fluorinated gases. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; Nguyen; Sheldon; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown; Fortunato and Short.

Referred to Committee on Ways & Means.

March 23, 2021

SHB 1145 Prime Sponsor, Committee on Environment & Energy: Allowing the use of nonwood renewable fiber in recycled content paper carryout bags. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Brown; Das; Fortunato; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Rules for second reading.

March 23, 2021

SHB 1155 Prime Sponsor, Committee on Finance: Concerning sales and use tax for emergency communication systems and facilities. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Gildon, Assistant Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Short, Assistant Ranking Member and Warnick.

Referred to Committee on Rules for second reading.

March 23, 2021

E2SHB 1186 Prime Sponsor, Committee on Appropriations: Concerning juvenile rehabilitation. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass as amended. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Saldaña and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators Dozier and McCune.

Referred to Committee on Ways & Means.

March 23, 2021

SHB 1193 Prime Sponsor, Committee on Environment & Energy: Affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Ericksen, Ranking Member; Brown; Das; Fortunato; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

Referred to Committee on Rules for second reading.

March 23, 2021

HB 1280 Prime Sponsor, Representative Ramel: Concerning greenhouse gas emissions reductions in the design of public facilities. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; Nguyen; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown; Fortunato; Sheldon and Short.

Referred to Committee on Rules for second reading.

March 23, 2021

E2SHB 1287 Prime Sponsor, Committee on Transportation: Concerning preparedness for a zero emissions transportation future. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; Nguyen; Stanford and Wellman.

SEVENTY THIRD DAY, MARCH 24, 2021

2021 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown; Fortunato; Sheldon and Short.

Chair; Warnick, Ranking Member; Rolfes; Short and Stanford.

Referred to Committee on Transportation.

Referred to Committee on Ways & Means.

March 23, 2021

ESHB 1326 Prime Sponsor, Committee on Local Government: Concerning coroners and medical examiners. Reported by Committee on Housing & Local Government

March 23, 2021  
HB 1376 Prime Sponsor, Representative Fey: Concerning registration of land titles. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

March 23, 2021

SHB 1331 Prime Sponsor, Committee on Local Government: Concerning early learning facility impact fees. Reported by Committee on Housing & Local Government

March 23, 2021  
SHB 1423 Prime Sponsor, Committee on Environment & Energy: Concerning smoke management civil enforcement. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Gildon, Assistant Ranking Member Short, Assistant Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown and Fortunato.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

March 23, 2021

SHB 1333 Prime Sponsor, Committee on Finance: Providing an extension to the local sales and use tax for public facilities in rural counties. Reported by Committee on Ways & Means

March 23, 2021  
SHB 1446 Prime Sponsor, Committee on Environment & Energy: Prohibiting a utility from being assessed a penalty for not meeting its biennial acquisition target for cost-effective conservation in special circumstances outside the utility's control. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass. Signed by Senators Froekt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Braun; Conway; Darneille; Dhingra; Gildon; Hunt; Keiser; Liias; Mullet; Muzzall; Rivers; Van De Wege; Wagoner and Warnick.

MAJORITY recommendation: Do pass. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Brown; Das; Fortunato; Hobbs; Liias; Nguyen; Sheldon; Short; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Rolfes, Chair; Carlyle; Hasegawa and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler, Assistant Ranking Member, Capital and Wellman.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

March 23, 2021

SHB 1355 Prime Sponsor, Committee on Rural Development, Agriculture & Natural Resources: Concerning noxious weeds. Reported by Committee on Agriculture, Water, Natural Resources & Parks

March 23, 2021  
HB 1495 Prime Sponsor, Representative Chapman: Providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; Salomon, Vice

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Conway; Darneille; Dhingra; Gildon; Keiser;

Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair, Capital; Carlyle; Hasegawa and Hunt.

Referred to Committee on Rules for second reading.

#### MOTION

Senator Liias moved that all measures listed on the Standing Committee report be referred to the committees as designated.

Senator Short moved to divide the question to amend the motion by Senator Liias and Senate Bill No. 5216 be considered separately.

Pursuant to Senate Rule No. 31, the motion was divided.

The President declared that the question before the Senate to be the motion by Senator Liias that the remainder of the measures on today's committee reports be referred to the committees as designated and the motion carried without objection.

The President declared that the question before the Senate be the motion by Senator Liias to refer Senate Bill No. 5126 to the Committee on Rules.

#### MOTION

Senator Short moved to amend the motion by Senator Liias and to instead refer Senate Bill No. 5126 to the Committee on Transportation.

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

Senator Short spoke in favor of the motion to amend the motion.

Senator Liias spoke against the motion to amend the motion.

The President declared the question before the Senate to be the motion by Senator Short to amend the motion by Senator Liias.

#### ROLL CALL

The Secretary called the roll on the adoption of the motion by Senator Short to amend the motion by Senator Liias and the motion was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

The President declared the question before the Senate to be the motion by Senator Liias to refer Senate Bill No. 5216 to the Committee on Rules and the motion carried without objection.

#### MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SB 5476 by Senators Dhingra, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Pedersen, Rivers, Robinson, Saldaña and Wellman

AN ACT Relating to addressing the State v. Blake decision; amending RCW 69.50.101, 69.50.4011, 69.50.4013, 69.50.412, 69.50.445, 69.41.030, 69.41.030, and 69.41.010; reenacting and amending RCW 69.50.101 and 69.41.010; adding a new section to chapter 10.77 RCW; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

#### MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Liias, the Senate advanced to the sixth order of business.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078, by House Committee on State Government & Tribal Relations (originally sponsored by Simmons, Young, Dolan, Berry, Fitzgibbon, J. Johnson, Wicks, Chopp, Wylie, Bateman, Ramos, Berg, Shewmake, Tharinger, Ramel, Ortiz-Self, Peterson, Gregerson, Walen, Goodman, Senn, Sells, Ryu, Valdez, Callan, Hackney, Morgan, Ormsby, Pollet, Riccelli, Taylor, Springer, Stonier, Lekanoff, Frame, Santos, Jacobsen, Macri, Davis, Bergquist and Harris-Talley)

Restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections.

The measure was read the second time.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 479 by Senator Fortunato be adopted:

On page 1, line 1 of the title, after "to" strike all material through "corrections" on line 3 and insert "allowing convicted felons to vote before they have finished the terms of their sentences"

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 479 by Senator Fortunato on page 1, line 1 to Engrossed Substitute House Bill No. 1078.

The motion by Senator Fortunato did not carry and floor amendment no. 479 was not adopted by voice vote.

#### MOTION

SEVENTY THIRD DAY, MARCH 24, 2021

2021 REGULAR SESSION

Senator Rivers moved that the following floor amendment no. 480 by Senator Rivers be adopted:

On page 3, at the beginning of line 16, insert "includes the conditional release of sexually violent predators as defined in RCW 71.09.020 to a less restrictive alternative pursuant to chapter 71.09 RCW, but"

On page 5, line 5, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child"

On page 6, at the beginning of line 9, insert "includes the conditional release of sexually violent predators as defined in RCW 71.09.020 to a less restrictive alternative pursuant to chapter 71.09 RCW, but"

On page 6, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or the conditional release of sexually violent predators as defined in RCW 71.09.020 to a less restrictive alternative pursuant to chapter 71.09 RCW"

On page 8, line 8, after "total confinement" insert "includes the conditional release of sexually violent predators as defined in RCW 71.09.020 to a less restrictive alternative pursuant to chapter 71.09 RCW, but"

On page 8, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or the conditional release of sexually violent predators as defined in RCW 71.09.020 to a less restrictive alternative pursuant to chapter 71.09 RCW"

POINT OF ORDER

Senator Liias: "Mr. President, I believe that amendment no. 480 impermissibly expands the scope and object of the underlying bill under discussion, and I'd like to make some remarks."

President Heck: "Please proceed."

Senator Liias: "Thank you Mr. President. I believe that amendment no. 480 expands both the scope and the object of the underlying bill for two reasons. First of all, the net effect of the amendment, if adopted, would be to actually take voting rights away from some portion of this population that currently has them. Clearly, the purpose of this bill is to expand voting rights so allowing an amendment that would actually restrict and strip folks of their voting rights is outside the scope and object of the current bill. The second reason I think that this amendment exceeds the object of the bill, and I'll just remind you that in the state constitution and in Rule 66 of our Senate rules we say clearly that amendments can't exceed expand the scope and object of the bill the purpose of this bill is to make it clear and you can read it throughout the bill that all people who are no longer in total confinement of the Department of Corrections would have their voting rights automatically restored and so by carving out small subsets of that it exceeds and expands and violates the purpose of the bill which is to look at all of these folks when they've left total

confinement creating an automatic process for them to get their voting rights back so both because it strips some of their voting rights and because it impermissibly expands the object or changes the object of the bill I believe that this is in violation of our Senate rules and I'd ask you to rule it out of order."

President Heck: "Senator Rivers, do you wish to speak before the president takes us under advisement?"

Senator Rivers: "Well, Mr. President, thank you for this opportunity. You know I guess we've seen today how our rules are merely a guideline and I would say that in this instance there are a guideline as well. We are here today making a determination about the ability for individuals to be allowed to vote and that's what this amendment does. So, I, I think it's a good amendment. I think it's an important amendment for victims, for people of this state, for those who fear sexually violent predators and I feel like it should be, we should have debate and vote on it. Thank you, Mr. President."

MOTION

On motion of Senator Liias, further consideration of Engrossed Substitute House Bill No. 1078 was deferred, and the bill held its place on the second reading calendar.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced the Republican Caucus would wait for session to reconvene.

PARLIAMENTARY INQUIRY

Senator Braun: "I just want to know if the motion presented by Senator Liias is debatable?"

President Heck: "To go at ease?"

Senator Braun: "No, no, no. I'm sorry. The earlier, the challenge of scope of the bill. If that's debatable? I've asked that, I've been constantly pushing the point of inquiry for a while here."

REPLY BY THE PRESIDENT

President Heck: "Traditionally Senator Braun, the practice has been that there is an argument made, one each, on the respective sides."

Senator Braun: "Thank you, Mr. President."

MOTION

At 3:31 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

----

The Senate was called to order at 4:38 p.m. by President Heck.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1078 which it had deferred earlier in the day.

The question before the Senate was the Point of Order by Senator Liias.

RULING BY THE PRESIDENT

President Heck: "In considering the Point of Order raised by Senator Liias as to whether Amendment 480 by Senator Rivers impermissibly seeks to expand the Scope and Object of Engrossed Substitute House Bill No. 1078, the President finds, and rules follows:

The scope of Engrossed Substitute House Bill No. 1078 broadly relates to voting eligibility for persons convicted of a felony. It automatically restores the right to vote for a person convicted of a felony once they are no longer serving a sentence of total confinement under the jurisdiction of the Department of Corrections.

Amendment 480 before us seeks to prohibit sexually violent predators conditionally released to less restrictive alternatives from being registered to vote before their release from the Department of Correction's authority. First, the President notes that sexually violent predators conditionally released to less restrictive alternatives are not in the jurisdiction of the Department of Corrections; rather, they are under the jurisdiction of the Department of Social and Health Services. Many sexually violent predators who are conditionally released to less restrictive alternatives currently have their voting rights restored as part of their terms of release. The effect of Amendment 480 would therefore be to both restrict the restoration of voting rights for some of these individuals, while taking away the existing voting rights of others.

As Senator Liias noted in his argument, Rule 66 requires that an amendment be within both the scope and the object of the underlying bill. Here, the object of the bill is much narrower than its scope and concerns the expansion of voting rights. Because Amendment 480 seeks to take away the existing right to vote from some sexually violent predators conditionally released to lesser restrictive alternative, the President finds the Amendment beyond the scope and object of the underlying bill.

The President also wishes to address the second part of Senator Liias' argument, relating to the carving out of the restoration of voting rights for certain individuals no longer serving total confinement. While not germane to the consideration of Amendment 480, the President wishes to provide the body with a better understanding of the President's approach to scope and object. Again, the object of the bill before us is to expand the group of individuals for whom voting rights will be restored. The President finds and rules it is proper to offer an amendment seeking to further define and qualify that class of individuals.

Based on the first issue, the President finds and rules that Amendment 480 is beyond the scope and object of Engrossed Substitute House Bill No. 1078. As reference was generally made to amendments not currently before the body, the President suggests that consideration of this ruling be made before raising any further objections."

#### REMARKS BY SENATOR RIVERS

Senator Rivers: "Thank you Mr. President. I just wanted to express my appreciation for your thoughtful consideration of the scope and object objection of Senator Liias and I agree with your decision. Thank you."

#### MOTION

Senator Short moved that the following floor amendment no. 481 by Senator Short be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child, but"

On page 5, line 5, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child"

On page 6, at the beginning of line 9, insert "includes community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child, but"

On page 6, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child"

On page 8, line 8, after "total confinement" insert "includes community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child, but"

On page 8, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.507(1)(a)(i) as a result of a conviction for a sex offense upon a child"

Senator Short spoke in favor of adoption of the amendment.

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

Senators Short, Rivers, Schoesler, Wagoner, Ericksen and Fortunato spoke in favor of adoption of the amendment.

Senators Hunt, Kuderer and Darneille spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Short on page 3, line 16 to Engrossed Substitute House Bill No. 1078.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Short and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

#### MOTION

Senator Short moved that the following floor amendment no. 482 by Senator Short be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507, but"

SEVENTY THIRD DAY, MARCH 24, 2021

2021 REGULAR SESSION

On page 5, line 5, after "confinement"" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507"

On page 6, at the beginning of line 9, insert "includes community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507, but"

On page 6, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507"

On page 8, line 8, after "total confinement" insert "includes community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507, but"

On page 8, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(a) or 9.94A.507"

Senators Short, Rivers, Ericksen and Gildon spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 482 by Senator Short on page 3, line 16 to Engrossed Substitute House Bill No. 1078.

The motion by Senator Short did not carry and floor amendment no. 482 was not adopted by voice vote.

## MOTION

Senator Warnick moved that the following floor amendment no. 483 by Senator Warnick be adopted:

On page 3, at the beginning of line 16, strike "does not include" and insert "includes"

On page 5, line 5, after "confinement"" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, and confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1)"

On page 6, at the beginning of line 9, strike "does not include" and insert "includes"

On page 6, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, and confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1)"

On page 8, line 8, after "total confinement" strike "does not include" and insert "includes"

On page 8, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or

utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, and confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1)"

Senators Warnick and Padden spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 483 by Senator Warnick on page 3, line 16 to Engrossed Substitute House Bill No. 1078.

The motion by Senator Warnick did not carry and floor amendment no. 483 was not adopted by voice vote.

## MOTION

Senator Holy moved that the following floor amendment no. 484 by Senator Holy be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer, but"

On page 5, line 5, after "confinement"" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer"

On page 6, at the beginning of line 9, insert "includes community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer, but"

On page 6, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer"

On page 8, line 8, after "total confinement" insert "includes community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer, but"

On page 8, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer"

Senators Holy, Honeyford, Padden and Wagoner spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 484 by Senator Holy on page 3, line 16 to Engrossed Substitute House Bill No. 1078.

The motion by Senator Holy did not carry and floor amendment no. 484 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 485 by Senator Wagoner be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as a result of a conviction for an offense involving the unlawful possession of a firearm under RCW 9.41.040, but"

On page 5, line 5, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer"

On page 6, at the beginning of line 9, insert "includes community custody as a result of a conviction for an offense involving the unlawful possession of a firearm under RCW 9.41.040, but"

On page 6, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as a result of a conviction for an offense involving the unlawful possession of a firearm under RCW 9.41.040"

On page 8, line 8, after "total confinement" insert "includes community custody as a result of a conviction for an offense involving the unlawful possession of a firearm under RCW 9.41.040, but"

On page 8, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as a result of a conviction for an offense involving the unlawful possession of a firearm under RCW 9.41.040"

Senators Wagoner, Fortunato, Short and Brown spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 485 by Senator Wagoner on page 3, line 16 to Engrossed Substitute House Bill No. 1078.

The motion by Senator Wagoner did not carry and floor amendment no. 485 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 486 by Senator Wagoner be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as a result of a conviction for a hate crime

offense as defined in RCW 9A.36.080 involving the unlawful possession of a firearm under RCW 9.41.040, but"

On page 5, line 5, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701 (1)(b) or (2) as a result of a conviction for a violent offense or serious violent offense on a judge, prosecutor, sheriff, or law enforcement officer"

On page 6, at the beginning of line 9, insert "includes community custody as a result of a conviction for a hate crime offense as defined in RCW 9A.36.080 involving the unlawful possession of a firearm under RCW 9.41.040, but"

On page 6, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as a result of a conviction for a hate crime offense as defined in RCW 9A.36.080 involving the unlawful possession of a firearm under RCW 9.41.040"

On page 8, line 8, after "total confinement" insert "includes community custody as a result of a conviction for a hate crime offense as defined in RCW 9A.36.080 involving the unlawful possession of a firearm under RCW 9.41.040, but"

On page 8, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as a result of a conviction for a hate crime offense as defined in RCW 9A.36.080 involving the unlawful possession of a firearm under RCW 9.41.040"

Senators Wagoner, Honeyford and Fortunato spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

Senator Wagoner demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Wagoner on page 3, line 16 to Engrossed Substitute House Bill No. 1078.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Wagoner and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

#### MOTION

Senator Padden moved that the following floor amendment no. 491 by Senator Padden be adopted:

On page 3, at the beginning of line 16, insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 5, line 5, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(b)"

On page 6, at the beginning of line 9, insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 6, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(b)"

On page 8, line 8, after "total confinement" insert "includes community custody as directed under RCW 9.94A.701(1)(b), but"

On page 8, line 11, after "confinement" strike all material through "9.94A.030" and insert "means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060, or community custody as directed under RCW 9.94A.701(1)(b)"

Senator Padden spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

Senator Padden demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 3, line 16 to Engrossed Substitute House Bill No. 1078.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Padden and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 487 by Senator Wilson, L. be adopted:

On page 8, after line 12, insert the following:

**"NEW SECTION. Sec. 9.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 1, line 5 of the title, after "RCW;" strike the remainder of the title and insert "providing an effective date; and providing for submission of this act to a vote of the people."

Senators Wilson, L., Fortunato and Dozier spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 487 by Senator Wilson, L. on page 8, line 12 to Engrossed Substitute House Bill No. 1078.

The motion by Senator Wilson, L. did not carry and floor amendment no. 487 was not adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 1078 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Kuderer spoke in favor of passage of the bill.

Senators Rivers and King spoke against passage of the bill.

REMARKS BY THE PRESIDENT

President Heck: "Senator King, excuse me. Senator King, your camera has been off, and viewers have been treated to a continuing visual presence of Senator Kuderer. We going to try and correct that. Please make sure your camera is turned on."

Senator King continued his remarks against passage of the bill.

Senator Randall spoke in favor of passage of the bill.

Senators Wilson, J. and Gildon spoke against passage of the bill.

MOTION

Senator Liias demanded that the previous question be put.

The President declared that at least two additional senators joined the demand, and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Liias carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1078.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1078 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Randall, Senators Hobbs and Keiser were excused.

#### PERSONAL PRIVILEGE

Senator Sheldon: “Mr. President, I would have liked to speak on, spoken on the last bill. When the majority party calls for the question that is certainly their right, but there was a long debate on the amendments, I understand that. But I think...”

#### REPLY BY THE PRESIDENT

President Heck: “Senator Sheldon, I am sorry sir, that is not a point of personal privilege.”

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1151, by House Committee on Housing, Human Services & Veterans (originally sponsored by Leavitt, Shewmake, Peterson, Bronoske, Entenman, Stonier, Bateman, Chopp, Frame, Hackney, Callan, Pollet, Gregerson, Senn and J. Johnson)

Bolstering economic recovery.

The measure was read the second time.

#### MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 1151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1151.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1151 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Holy, Hunt, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wagoner, Warnick, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Honeyford, McCune, Muzzall, Padden, Schoesler, Short, Wilson, J. and Wilson, L.

Excused: Senators Hobbs and Keiser

SUBSTITUTE HOUSE BILL NO. 1151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1114, by House Committee on Environment & Energy (originally sponsored by Dye and Ramel)

Encouraging utility mitigation of urban heat island effects.

The measure was read the second time.

#### MOTION

On motion of Senator Carlyle, the rules were suspended, Substitute House Bill No. 1114 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1114.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1114 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hobbs and Keiser

SUBSTITUTE HOUSE BILL NO. 1114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 6:38 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Thursday, March 25, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**SEVENTY FOURTH DAY**

---

**AFTERNOON SESSION**

---

Senate Chamber, Olympia  
Thursday, March 25, 2021

The Senate was called to order at 12:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

March 24, 2021

ESHB 1041 Prime Sponsor, Committee on State Government & Tribal Relations: Concerning sunshine committee recommendations regarding juveniles. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

March 24, 2021

SHB 1085 Prime Sponsor, Committee on Education: Promoting a safe learning environment for students with seizure disorders. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

March 24, 2021

E2SHB 1099 Prime Sponsor, Committee on Appropriations: Improving the state's climate response through updates to the state's comprehensive planning framework. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member and Warnick.

Referred to Committee on Ways & Means.

March 24, 2021

ESHB 1113 Prime Sponsor, Committee on Education: Concerning school attendance. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

March 24, 2021

E2SHB 1117 Prime Sponsor, Committee on Appropriations: Promoting salmon recovery through revisions to the state's comprehensive planning framework. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member and Warnick.

Referred to Committee on Ways & Means.

March 24, 2021

HB 1122 Prime Sponsor, Representative Lovick: Concerning the retirement age for state guard members. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

March 24, 2021

2SHB 1148 Prime Sponsor, Committee on Appropriations: Protecting patients in acute care hospitals. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member and Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holy and Padden.

Referred to Committee on Rules for second reading.

March 24, 2021

SHB 1210 Prime Sponsor, Committee on Commerce & Gaming: Replacing the term "marijuana" with the term

"cannabis" throughout the Revised Code of Washington.  
Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Robinson and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

Referred to Committee on Rules for second reading.

March 24, 2021

E2SHB 1213 Prime Sponsor, Committee on Appropriations: Expanding accessible, affordable child care and early childhood development programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Ways & Means.

March 24, 2021

SHB 1218 Prime Sponsor, Committee on Health Care & Wellness: Improving health, safety, and quality of life for residents in long-term care facilities. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member and Rivers.

Referred to Committee on Ways & Means.

March 24, 2021

ESHB 1232 Prime Sponsor, Committee on Local Government: Planning for affordable housing under the growth management act. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

Referred to Committee on Ways & Means.

March 24, 2021

ESHB 1241 Prime Sponsor, Committee on Local Government: Planning under the growth management act. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Short, Assistant Ranking Member and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Gildon, Assistant Ranking Member.

Referred to Committee on Ways & Means.

March 24, 2021

SHB 1250 Prime Sponsor, Committee on State Government & Tribal Relations: Designating Washington a purple heart state. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

March 24, 2021

HB 1289 Prime Sponsor, Representative Chambers: Concerning winery workforce development. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Braun; Honeyford; Robinson; Saldaña and Schoesler.

Referred to Committee on Rules for second reading.

March 24, 2021

HB 1328 Prime Sponsor, Representative Pollet: Exempting information gathered for controlling diseases from public inspecting requirements. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

MINORITY recommendation: Do not pass. Signed by Senator Wilson, J., Ranking Member.

Referred to Committee on Rules for second reading.

March 24, 2021

ESHB 1329 Prime Sponsor, Committee on Local Government: Concerning public meeting accessibility and participation. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Wilson, J., Ranking Member; Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Referred to Committee on Rules for second reading.

SEVENTY FOURTH DAY, MARCH 25, 2021

2021 REGULAR SESSION

March 24, 2021

SHB 1373 Prime Sponsor, Committee on Education: Promoting student access to information about behavioral health resources. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

Referred to Committee on Rules for second reading.

March 24, 2021

ESHB 1443 Prime Sponsor, Committee on Commerce & Gaming: Concerning social equity within the cannabis industry. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

Referred to Committee on Rules for second reading.

March 24, 2021

EHB 1453 Prime Sponsor, Representative Bergquist: Concerning voters' pamphlets. Reported by Committee on State Government & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hunt, Chair; Kuderer, Vice Chair and Hasegawa.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, J., Ranking Member and Hawkins.

Referred to Committee on Rules for second reading.

March 24, 2021

EHB 1471 Prime Sponsor, Representative Santos: Concerning community preservation and development authorities. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett; Salomon and Warnick.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9012 BETHANY S. RIVARD, reappointed on June 20, 2017, for the term ending June 30, 2021, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9027 REGINALD GEORGE, appointed on February 5, 2018, for the term ending July 1, 2022, as Member of the Washington State School for the Blind Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9032 ALICIA R. LEVY, appointed on March 16, 2018, for the term ending June 30, 2023, as Member of the Gambling Commission. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford and Schoesler.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9041 JUANITA J. KAMPHUIS, reappointed on July 23, 2018, for the term ending July 1, 2023, as Member of the Washington Center for Deaf and Hard of Hearing Youth. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9042 MARIA J. CHRISTIANSON, reappointed on July 27, 2018, for the term ending July 1, 2023, as Member of the Washington Center for Deaf and Hard of Hearing Youth. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9047 DENNIS W. MATHEWS, reappointed on September 6, 2018, for the term ending July 1, 2023, as Member of the Washington State School for the Blind Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9050 NANCY L. MCDANIEL, reappointed on September 25, 2018, for the term ending July 1, 2023, as Member of the Washington State School for the Blind Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9057 BRENT L. STARK, appointed on October 18, 2018, for the term ending July 1, 2023, as Member of the Washington State School for the Blind Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9061 LILY CLIFTON, appointed on November 8, 2018, for the term ending July 1, 2023, as Member of the Washington State School for the Blind Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9073 MICHELLE L. MILNE, appointed on February 7, 2019, for the term ending June 30, 2022, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9074 ADAM L. AGUILERA, appointed on February 14, 2019, for the term ending September 30, 2021, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9076 MARISSA WINMILL, reappointed on February 19, 2019, for the term ending September 30, 2021, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

SEVENTY FOURTH DAY, MARCH 25, 2021

2021 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9078 SUSANA REYES, appointed on March 15, 2019, for the term ending January 12, 2022, as Member of the State Board of Education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9090 TENESHA FREMSTAD, appointed on July 16, 2019, for the term ending June 30, 2022, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9094 AMY L. FROST, reappointed on July 15, 2019, for the term ending June 30, 2023, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9124 F. MARIBEL VILCHEZ, appointed on November 19, 2019, for the term ending June 30, 2023, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles,

Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9125 WESLEY HENSON, appointed on November 20, 2019, for the term ending July 1, 2024, as Member of the Washington Center for Deaf and Hard of Hearing Youth. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9135 JENNIFER G. ACUNA, appointed on December 17, 2019, for the term ending July 1, 2024, as Member of the Washington Center for Deaf and Hard of Hearing Youth. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9136 ROBERT HAND, appointed on January 20, 2020, for the term ending June 30, 2023, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9155 ANN M. ROBBINS, appointed on February 4, 2020, for the term ending June 30, 2022, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9157 MARK R. BUSTO, reappointed on February 18, 2020, for the term ending September 8, 2024, as Member of the Public Employment Relations Commission. Reported by Committee on Labor, Commerce & Tribal Affairs

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Conway, Vice Chair, Labor; Stanford, Vice Chair, Commerce & Tribal Affairs; King, Ranking Member; Robinson and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9187 NANCY K. FITTA, reappointed on July 31, 2020, for the term ending July 1, 2025, as Member of the Washington Center for Deaf and Hard of Hearing Youth. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9188 ALLIE M. JOINER, appointed on July 31, 2020, for the term ending July 1, 2025, as Member of the Washington Center for Deaf and Hard of Hearing Youth. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9189 NANCY J. SINKOVITZ, reappointed on July 31, 2020, for the term ending July 1, 2025, as Member of the Washington Center for Deaf and Hard of Hearing Youth. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9254 HARIUM J. MARTIN-MORRIS, reappointed on January 13, 2021, for the term ending January 12, 2025, as Member of the State Board of Education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

March 24, 2021

SGA 9255 KEVIN K. WANG, reappointed on January 13, 2021, for the term ending January 12, 2025, as Member of the State Board of Education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt; Mullet and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Referred to Committee on Rules for second reading.

#### SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

Pursuant to Senate Rule 45(13), notice was received from the Committee on Health & Long Term Care that the following measures had been re-referred to the Subcommittee on Behavioral Health:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1477.

#### MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

SEVENTY FOURTH DAY, MARCH 25, 2021

2021 REGULAR SESSION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 24, 2021

MR. PRESIDENT:  
The House has passed:

SENATE BILL NO. 5021,  
SUBSTITUTE SENATE BILL NO. 5055,  
SENATE BILL NO. 5058,  
SENATE BILL NO. 5077,  
SUBSTITUTE SENATE BILL NO. 5179,  
SENATE BILL NO. 5198,  
SENATE BILL NO. 5322,  
SENATE BILL NO. 5338,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the eighth order of business.

MOTION

Senator Dhingra moved adoption of the following resolution:

SENATE RESOLUTION  
8610

By Senators Dhingra

WHEREAS, The pandemic saw a large rise in violence and animus targeting Asian American people across Washington and across this country; and

WHEREAS, It is clear that this violence has been founded on anti-Asian xenophobia and specifically targeted towards Asian and Pacific Islander individuals because of their race, affiliation, or appearance; and

WHEREAS, There have been 3,800 instances of reported hate incidents against Asian Americans and Pacific Islanders, AAPI, people across the country within the last year, a 150 percent increase and a trend which is reflected in our own state; and

WHEREAS, We recognize Noriko Nasu, a Japanese American high school teacher who is still recovering from an attack in the Chinatown International District during which an assailant used a rock to render her unconscious, fracture her nose, and break her teeth; and

WHEREAS, We recognize the 25 year old Asian American woman in Seattle who was pushed and told Asian people "need to be put in their place," and the Asian American couple who were threatened with an airsoft gun and told to "Go back to [their] country"; and

WHEREAS, We recognize William Barreto, a Filipino Chinese American, who recently experienced a stranger spitting in his face while being told the pandemic is "his fault"; and

WHEREAS, We recognize the numerous targeted vandalisms of Asian American homes, businesses, and places of worship—places where people are meant to feel safe and welcomed; and

WHEREAS, We understand that many members of the Asian American community have expressed feeling so unsafe in their communities that they feel the need to be accompanied in public so as to avoid assault or threat; and

WHEREAS, We acknowledge the ongoing grief and fear of the AAPI community as they grapple with these continued acts of hate and confront the fact that they are rooted in a long, detailed past of violent and discriminatory practices against people of Asian descent; and

WHEREAS, When we, as a state, acknowledge how we arrived at this painful moment, we must include Washington's significant, documented history of segregating Asian Americans from our cities and communities; and

WHEREAS, We must remember the history of brutal assaults on Asian Americans and abhorrent policies instituted against them in Washington, such as the Chinese Exclusion Act of 1882, the 1885 Squak Valley attack on Chinese laborers, the Seattle riots of 1886 which lead to the expulsion of 350 Chinese residents from Seattle, the 1886 Washington constitutional provision which barred Asian immigrants from applying for citizenship or owning property, the internment of Japanese Americans during the Second World War, and the Wah Mee Massacre of 1983 that claimed 13 Asian American lives; and

WHEREAS, Today, Washington is home to over 870,000 members of the AAPI community; and

WHEREAS, In spite of this traumatic history, the AAPI community has contributed invaluable accomplishments to the state of Washington; and

WHEREAS, In 1962, Wing Luke was the first Asian American to hold elected office in Washington state, with many following after him, including Governor Gary Locke and some of the members of this body today; and

WHEREAS, Washington's AAPI community is an integral part of our state, comprising accomplished individuals of all trades and talents, as evinced by our education system, art scene, thriving international districts, local businesses, and vibrant festivals; and

WHEREAS, Nobody who calls Washington home should live in fear because of who they are, how they are perceived, or what part of the world they or their families came from;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate stand in solidarity with the AAPI community against the acts of violence, hate speech, and displays of intolerance that they have experienced as a result of rampant anti-AAPI rhetoric; and

BE IT FURTHER RESOLVED, That Washington State Senate honor, respect, and value the contributions of our AAPI residents, seek to reduce the risk of harm or threat, stand in support of our communities as they heal, and express compassion and kindness for our residents, and to protect their right to justice.

Senators Dhingra, Wagoner, Salomon, Kuderer, Short and Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8610.

The motion by Senator Dhingra carried and the resolution was adopted by voice vote.

MOTIONS

Senator Liias moved that all members names be added to Senate Resolution No. 8610.

At 12:53 p.m., on motion of Senator Liias, the Senate adjourned until 10:30 a.m. Friday, March 26, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SEVENTY FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia  
Friday, March 26, 2021

The Senate was called to order at 10:30 a.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

March 26, 2021

The President has signed:

SENATE BILL NO. 5021,  
SUBSTITUTE SENATE BILL NO. 5055,  
SENATE BILL NO. 5058,  
SENATE BILL NO. 5077,  
SUBSTITUTE SENATE BILL NO. 5179,  
SENATE BILL NO. 5198,  
SENATE BILL NO. 5322,  
and SENATE BILL NO. 5338.

MOTION

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 25, 2021

E2SHB 1015 Prime Sponsor, Committee on Finance: Creating the Washington equitable access to credit act. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass as amended. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

Referred to Committee on Ways & Means.

March 25, 2021

E2SHB 1089 Prime Sponsor, Committee on Appropriations: Concerning compliance audits of requirements relating to peace officers and law enforcement agencies. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall;

Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

March 25, 2021

HB 1096 Prime Sponsor, Representative Schmick: Concerning nonmedicare plans offered through the Washington state health insurance pool. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

March 25, 2021

2SHB 1127 Prime Sponsor, Committee on Appropriations: Protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Carlyle, Chair; Das; Hobbs; Liias; Nguyen; Sheldon; Stanford and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brown.

Referred to Committee on Ways & Means.

March 25, 2021

HB 1143 Prime Sponsor, Representative Rude: Authorizing the placement of water rights banked pursuant to RCW 90.92.070 into the trust water rights program. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

March 25, 2021

SEVENTY FIFTH DAY, MARCH 26, 2021

2021 REGULAR SESSION

2SHB 1168 Prime Sponsor, Committee on Appropriations: Concerning long-term forest health and the reduction of wildfire dangers. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Ways & Means.

March 25, 2021

SHB 1170 Prime Sponsor, Committee on Community & Economic Development: Concerning building economic strength through manufacturing. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

Referred to Committee on Ways & Means.

March 25, 2021

HB 1172 Prime Sponsor, Representative Lekanoff: Recognizing judicially affirmed and treaty-reserved fishing rights and promoting state-tribal cooperative agreements in the management of salmon, trout, and steelhead resources. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

Referred to Committee on Rules for second reading.

March 25, 2021

EHB 1192 Prime Sponsor, Representative Goodman: Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

March 25, 2021

SHB 1209 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning immunity protection for nonmedical assistance. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

March 25, 2021

E2SHB 1220 Prime Sponsor, Committee on Appropriations: Supporting emergency shelters and housing through local planning and development regulations. Reported by Committee on Housing & Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland; Lovelett and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member and Warnick.

Referred to Committee on Ways & Means.

March 25, 2021

E2SHB 1258 Prime Sponsor, Committee on Appropriations: Concerning the operation, authorization, and permitting of microenterprise home kitchens. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Rolfes and Stanford.

MINORITY recommendation: Do not pass. Signed by Senators Warnick, Ranking Member; Honeyford and Short.

Referred to Committee on Ways & Means.

March 25, 2021

SHB 1259 Prime Sponsor, Committee on Appropriations: Expanding public contracting opportunities for women and minority business enterprises by increasing the regulatory oversight and accountability of the office of minority and women's business enterprises. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

Referred to Committee on Ways & Means.

March 25, 2021

E2SHB 1295 Prime Sponsor, Committee on Appropriations: Providing public education to youth in or released from institutional education facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

March 25, 2021

HB 1296 Prime Sponsor, Representative Young: Providing a business and occupation tax preference for behavioral health administrative services organizations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

March 25, 2021

E2SHB 1320 Prime Sponsor, Committee on Appropriations: Modernizing, harmonizing, and improving the efficacy and accessibility of laws concerning civil protection orders. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Darneille; Kuderer and Salomon.

MINORITY recommendation: Do not pass. Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member and Holy.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

Referred to Committee on Ways & Means.

March 25, 2021

E2SHB 1335 Prime Sponsor, Committee on Appropriations: Concerning review and property owner notification of recorded documents with unlawful racial restrictions. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

Referred to Committee on Ways & Means.

March 25, 2021

ESHB 1336 Prime Sponsor, Committee on Community & Economic Development: Creating and expanding unrestricted authority for public entities to provide telecommunications services to end users. Reported by Committee on Environment, Energy & Technology

MAJORITY recommendation: Do pass as amended. Signed by Senators Lovelett, Vice Chair; Das; Hobbs; Liias; Nguyen; Sheldon and Stanford.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle, Chair and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen, Ranking Member; Brown and Short.

Referred to Committee on Rules for second reading.

March 25, 2021

EHB 1342 Prime Sponsor, Representative Berg: Eliminating lunch copays for students who qualify for reduced-price lunches. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital Schoesler, Assistant Ranking Member, Capital.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

March 25, 2021

SHB 1348 Prime Sponsor, Committee on Health Care & Wellness: Providing medical assistance to incarcerated persons. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass as amended. Signed by Senators Gildon, Ranking Member; Darneille, Chair; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Wilson, C.

Referred to Committee on Rules for second reading.

March 25, 2021

SHB 1356 Prime Sponsor, Committee on Education: Prohibiting the inappropriate use of Native American names, symbols, or images as public school mascots, logos, or team names. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Rivers; Van De Wege; Wagoner and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating; Muzzall and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

March 25, 2021

SEVENTY FIFTH DAY, MARCH 26, 2021

2021 REGULAR SESSION

ESHB 1370 Prime Sponsor, Committee on Capital Budget: Concerning grants for early learning facilities. Reported by Committee on Ways & Means

Chair; Warnick, Ranking Member; Honeyford; Rolfes; Short and Stanford.

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

March 25, 2021

March 25, 2021

HB 1399 Prime Sponsor, Representative Vick: Reducing barriers to professional licensure for individuals with previous criminal convictions. Reported by Committee on Business, Financial Services & Trade

EHB 1482 Prime Sponsor, Representative Walsh: Addressing foreclosure protections for homeowners in common interest communities. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Hobbs and Wilson, L.

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

March 25, 2021

March 25, 2021

SHB 1416 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning the reporting of debt information by insurers to enhance the collection of past-due child support. Reported by Committee on Law & Justice

ESHB 1512 Prime Sponsor, Committee on Finance: Concerning lodging-related assessments under chapter 35.87A RCW. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Carlyle; Conway; Darneille; Dhingra; Gildon; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Warnick and Wellman.

Referred to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Braun and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Hasegawa.

Referred to Committee on Rules for second reading.

March 25, 2021

March 25, 2021

SHB 1424 Prime Sponsor, Committee on Consumer Protection & Business: Concerning consumer protection with respect to the sale of dogs and cats. Reported by Committee on Business, Financial Services & Trade

SHB 1514 Prime Sponsor, Committee on Transportation: Addressing transportation demand management. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Frockt and Hobbs.

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; Cleveland; Das; Fortunato; Lovelett; Nguyen; Nobles; Randall; Sheldon; Wilson, J. and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators Dozier, Ranking Member; Brown and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member; Hawkins and Padden.

Referred to Committee on Rules for second reading.

Referred to Committee on Ways & Means.

March 25, 2021

March 25, 2021

HB 1430 Prime Sponsor, Representative Kloba: Concerning the duration of state upland leases for lands managed by the department of natural resources. Reported by Committee on Agriculture, Water, Natural Resources & Parks

HB 1525 Prime Sponsor, Representative Walen: Concerning enforcement of judgments. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Van De Wege, Chair; Salomon, Vice

MAJORITY recommendation: Do pass. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

March 25, 2021

SGA 9128 NORRIS "NORRIE" GREGOIRE, appointed on December 4, 2019, for the term ending August 2, 2022, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

March 25, 2021

SGA 9142 TONY F. GOLIK, reappointed on January 15, 2020, for the term ending August 2, 2022, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

March 25, 2021

SGA 9238 JON TUNHEIM, appointed on October 30, 2020, for the term ending August 2, 2023, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; McCune, Assistant Ranking Member; Darneille; Holy; Kuderer; Salomon and Wagoner.

Referred to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

On motion of Senator Liias, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SB 5477 by Senator King

AN ACT Relating to winery workforce development; and amending RCW 66.44.318.

Referred to Committee on Labor, Commerce & Tribal Affairs.

SB 5478 by Senators Keiser and Mullet

AN ACT Relating to unemployment insurance relief for certain employers; adding a new section to chapter 50.16 RCW; adding new sections to chapter 50.29 RCW; creating

new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

#### MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5478 which was designated to the Committee on Labor, Commerce & Tribal Affairs and referred to the Committee on Ways & Means.

At 10:32 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

---

#### AFTERNOON SESSION

---

The Senate was called to order at 2:57 p.m. by President Heck.

#### MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

#### SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 25, 2021

SB 5165 Prime Sponsor, Senator Hobbs: Making transportation appropriations for the 2021-2023 fiscal biennium. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5165 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

March 26, 2021

ESHB 1141 Prime Sponsor, Committee on Health Care & Wellness: Increasing access to the death with dignity act. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Holy; Padden; Rivers and Wilson, J.

Referred to Committee on Rules for second reading.

March 26, 2021

E2SHB 1152 Prime Sponsor, Committee on Appropriations: Establishing comprehensive health services districts. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

SEVENTY FIFTH DAY, MARCH 26, 2021

2021 REGULAR SESSION

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Holy; Padden; Rivers and Wilson, J.

Referred to Committee on Ways & Means.

March 26, 2021

ESHB 1196 Prime Sponsor, Committee on Health Care & Wellness: Concerning audio-only telemedicine. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Muzzall, Ranking Member; Cleveland, Chair; Conway; Holy; Keiser; Padden; Randall; Rivers; Robinson; Van De Wege and Wilson, J.

Referred to Committee on Ways & Means.

March 26, 2021

E2SHB 1272 Prime Sponsor, Committee on Appropriations: Concerning health system transparency. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Holy; Padden; Rivers and Wilson, J.

Referred to Committee on Ways & Means.

March 26, 2021

SHB 1276 Prime Sponsor, Committee on Health Care & Wellness: Providing for certain emergency medical services personnel to work in diversion centers. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Frockt; Nobles and Warnick.

Referred to Committee on Rules for second reading.

March 26, 2021

SHB 1314 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning veteran diversion from involuntary commitment. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass. Signed by Senators Dhingra, Chair; Wagoner, Ranking Member; Frockt; Nobles and Warnick.

Referred to Committee on Rules for second reading.

March 26, 2021

SHB 1323 Prime Sponsor, Committee on Health Care & Wellness: Concerning the long-term services and supports trust program. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Holy; Padden; Rivers and Wilson, J.

Referred to Committee on Rules for second reading.

March 26, 2021

SHB 1411 Prime Sponsor, Committee on Health Care & Wellness: Expanding health care workforce eligibility. Reported by Committee on Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair; Cleveland, Chair; Conway; Keiser; Randall; Robinson and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Muzzall, Ranking Member; Padden; Rivers and Wilson, J.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Holy.

Referred to Committee on Rules for second reading.

March 26, 2021

E2SHB 1477 Prime Sponsor, Committee on Appropriations: Implementing the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services. Reported by Committee on Behavioral Health Subcommittee to Health & Long Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Dhingra, Chair; Frockt; Nobles and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner, Ranking Member.

Referred to Committee on Ways & Means.

#### MOTIONS

On motion of Liias, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5165 which was designated to the Committee on Agriculture, Water, Natural Resources & Parks and placed on the 2<sup>nd</sup> Reading Calendar.

At 3:01 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Monday, March 29, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SEVENTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia  
Monday, March 29, 2021

The Senate was called to order at 10:01 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Annika Sturgeon and Mr. Jensen Becker-Brown led the Senate in the Pledge of Allegiance. Miss Sturgeon and Mr. Becker are both students at Lake Washington High School, Kirkland and guests of Senator Dhingra.

The prayer was offered by Father Peter Tynan of Saint Martin's University, Lacey. Father Tynan was a guest of Senator Padden.

MOTIONS

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 27, 2021

SB 5083 Prime Sponsor, Senator Frockt: Concerning the capital budget. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5083 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

March 27, 2021

SB 5084 Prime Sponsor, Senator Frockt: Concerning state general obligation bonds and related accounts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5084 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

March 27, 2021

2SHB 1044 Prime Sponsor, Committee on Appropriations: Creating prison to postsecondary education pathways. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Rivers; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital and Gildon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Muzzall; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

March 27, 2021

SHB 1107 Prime Sponsor, Committee on Transportation: Expanding certain nonresident vessel permit provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

March 27, 2021

ESHB 1332 Prime Sponsor, Committee on Finance: Concerning property tax deferral during the COVID-19 pandemic. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Gildon; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Dhingra.

March 28, 2021

Referred to Committee on Rules for second reading.

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1151. and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 28, 2021

March 27, 2021  
ESHB 1521 Prime Sponsor, Committee on Finance: Supporting warehousing and manufacturing job centers. Reported by Committee on Ways & Means

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078,  
SUBSTITUTE HOUSE BILL NO. 1114,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTIONS

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

On motion of Senator Billig, and without objection, pursuant to Emergency Senate Rule J, the Committee on Rules was relieved of Senate Bill No. 5083 and Senate Bill No. 5084 and the bills were placed on the 2<sup>nd</sup> Reading Calendar.

Senator Billig moved that the calendar be constituted and that for the purposes of Senate Rule No. 53, Senate Bill No. 5083 be considered to have been placed on the 2<sup>nd</sup> Reading Calendar as of 10:08 a.m., Monday, March 29, 2011. The motion carried without objection.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle and Muzzall.

Referred to Committee on Rules for second reading.

MOTION

MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

On motion of Senator Liias, the Senate advanced to the fourth order of business.

At 10:08 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

MESSAGES FROM THE HOUSE

March 28, 2021

MR. PRESIDENT:  
The Speaker has signed:

SENATE BILL NO. 5021,  
SUBSTITUTE SENATE BILL NO. 5055,  
SENATE BILL NO. 5058,  
SENATE BILL NO. 5077,  
SUBSTITUTE SENATE BILL NO. 5179,  
SENATE BILL NO. 5198,  
SENATE BILL NO. 5322,  
SENATE BILL NO. 5338,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 28, 2021

MR. PRESIDENT:  
The House has passed:

SUBSTITUTE SENATE BILL NO. 5267,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 28, 2021

MR. PRESIDENT:  
The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1157,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1277,

and the same are herewith transmitted.

----

The Senate was called to order at 11:09 a.m. by President Heck.

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5165, by Senators Hobbs, King, Nobles, Saldaña, and Wilson, C.

Making transportation appropriations for the 2021-2023 fiscal biennium.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5165 was substituted for Senate Bill No. 5165 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Saldaña moved that the following floor amendment no. 494 by Senator Saldaña be adopted:

On page 24, after line 29, insert the following:

"(6) \$750,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute Senate Bill No. 5141), Laws of 2021 (environmental justice task force recommendations). If chapter . . . (Engrossed Second Substitute Senate Bill No. 5141), Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses."

Senator Saldaña spoke in favor of adoption of the amendment. Senators Hobbs and King spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 494 by Senator Saldaña on page 24, line 29 to Substitute Senate Bill No. 5165.

The motion by Senator Saldaña did not carry and floor amendment no. 494 was not adopted by voice vote.

#### MOTION

Senator Rolfes moved that the following floor amendment no. 495 by Senator Rolfes be adopted:

Beginning on page 37, line 39, after "for" strike all material through "driveways." on page 38, line 7, and insert "SR 104 highway traffic control in Kingston during overloaded ferry travel times, with a particular focus on Sundays, Mondays, and holiday/festival weekends. The schedule for this coverage shall include approximately 1,500 officer resource hours per calendar year. Traffic control methods should include issuing boarding passes, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston area residents and business owners have access to businesses, roads, and driveways."

Senator Rolfes spoke in favor of adoption of the amendment. Senators Hobbs and King spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 495 by Senator Rolfes on page 37, line 39 to Substitute Senate Bill No. 5165.

The motion by Senator Rolfes did not carry and floor amendment no. 495 was not adopted by voice vote.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Liias and without objection, floor amendment no. 496 by Senator Liias on page 38, line 11 to Substitute Senate Bill No. 5165 was withdrawn.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5165 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5165.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5165 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato,

Froct, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1078,  
SUBSTITUTE HOUSE BILL NO. 1114,  
and SUBSTITUTE HOUSE BILL NO. 1151.

#### SECOND READING

SENATE BILL NO. 5232, by Senator King

Limiting bonding toll revenues on certain state highway facilities.

The measure was read the second time.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Hobbs and without objection, floor amendment no. 417 by Senator Hobbs Senate Bill No. 5232 was withdrawn.

#### MOTION

Senator Saldaña moved that the following floor amendment no. 451 by Senator Saldaña be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.10.897 and 2019 c 421 s 3 are each amended to read as follows:

(1) Upon the request of the department, the state finance committee shall supervise and provide for the issuance, sale, and retirement of bonds authorized by chapter 421, Laws of 2019 in accordance with chapter 39.42 RCW. Bonds authorized by chapter 421, Laws of 2019 shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

(2) Bonds supported by revenues in the Interstate 405 and state route number 167 express toll lanes account may not be issued until (a) after January 1, 2023, and (b)(i) toll revenue levels in the account have returned to a level of \$8,500,000 in a single quarter as reported in the department's quarterly revenue and expenditure reports or (ii) the state treasurer determines that the toll revenue levels are sufficient to meet the financial obligation for the Interstate 405 and state route number 167 express toll lanes provided in RCW 47.10.899.

(3) Bonds supported by revenues in the Puget Sound Gateway facility account may not be issued until (a) after January 1, 2023, and (b) the state treasurer determines that the toll revenue levels

SEVENTY EIGHTH DAY, MARCH 29, 2021

2021 REGULAR SESSION

will be sufficient to meet the financial obligation for the Puget Sound Gateway facility provided in RCW 47.10.899.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 47.10.897; and declaring an emergency."

Senators Saldaña and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 451 by Senator Saldaña to Senate Bill No. 5232.

The motion by Senator Saldaña carried and floor amendment no. 451 was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Senate Bill No. 5232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5232.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5232 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Stanford

ENGROSSED SENATE BILL NO. 5232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1068, by House Committee on State Government & Tribal Relations (originally sponsored by Dolan, Valdez, Kloba, Gregerson and Wylie)

Exempting election security information from public records disclosure.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 1068 was advanced to third

reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1068.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1068 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Brown, Dozier, Ericksen, Fortunato, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109, by House Committee on Public Safety (originally sponsored by Orwall, Mosbrucker, Simmons, Goodman, Leavitt, Valdez, Kloba, Graham, Morgan, Caldier, Rule and Macri)

Concerning victims of sexual assault.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be not adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 5.70 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the association must, in consultation with the office of the attorney general, collect information on the investigational status of any sexual assault case where the sexual assault kit was in the possession of the law enforcement agency and a request for forensic examination had not been submitted by the law enforcement agency to the Washington state patrol crime laboratory as of July 24, 2015. The association must work with law enforcement agencies to update the investigational status of each open case not less than semiannually. Beginning in 2022, the association must submit reports on the information collected pursuant to this section to the governor and appropriate committees of the legislature by January 1st and July 1st of each year.

(2) For the purposes of this section:

(a) "Association" means the Washington association of sheriffs and police chiefs.

(b) "Investigational status" means:

- (i) The agency case or incident number;
- (ii) The date the request for forensic examination of the sexual assault kit was submitted to the Washington state patrol crime laboratory;
- (iii) The date the forensic examination was complete and reported to the law enforcement agency;
- (iv) Whether the case is open or closed;
- (v) For open cases, whether the case remains:
  - (A) An active investigation;
  - (B) Open pending forensic examination results; or
  - (C) Open and inactive, in which case the agency must include a brief description as to why the case is inactive; and
- (vi) For closed cases, whether the case was closed as a result of:
  - (A) A referral for prosecution where charges were filed or the prosecutor is reviewing the case;
  - (B) A referral for prosecution where the prosecutor declined to file charges based on the case being legally insufficient;
  - (C) A referral for prosecution where the prosecutor declined to file charges because the case failed to meet prosecutorial charging standards;
  - (D) After reviewing the results of the forensic examination, there was no evidence that a crime occurred, or there was lack of probable cause that a crime occurred;
  - (E) The inability to locate the victim or lack of victim participation; or
  - (F) Any other reason, in which case the agency must include a brief description as to why the case closed.

(3) Nothing in this section may be interpreted to require any law enforcement agency to disclose any information that would jeopardize an active criminal investigation.

NEW SECTION. Sec. 2. A new section is added to chapter 5.70 RCW to read as follows:

(1) For any sexual assault kit under RCW 5.70.050 where forensic analysis has generated a profile that has resulted in a hit in the combined DNA index system, the office of the attorney general may request information from the applicable law enforcement agency and prosecuting attorney as to the case status of any related criminal investigation and prosecution, including information as provided under section 1(2)(b) of this act as well as any other relevant information. The law enforcement agency and prosecuting attorney shall provide requested case status updates to the office of the attorney general. The office of the attorney general shall consult with the Washington association of sheriffs and police chiefs when developing any procedures for requesting and collecting case status updates under this section.

(2) Nothing in this section may be interpreted to require any law enforcement agency or prosecuting attorney to disclose any information that would jeopardize an active criminal investigation or prosecution.

Sec. 3. RCW 43.101.278 and 2020 c 26 s 8 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall ~~((develop a proposal for a))~~ conduct an annual case review program. The ~~((commission shall research, design, and develop case review strategies designed to optimize outcomes in sexual assault investigations through improved))~~ program must review case files from law enforcement agencies and prosecuting attorneys selected by the commission in order to identify changes to training and investigatory practices necessary to optimize outcomes in sexual assault investigations and prosecutions involving adult victims. The ~~((proposed))~~ program must ((evaluate)) include:

(a) An evaluation of whether current training and practices foster a trauma-informed, victim-centered approach to victim interviews and that identifies best practices and current gaps in

training and assesses the integration of the community resiliency model((The program will include a));

(b) A comparison of cases involving investigators and interviewers who have participated in training to cases involving investigators and interviewers who have not participated in training((The program will also include other randomly));

(c) Randomly selected cases for a systematic review to assess whether current practices conform to national best practices for a multidisciplinary approach to investigating sexual assault cases and interacting with survivors; and

(d) An analysis of the impact that race and ethnicity have on sexual assault case outcomes.

(2) The case review program may review and access files, including all reports and recordings, pertaining to closed cases involving allegations of adult sexual assault only. Any law enforcement agency or prosecuting attorney selected for the program by the commission shall make requested case files and other documents available to the commission, provided that the case files are not linked to ongoing, open investigations and that redactions may be made where appropriate and necessary. Agencies and prosecuting attorneys shall include available information on the race and ethnicity of all sexual assault victims in the relevant case files provided to the commission. Case files and other documents must be made available to the commission according to appropriate deadlines established by the commission in consultation with the agency or prosecuting attorney.

(3) If a law enforcement agency has not participated in the training under RCW 43.101.272 by July 1, 2022, the commission may prioritize the agency for selection to participate in the program under this section.

(4) In designing and conducting the program, the commission shall consult and collaborate with experts in trauma-informed and victim-centered training, experts in sexual assault investigations and prosecutions, victim advocates, and other stakeholders identified by the commission. The commission may form a multidisciplinary working group for the purpose of carrying out the requirements of this section.

~~((3))~~ (5) The commission shall submit a report with a summary of its ((proposal)) work to the governor and the appropriate committees of the legislature by December ((4, 2020)) 1st of each year.

~~((4 This section expires July 1, 2021.))~~

Sec. 4. RCW 70.125.110 and 2019 c 93 s 9 are each amended to read as follows:

(1) In addition to all other rights provided in law, a sexual assault survivor has the right to:

(a) Receive a medical forensic examination at no cost;

(b) Receive written notice of the right under (a) of this subsection and that he or she may be eligible for other benefits under the crime victim compensation program, through a form developed by the office of crime victims advocacy, from the medical facility providing the survivor medical treatment relating to the sexual assault;

(c) Receive a referral to an accredited community sexual assault program or, in the case of a survivor who is a minor, receive a connection to services in accordance with the county child sexual abuse investigation protocol under RCW 26.44.180, which may include a referral to a children's advocacy center, when presenting at a medical facility for medical treatment relating to the assault and also when reporting the assault to a law enforcement officer;

(d) Consult with a sexual assault survivor's advocate throughout the investigatory process and prosecution of the survivor's case, including during ((any)); Any medical evidentiary examination ((and during)) at a medical facility; any interview by law enforcement officers, prosecuting attorneys, or

SEVENTY EIGHTH DAY, MARCH 29, 2021

2021 REGULAR SESSION

defense attorneys(~~(unless an advocate cannot be summoned in a timely manner,))~~; and court proceedings, except while providing testimony in a criminal trial, in which case the advocate may be present in the courtroom. Medical facilities, law enforcement officers, prosecuting attorneys, defense attorneys, courts and other applicable criminal justice agencies, including correctional facilities, are responsible for providing advocates access to facilities where necessary to fulfill the requirements under this subsection. The right in this subsection applies regardless of whether a survivor has waived the right in a previous examination or interview;

~~((e))~~ (e) Be informed, upon the request of a survivor, of when the forensic analysis of his or her sexual assault kit and other related physical evidence will be or was completed, the results of the forensic analysis, and whether the analysis yielded a DNA profile and match, provided that the disclosure is made at an appropriate time so as to not impede or compromise an ongoing investigation;

~~((f))~~ (f) Receive notice prior to the destruction or disposal of his or her sexual assault kit;

~~((g))~~ (g) Receive a copy of the police report related to the investigation without charge; ~~(and~~

~~(h))~~ (h) Review his or her statement before law enforcement refers a case to the prosecuting attorney;

(i) Receive timely notifications from the law enforcement agency and prosecuting attorney as to the status of the investigation and any related prosecution of the survivor's case;

(j) Be informed by the law enforcement agency and prosecuting attorney as to the expected and appropriate time frames for receiving responses to the survivor's inquiries regarding the status of the investigation and any related prosecution of the survivor's case; and further, receive responses to the survivor's inquiries in a manner consistent with those time frames;

(k) Access interpreter services where necessary to facilitate communication throughout the investigatory process and prosecution of the survivor's case; and

(l) Where the sexual assault survivor is a minor, have:

(i) The prosecutor consider and discuss the survivor's requests for remote video testimony under RCW 9A.44.150 when appropriate; and

(ii) The court consider requests from the prosecutor for safeguarding the survivor's feelings of security and safety in the courtroom in order to facilitate the survivor's testimony and participation in the criminal justice process.

(2) A sexual assault survivor retains all the rights of this section regardless of whether the survivor agrees to participate in the criminal justice system and regardless of whether the survivor agrees to receive a forensic examination to collect evidence.

(3) If a survivor is denied any right enumerated in subsection (1) of this section, he or she may seek an order directing compliance by the relevant party or parties by filing a petition in the superior court in the county in which the sexual assault occurred and providing notice of such petition to the relevant party or parties. Compliance with the right is the sole remedy available to the survivor. The court shall expedite consideration of a petition filed under this subsection.

(4) Nothing contained in this section may be construed to provide grounds for error in favor of a criminal defendant in a criminal proceeding. Except in the circumstances as provided in subsection (3) of this section, this section does not grant a new cause of action or remedy against the state, its political subdivisions, law enforcement agencies, or prosecuting attorneys. The failure of a person to make a reasonable effort to protect or adhere to the rights enumerated in this section may not result in

civil liability against that person. This section does not limit other civil remedies or defenses of the sexual assault survivor or the offender.

(5) For the purposes of this section:

(a) "Law enforcement officer" means a general authority Washington peace officer, as defined in RCW 10.93.020, or any person employed by a private police agency at a public school as described in RCW 28A.150.010 or an institution of higher education, as defined in RCW 28B.10.016.

(b) "Sexual assault survivor" means any person who is a victim, as defined in RCW 7.69.020, of sexual assault. However, if a victim is incapacitated, deceased, or a minor, sexual assault survivor also includes any lawful representative of the victim, including a parent, guardian, spouse, or other designated representative, unless the person is an alleged perpetrator or suspect.

(c) "Sexual assault survivor's advocate" means any person who is defined in RCW 5.60.060 as a sexual assault advocate, or a crime victim advocate.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "assault;" strike the remainder of the title and insert "amending RCW 43.101.278 and 70.125.110; adding new sections to chapter 5.70 RCW; and declaring an emergency."

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Law & Justice to Engrossed Substitute House Bill No. 1109.

The motion by Senator Pedersen carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Dhingra moved that the following striking floor amendment no. 497 by Senator Dhingra be adopted:

Beginning on page 1, line 5, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 5.70.005 and 2020 c 26 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Amplified DNA" means DNA generated during scientific analysis using a polymerase chain reaction.

(2) "Association" means the Washington association of sheriffs and police chiefs.

(3) "DNA work product" means (a) product generated during the process of scientific analysis of such material, except amplified DNA, material that had been subjected to DNA extraction, screening by-products, and DNA extracts from reference samples; or (b) any material contained on a microscope slide, swab, in a sample tube, cutting, DNA extract, or some other similar retention method used to isolate potential biological evidence that has been collected by law enforcement or a forensic nurse as part of an investigation and prepared for scientific analysis, whether or not it is submitted for scientific analysis and derived from:

- (i) The contents of a sexual assault examination kit;
- (ii) Blood;
- (iii) Semen;
- (iv) Hair;
- (v) Saliva;

- (vi) Skin tissue;
- (vii) Fingerprints;
- (viii) Bones;
- (ix) Teeth; or
- (x) Any other identifiable human biological material or physical evidence.

Notwithstanding the foregoing, "DNA work product" does not include a reference sample collected unless it has been shown through DNA comparison to associate the source of the sample with the criminal case for which it was collected.

~~((3))~~ (4) "Governmental entity" means any general law enforcement agency or any person or organization officially acting on behalf of the state or any political subdivision of the state involved in the collection, examination, tracking, packaging, storing, or disposition of biological material collected in connection with a criminal investigation relating to a felony offense.

~~((4))~~ (5) "Investigational status" means:

- (a) The agency case or incident number;
- (b) The date the request for forensic examination of the sexual assault kit was submitted to the Washington state patrol crime laboratory;
- (c) The date the forensic examination was complete and reported to the law enforcement agency;
- (d) Whether the case is open or closed;
- (e) Whether the case was reopened as a result of the hit in the combined DNA index system;
- (f) For open cases, whether the case remains:
  - (i) An active investigation;
  - (ii) Open pending forensic examination results; or
  - (iii) Open and inactive, in which case the agency must include a brief description as to why the case is inactive; and
- (g) For closed cases, whether the case was closed as a result of:
  - (i) A referral for prosecution where charges were filed or the prosecutor is reviewing the case;
  - (ii) A referral for prosecution where the prosecutor declined to file charges based on the case being legally insufficient;
  - (iii) A referral for prosecution where the prosecutor declined to file charges because the case failed to meet prosecutorial charging standards;
  - (iv) After reviewing the results of the forensic examination, there was no evidence that a crime occurred, or there was lack of probable cause that a crime occurred;
  - (v) The inability to locate the victim or lack of victim participation; or
  - (vi) Any other reason, in which case the agency must include a brief description as to why the case closed.

(6) "Reference sample" means a known sample collected from an individual by a governmental entity for the purpose of comparison to DNA profiles developed in a criminal case.

~~((5))~~ (7) "Screening by-product" means a product or waste generated during examination of DNA evidence, or the screening process of such evidence, that is not intended for long-term storage.

~~((6))~~ (8) "Sexual assault kit" includes all evidence collected during a sexual assault medical forensic examination.

~~((7))~~ (9) "Unreported sexual assault kit" means a sexual assault kit where a law enforcement agency has not received a related report or complaint alleging a sexual assault or other crime has occurred."

On page 2, line 39, after "general" strike "may" and insert "shall"

On page 3, line 4, after "under" strike "section 1(2)(b) of this act" and insert "RCW 5.70.005(5)"

On page 3, line 8, after "the" strike all material through "chiefs" and insert "association"

On page 3, after line 14, insert the following:

"(3) The attorney general's office shall report quarterly to the association the investigational status of any sexual assault kit under RCW 5.70.050.

(4) Beginning in 2022, in consultation with the attorney general's office, the association must submit reports on the information collected pursuant to this section to the governor and appropriate committees of the legislature by January 1st and July 1st of each year."

On page 7, after line 17, insert the following:

"NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, beginning on line 1 of the title, after "assault;" strike "amending RCW 43.101.278 and 70.125.110; and adding new sections to chapter 5.70 RCW" and insert "amending RCW 5.70.005, 43.101.278, and 70.125.110; adding a new section to chapter 5.70 RCW; and declaring an emergency"

Senators Dhingra and Padden spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 497 by Senator Dhingra to Engrossed Substitute House Bill No. 1109.

The motion by Senator Dhingra carried and striking floor amendment no. 497 was adopted by voice vote.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute House Bill No. 1109, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1109 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1109, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1274, by House Committee on Appropriations (originally

SEVENTY EIGHTH DAY, MARCH 29, 2021

sponsored by Hackney, Stokesbary, Robertson, Bateman, Springer, Walen, Leavitt, Berg and Slatter)

2021 REGULAR SESSION

ROLL CALL

Concerning cloud computing solutions.

The measure was read the second time.

## MOTION

On motion of Senator Carlyle, the rules were suspended, Engrossed Second Substitute House Bill No. 1274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1274.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1274 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator McCune

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1480, by House Committee on Appropriations (originally sponsored by MacEwen, Kloba, Sutherland, Robertson, Ormsby, Chambers, Eslick and Tharinger)

Extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus pandemic.

The measure was read the second time.

## MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute House Bill No. 1480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, King and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1480.

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1480 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Darneille, Hasegawa and Wellman

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1206, by House Committee on Labor & Workplace Standards (originally sponsored by Berry, Bronoske, Ramos, Fitzgibbon, Davis, Lovick, Thai, Ortiz-Self, Ormsby, Simmons, Chopp, Callan, Valdez, Macri and Harris-Talley)

Protecting temporary workers.

The measure was read the second time.

## MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 1206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1206.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1206 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Brown, Dozier, Ericksen, Fortunato, Honeyford, McCune, Padden, Schoesler, Wagoner, Warnick and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1237, by Representatives Eslick, Senn, Leavitt, Callan, Ortiz-Self, Rude, Davis, Santos, Rule, Goodman and Riccelli

Defining family resource centers.

The measure was read the second time.

#### MOTION

On motion of Senator Darneille, the rules were suspended, House Bill No. 1237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1237.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1237 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1383, by House Committee on Health Care & Wellness (originally sponsored by Taylor, Stonier, Dolan, J. Johnson, Leavitt, Simmons, Berry, Fitzgibbon, Sells, Ryu, Berg, Ormsby, Macri and Morgan)

Concerning respiratory care practitioners.

The measure was read the second time.

#### MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.89.010 and 1997 c 334 s 1 are each amended to read as follows:

The legislature finds that in order to safeguard life, health, and to promote public welfare, a person practicing or offering to practice respiratory care as a respiratory care practitioner in this state shall be required to submit evidence that he or she is qualified to practice, and shall be licensed as provided. The settings for these services may include, health facilities licensed

in this state, clinics, home care, home health agencies, physicians' offices, ~~((and))~~ public or community health services, and services provided through telemedicine to patients in these settings. Nothing in this chapter shall be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person certified under this chapter.

**Sec. 2.** RCW 18.89.020 and 2011 c 235 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Direct supervision" means a health care practitioner is continuously on-site and physically present in the treatment operatory while the procedures are performed by the respiratory care practitioner.

(3) "Health care practitioner" means:

(a) A physician licensed under chapter 18.71 RCW;

(b) An osteopathic physician or surgeon licensed under chapter 18.57 RCW; or

(c) Acting within the scope of their respective licensure, a podiatric physician and surgeon licensed under chapter 18.22 RCW, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A RCW, a physician assistant licensed under chapter 18.71A RCW, or an osteopathic physician assistant licensed under chapter 18.57A RCW.

~~((3))~~ (4) "Respiratory care practitioner" means an individual licensed under this chapter.

~~((4))~~ (5) "Secretary" means the secretary of health or the secretary's designee.

**Sec. 3.** RCW 18.89.020 and 2020 c 80 s 20 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Direct supervision" means a health care practitioner is continuously on-site and physically present in the treatment operatory while the procedures are performed by the respiratory care practitioner.

(3) "Health care practitioner" means:

(a) A physician licensed under chapter 18.71 RCW;

(b) An osteopathic physician or surgeon licensed under chapter 18.57 RCW; or

(c) Acting within the scope of their respective licensure, a podiatric physician and surgeon licensed under chapter 18.22 RCW, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A RCW, or a physician assistant licensed under chapter 18.71A RCW.

~~((3))~~ (4) "Respiratory care practitioner" means an individual licensed under this chapter.

~~((4))~~ (5) "Secretary" means the secretary of health or the secretary's designee.

**Sec. 4.** RCW 18.89.040 and 2011 c 235 s 2 are each amended to read as follows:

(1) A respiratory care practitioner licensed under this chapter is employed in the treatment, management, diagnostic testing, rehabilitation, disease prevention, and care of patients with deficiencies and abnormalities which affect the cardiopulmonary system and associated aspects of other systems, and is under the direct written, verbal, or telephonic order and under the qualified medical direction of a health care practitioner. The practice of respiratory care includes:

(a) The use and administration of prescribed medical gases, exclusive of general anesthesia, including the administration of nitrous oxide for analgesia under the direct supervision of a health care practitioner;

(b) The use of air and oxygen administering apparatus;

(c) The use of humidification and aerosols;

(d) The administration, to the extent of training, as determined by the secretary, of prescribed pharmacologic agents, including any medications administered via a nebulizer, related to ~~((respiratory))~~ cardiopulmonary care;

(e) The use of mechanical ventilatory, hyperbaric, and physiological support;

(f) Postural drainage, chest percussion, and vibration;

(g) Bronchopulmonary hygiene;

(h) Cardiopulmonary resuscitation as it pertains to advanced cardiac life support or pediatric advanced life support guidelines;

(i) The maintenance of natural and artificial airways and insertion, without cutting tissues, of artificial airways, as prescribed by a health care practitioner;

(j) Diagnostic and monitoring techniques such as the collection and measurement of cardiorespiratory specimens, volumes, pressures, and flows;

(k) The insertion of devices to draw, analyze, infuse, or monitor pressure in arterial, capillary, or venous blood as prescribed by a health care practitioner; ~~((and))~~

(l) Diagnostic monitoring of and therapeutic interventions for desaturation, ventilatory patterns, and related sleep abnormalities to aid the health care practitioner in diagnosis. This subsection does not prohibit any person from performing sleep monitoring tasks as set forth in this subsection under the supervision or direction of a licensed health care provider;

(m) Acting as an extracorporeal membrane oxygenation specialist for the purposes of extracorporeal life support and extracorporeal membrane oxygenation in all critical areas, including the operating room, only if a respiratory therapist has obtained specialized education and training as determined by the secretary. Programs meeting the extracorporeal life support organization guidelines for training and continuing education of extracorporeal membrane oxygenation specialists shall be considered sufficient to meet the specialized education requirement. For the purposes of this subsection, extracorporeal membrane oxygenation specialist duties do not include the conduct and management of cardiopulmonary bypass, the incorporation of venous reservoirs, or cardiotomy suction during extracorporeal membrane oxygenation therapy; and

(n) Cardiopulmonary stress testing, including the administration of medications used during cardiopulmonary stress testing.

(2) Nothing in this chapter prohibits or restricts:

(a) The practice of a profession by individuals who are licensed under other laws of this state who are performing services within their authorized scope of practice, that may overlap the services provided by respiratory care practitioners;

(b) The practice of respiratory care by an individual employed by the government of the United States while the individual is engaged in the performance of duties prescribed for him or her by the laws and rules of the United States;

(c) The practice of respiratory care by a person pursuing a supervised course of study leading to a degree or certificate in respiratory care as a part of an accredited and approved educational program, if the person is designated by a title that clearly indicates his or her status as a student or trainee and limited to the extent of demonstrated proficiency of completed curriculum, and under direct supervision;

(d) The use of the title "respiratory care practitioner" by registered nurses authorized under chapter 18.79 RCW; or

(e) The practice without compensation of respiratory care of a family member.

Nothing in this chapter shall be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person licensed under this chapter.

**Sec. 5.** RCW 18.89.050 and 2004 c 262 s 13 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Set all license, examination, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Issue a license to any applicant who has met the education, training, and examination requirements for licensure;

(e) Hire clerical, administrative, and investigative staff as needed to implement this chapter and hire individuals licensed under this chapter to serve as examiners for any practical examinations;

(f) Approve those schools from which graduation will be accepted as proof of an applicant's eligibility to take the licensure examination, specifically requiring that applicants must have completed an accredited respiratory program with at least a two-year curriculum;

(g) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, examinations for applicants for licensure;

(h) Determine whether alternative methods of training are equivalent to formal education and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take the examination;

(i) Determine which states have legal credentialing requirements equivalent to those of this state and issue licenses to individuals legally credentialed in those states without examination;

(j) Define and approve any experience requirement for licensure; ~~((and))~~

(k) Appoint members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060; and

(l) Define training requirements and hospital protocols for respiratory care therapists to administer nitrous oxide.

(2) The provisions of chapter 18.130 RCW shall govern the issuance and denial of licenses, unlicensed practice, and the disciplining of persons licensed under this chapter. The secretary shall be the disciplining authority under this chapter.

**Sec. 6.** RCW 18.89.090 and 1997 c 334 s 8 are each amended to read as follows:

(1) The secretary shall issue a license to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Graduation from a school approved by the secretary or successful completion of alternate training which meets the criteria established by the secretary;

(b) ~~((Successful))~~ (i) For licenses issued prior to the effective date of this section, successful completion of an examination administered or approved by the secretary.

(ii) For licenses issued on or after the effective date of this section, successful completion of both an examination administered or approved by the secretary and a clinical simulation examination administered or approved by the secretary. The secretary may deem an applicant in compliance with this subsection (1)(b)(ii) if the applicant possesses an active credential in good standing as a registered respiratory therapist issued by a national organization such as the national board for respiratory care, if one of the requirements for the issuance of the credential is passage of the examinations required by this subsection (1)(b)(ii);

(c) Successful completion of any experience requirement established by the secretary;

(d) Good moral character.

In addition, applicants shall be subject to the grounds for denial or issuance of a conditional license under chapter 18.130 RCW.

~~(2) ((A person who meets the qualifications to be admitted to the examination for licensure as a respiratory care practitioner may practice as a respiratory care practitioner under the supervision of a respiratory care practitioner licensed under this chapter between the date of filing an application for licensure and the announcement of the results of the next succeeding examination for licensure if that person applies for and takes the first examination for which he or she is eligible.~~

~~(3) A person certified as a respiratory care practitioner in good standing on July 1, 1998, who applies within one year of July 1, 1998, may be licensed without having completed the two-year curriculum set forth in RCW 18.89.050(1)(f), and without having to retake an examination under subsection (1)(b) of this section.~~

(4)) The secretary shall establish by rule what constitutes adequate proof of meeting the criteria.

NEW SECTION. Sec. 7. Section 2 of this act expires July 1, 2022.

NEW SECTION. Sec. 8. Section 3 of this act takes effect July 1, 2022.

NEW SECTION. Sec. 9. Sections 1, 2, and 4 through 6 of this act take effect January 1, 2022."

On page 1, line 1 of the title after "practitioners;" strike the remainder of the title and insert "amending RCW 18.89.010, 18.89.020, 18.89.040, 18.89.050, and 18.89.090; reenacting and amending RCW 18.89.020; providing effective dates; and providing an expiration date."

#### MOTION

Senator Muzzall moved that the following floor amendment no. 489 by Senator Muzzall be adopted:

Beginning on page 1, line 19, strike all of section 2

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 7, beginning on line 5, strike all of sections 7 through 9 and insert the following:

"NEW SECTION. Sec. 6. This act takes effect July 1, 2022."

On page 7, beginning on line 13, after "18.89.090;" strike all material through "date." on line 15 and insert "and providing an effective date."

Senators Muzzall and Cleveland spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 489 by Senator Muzzall on page 1, line 19 to the committee striking amendment.

The motion by Senator Muzzall carried and floor amendment no. 489 was adopted by voice vote.

Senator Cleveland spoke in favor of adoption of the committee striking amendment as amended.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care as amended to Substitute House Bill No. 1383.

The motion by Senator Cleveland carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1383, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1383 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1383, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1383, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1393, by Representatives Shewmake, Ramel, Lekanoff and Duerr

Delaying certain implementation dates for the photovoltaic module stewardship and takeback program.

The measure was read the second time.

#### MOTION

On motion of Senator Carlyle, the rules were suspended, House Bill No. 1393 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle spoke in favor of passage of the bill.

SEVENTY EIGHTH DAY, MARCH 29, 2021

2021 REGULAR SESSION

The President declared the question before the Senate to be the final passage of House Bill No. 1393.

PERSONAL PRIVILEGE

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1393 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Honeyford, Padden, Schoesler and Wilson, J.

HOUSE BILL NO. 1393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1491, by Representatives Orcutt, Fitzgibbon and Lekanoff

Concerning the rights-of-way for the transport of timber, minerals, stone, sand, gravel, or other valuable materials.

The measure was read the second time.

## MOTION

On motion of Senator Van De Wege, the rules were suspended, House Bill No. 1491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1491.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1491 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Billig: "Well, in case anybody didn't know, the number one team in the entire 3<sup>rd</sup> Legislative District and the # 1 team in the entire United States of America is playing tomorrow in the Elite 8 for a birth to the Final Four, and I'd appreciate the recognition and that you prominently give and the support that you give to this team and urge the body's support of Gonzaga tomorrow in the Elite 8. Thank you."

President Heck: "At 4:15 p.m. I believe Senator Billig. So, there will be no floor action presumably at 4:15"

## MOTION

At 12:20 p.m., on motion of Senator Lias, the Senate adjourned until 9:00 o'clock a.m. Tuesday, March 30, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SEVENTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia  
 Tuesday, March 30, 2021

The Senate was called to order at 9:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Kalani Mabanag-Heck led the Senate in the Pledge of Allegiance. Mr. Mabanag-Heck is the grandson of Lieutenant Governor Heck.

The prayer was offered by Cantor Geoffrey Fine of Temple Beth El, Tacoma.

MOTIONS

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 27, 2021

SB 5262 Prime Sponsor, Senator Liias: Broadening the eligibility requirements and extending the expiration date for the data center tax incentive. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5262 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Conway; Dhingra; Gildon; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Robinson, Vice Chair, Operating & Revenue and Carlyle.

MINORITY recommendation: Do not pass. Signed by Senators Darneille and Hasegawa.

Referred to Committee on Rules for second reading.

March 27, 2021

HB 1034 Prime Sponsor, Representative Fitzgibbon: Concerning park and recreation district levies. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt;

Keiser; Liias; Pedersen; Van De Wege; Wagoner and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Schoesler, Assistant Ranking Member, Capital; Braun; Gildon and Muzzall.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Rivers and Warnick.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

2SHB 1157 by House Committee on Finance (originally sponsored by Bateman, Gilday, Taylor, Eslick, Robertson, Simmons, Ormsby, Lekanoff, Hackney, Ryu, Walen, Vick, Wicks, Berg, Fitzgibbon, Barkis, Harris-Talley and Dolan)

AN ACT Relating to increasing housing supply through the growth management act and housing density tax incentives for local governments; amending RCW 82.45.060 and 82.45.230; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Ways & Means.

E2SHB 1277 by House Committee on Appropriations (originally sponsored by Ormsby, Macri, Ramel, Bateman, Fitzgibbon, Ryu, Senn, Chopp, Berry, Peterson, Davis, Santos, Valdez, Hackney, Thai, Kloba, Sells, Frame, Gregerson, J. Johnson, Pollet, Harris-Talley, Stonier, Taylor and Wicks)

AN ACT Relating to an additional revenue source for eviction prevention and housing stability services; amending RCW 43.185C.045, 43.185C.060, and 43.185C.190; adding a new section to chapter 36.22 RCW; and adding a new section to chapter 43.185C RCW.

Referred to Committee on Ways & Means.

MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

At 9:07 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Party.

SEVENTY NINTH DAY, MARCH 30, 2021

2021 REGULAR SESSION

Senator Rivers announced a meeting of the Republican Caucus.

----

The Senate was called to order at 10:47 a.m. by President Heck.

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5083, by Senators Frockt, Mullet, and Wilson, C.

Concerning the capital budget.

MOTION

On motion of Senator Frockt, Substitute Senate Bill No. 5083 was substituted for Senate Bill No. 5083 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Saldaña moved that the following floor amendment no. 503 by Senator Frockt be adopted:

On page 11, line 5, reduce the State Building Construction Account—State reappropriation by \$3,000,000

Correct the subtotal reappropriation and total accordingly.

On page 43, after line 35, insert the following:

"Ethiopian Community Affordable Housing (Seattle) ..... \$3,000,000"

On page 47, line 26, increase the State Building Construction Account—State appropriation by \$3,000,000

Correct the total accordingly.

On page 262, line 25, after "(f)" strike "\$44,084,000" and insert "\$40,084,000"

On page 262, beginning on line 30, after "\$1,000,000" strike all material through "\$3,000,000" on line 31 and insert the following:

"Ethiopian Community Affordable Housing (Seattle) ..... \$3,000,000)"

On page 266, line 2, reduce the State Building Construction Account—State appropriation by \$4,000,000

Correct the total subtotal appropriation and total accordingly.

Senators Saldaña and Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 503 by Senator Frockt on page 11, line 5 to Substitute Senate Bill No. 5083.

The motion by Senator Saldaña carried and floor amendment no. 503 was adopted by voice vote.

MOTION

Senator Frockt moved that the following floor amendment no. 499 by Senator Rolfes be adopted:

On page 11, line 28, reduce the State Building Construction Account—State reappropriation by \$964,000

Correct the total reappropriation accordingly.

On page 43, after line 1, insert the following:

"Central Stage Theatre of County Kitsap (Silverdale) ..... \$964,000"

On page 47, line 26, increase the State Building Construction Account—State appropriation by \$964,000

Correct the total appropriation accordingly.

On page 266, after line 10, insert the following:

"Sec. 6008. 2019 c 413 s 1032 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2019-21 Building for the Arts Grant Program (40000039)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.750.

(2) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Seattle Theatre Group.....	\$310,000
Music Center of the Northwest.....	\$300,000
Seattle Symphony Orchestra .....	\$912,000
Bainbridge Center for the Performing Arts.....	\$586,000
Bainbridge Artisan Resource Network.....	\$1,057,000
Nordic Heritage Museum Foundation .....	\$2,000,000
Imagine Children's Museum.....	\$2,000,000
Seattle Opera .....	\$526,000
KidsQuest Children's Museum.....	\$816,000
<del>(Central Stage Theatre of County Kitsap .....</del>	<del>\$964,000))</del>
Roxy Bremerton Foundation .....	\$51,000
Port Angeles Waterfront Center .....	\$1,112,000
Rehabilitating Fort Worden's Historic Warehouses...	\$712,000
Sea Mar Museum of Chicano/a Latino/a Culture .....	\$654,000
Appropriation:	
State Building Construction Account—State ..	<del>(\$12,000,000))</del>
	<u>\$11,036,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$48,000,000
TOTAL.....	<del>(\$60,000,000))</del>
	<u>\$59,036,000"</u>

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 6 of the title, after "1014," insert "1032,"

Senator Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 499 by Senator Rolfes on page 11, line 28 to Substitute Senate Bill No. 5083.

The motion by Senator Frockt carried and floor amendment no. 499 was adopted by voice vote.

MOTION

Senator Frockt moved that the following floor amendment no. 500 by Senator Frockt be adopted:

On page 31, beginning on line 34, after "solely for" strike "affordable housing and the longhouse" and insert "Bellwether Housing and Chief Seattle Club"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Frockt spoke in favor of adoption of the amendment. The President declared the question before the Senate to be the adoption of floor amendment no. 500 by Senator Frockt on page 31, line 34 to Substitute Senate Bill No. 5083.

The motion by Senator Frockt carried and floor amendment no. 500 was adopted by voice vote.

MOTION

Senator Hunt moved that the following floor amendment no. 502 by Senator Hunt be adopted:

On page 180, beginning on line 10, after "department" strike all material through "request." on line 12 and insert ", in consultation with the department of ecology, must prioritize this project, finalize the acquisition of a preferred site, and provide a comprehensive progress report to the fiscal committees of the legislature by September 15th, 2021. The report must include a decision package requesting funding in the 2022 supplemental capital budget and an expedited timeline for final completion of the project by end of fiscal year 2024."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Hunt, Schoesler and Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 502 by Senator Hunt on page 180, line 10 to Substitute Senate Bill No. 5083.

The motion by Senator Hunt carried and floor amendment no. 502 was adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 504 by Senator Warnick be adopted:

On page 198, line 9, after "2021-23" strike "Forestry" and insert "Forest"

On page 198, line 11, increase the State Building Construction Account—State appropriation by \$3,262,000

On page 198, line 14, correct the total.

Senator Warnick spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Warnick and without objection, floor amendment no. 504 by Senator Warnick on page 198, line 9 to Engrossed Substitute Senate Bill No. 5083 was withdrawn.

MOTION

Senator Randall moved that the following floor amendment no. 505 by Senator Randall be adopted:

Beginning on page 200, line 22, strike all of section 3322 and insert the following:

**"NEW SECTION. Sec. 3322.**

DNR and Camp Colman Collaboration (92000037)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$100,000 of the appropriation in this section is provided solely for the department to contract with a third party facilitator for the purpose of collaborating with the YMCA of Greater Seattle, Camp Colman, on finding solutions for maintaining a high-quality camp experience and establishing a barrier free passage for migrating fish species at Whiteman cove. Should the department and the YMCA reach agreement about a collaborative process, the department must report to the fiscal committees of the legislature by December 1, 2021, about areas of mutual agreement and any recommendations that could be enacted by the legislature. If the department and the YMCA of Greater Seattle choose to not begin to collaborate by July 31, 2021, the funding in this subsection (1) shall lapse.

(2) \$300,000 of the appropriation in this section must be held in unallotted status by the office of financial management if the department and the YMCA of Greater Seattle choose to collaborate. If the department and the YMCA of Greater Seattle parties choose to not collaborate by July 31, 2021, then the office of financial management must allot the \$300,000 provided in this subsection (2) to the department to proceed with the design of the fish blockage removal project at Whiteman cove.

Appropriation:

General Fund—State .....	\$400,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$400,000"

Senators Randall and Sheldon spoke in favor of adoption of the amendment.

Senators Honeyford and Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 505 by Senator Randall on page 200, line 22 to Substitute Senate Bill No. 5083.

The motion by Senator Randall failed and floor amendment no. 505 was not adopted by voice vote.

MOTION

Senator Frockt moved that the following floor amendment no. 501 by Senator Frockt be adopted:

On page 206, line 16, reduce the Common School Construction Account—State reappropriation by \$68,708,000

Correct the total accordingly.

Senator Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 501 by Senator Frockt on page 206, line 16 to Substitute Senate Bill No. 5083.

The motion by Senator Frockt carried and floor amendment no. 501 was adopted by voice vote.

MOTION

Senator Liias moved that the following floor amendment no. 506 by Senator Liias be adopted:

On page 254, line 20, after "funds." insert "The Washington state arts commission must sell the decommissioned reflectors from the Yakima Sun Dome Circle of Light and use the proceeds to preserve the state art collection."

Senators Liias and Honeyford spoke in favor of adoption of the amendment.

SEVENTY NINTH DAY, MARCH 30, 2021

2021 REGULAR SESSION

The President declared the question before the Senate to be the adoption of floor amendment no. 506 by Senator Liias on page 254, line 20 to Substitute Senate Bill No. 5083.

The motion by Senator Liias carried and floor amendment no. 506 was adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 508 by Senator Warnick be adopted:

On page 331, after line 31, insert the following:

"**Sec. 7036.** RCW 90.94.090 and 2019 c 413 s 7035 are each reenacted and amended to read as follows:

(1) A joint legislative task force on water resource mitigation is established to review the treatment of surface water and groundwater appropriations as they relate to instream flows and fish habitat, to develop and recommend a mitigation sequencing process and scoring system to address such appropriations, and to review the Washington supreme court decision in *Foster v. Department of Ecology*, 184 Wn.2d 465, 362 P.3d 959 (2015).

(2) The task force must consist of the following members:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the department, appointed by the director of the department;

(d) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(e) A representative from the department of agriculture, appointed by the director of the department of agriculture;

(f) One representative from each of the following groups, appointed by the consensus of the cochairs of the task force:

(i) An organization representing the farming industry in Washington;

(ii) An organization representing Washington cities;

(iii) Two representatives from an environmental advocacy organization or organizations;

(iv) An organization representing municipal water purveyors;

(v) An organization representing business interests;

(vi) Representatives of two federally recognized Indian tribes, one invited by recommendation of the Northwest Indian fisheries commission, and one invited by recommendation of the Columbia river intertribal fish commission.

(3) If a member has not been designated for a position set forth in subsection (2) of this section, that position may not be counted for purposes of determining a quorum.

(4) One cochair of the task force must be a member of the majority caucus of one chamber of the legislature, and one cochair must be a member of the minority caucus of the other chamber of the legislature, as those caucuses existed as of January 19, 2018.

(5) The first meeting of the task force must occur by June 30, 2018.

(6) Staff support for the task force must be provided by the office of program research and senate committee services. The department and the department of fish and wildlife shall cooperate with the task force and provide information as the cochairs reasonably request.

(7) Within existing appropriations, the expenses of the operations of the task force, including the expenses associated with the task force's meetings, must be paid jointly and in equal amounts by the senate and the house of representatives. Task

force expenditures are subject to approval by the house executive rules committee and the senate facility and operations committee. Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8)(a) By November 15, 2019, and November 15, 2022, the joint legislative task force must make recommendations to the legislature in compliance with RCW 43.01.036. ~~((The task force may update its November 15, 2019, recommendations by November 15, 2020, if a majority of the members of the task force determine that such an update is appropriate based on additional information developed as a result of the pilot projects established under subsection (9) of this section.))~~

(b) Recommendations of the joint legislative task force must be made by a sixty percent majority of the appointed members of the task force. The representatives of the departments of fish and wildlife, ecology, and agriculture are not eligible to vote on the recommendations. Minority recommendations that achieve the support of at least five of the appointed voting members of the task force may also be submitted to the legislature.

(9) The department shall issue permit decisions for up to five water resource mitigation pilot projects. It is the intent of the legislature to use the pilot projects to inform the legislative task force process while also enabling the processing of water right applications that address water supply needs. The department is authorized to issue permits in reliance upon water resource mitigation of impacts to instream flows and closed surface water bodies under the following mitigation sequence:

(a) Avoiding impacts by: (i) Complying with mitigation required by adopted rules that set forth minimum flows, levels, or closures; or (ii) making the water diversion or withdrawal subject to the applicable minimum flows or levels; or

(b) Where avoidance of impacts is not reasonably attainable, minimizing impacts by providing permanent new or existing trust water rights or through other types of replacement water supply resulting in no net annual increase in the quantity of water diverted or withdrawn from the stream or surface water body and no net detrimental impacts to fish and related aquatic resources; or

(c) Where avoidance and minimization are not reasonably attainable, compensating for impacts by providing net ecological benefits to fish and related aquatic resources in the water resource inventory area through in-kind or out-of-kind mitigation or a combination thereof, that improves the function and productivity of affected fish populations and related aquatic habitat. Out-of-kind mitigation may include instream or out-of-stream measures that improve or enhance existing water quality, riparian habitat, or other instream functions and values for which minimum instream flows or closures were established in that watershed.

(10) The department must monitor the implementation of the pilot projects, including all mitigation associated with each pilot project, approved under this section at least annually through December 31, 2028.

(11) The pilot projects eligible for processing under this section, based on criteria as of January 19, 2018, include:

(a) A city operating a group A water system in Kitsap county and water resource inventory area 15, with a population between 13,000 and 14,000;

(b) A city operating a group A water system in Pierce county and water resource inventory area 10, with a population between 9,500 and 10,500;

(c) A city operating a group A water system in Thurston county and water resource inventory area 11, with a population between 8,500 and 9,500;

(d) A nonprofit mutual water system operating a group A water system in Pierce county and water resource inventory area 12, with between 10,500 and 11,500 service connections; and

(e) An irrigation district located in Whatcom county and water resource inventory area 1, solely for the purpose of processing changes of water rights from surface water to groundwater, and implementing flow augmentation to benefit instream flows.

(12) Water right applicants eligible to be processed under this pilot project authority must elect to be included in the pilot project review by notifying the department by July 1, 2018. Once an applicant notifies the department of its intent to be processed under this pilot project authority, subsection (9) of this section applies to final decisions issued by the department, even if such a final decision is issued after the expiration of this section.

(13) By November 15, 2018, the department must furnish the task force with information on conceptual mitigation plans for each water resource mitigation pilot project application. By November 15, 2019, and November 15, 2022, the department must provide the task force with an update on the mitigation plans based on additional information developed after November 15, 2018.

(14) To ensure that the processing of pilot project applications can inform the task force process in a timely manner, the department must expedite processing of applications for water resource mitigation pilot projects. The applicant for each pilot project must reimburse the department for the department's costs of processing the applicant's application.

(15) The water resource mitigation pilot project authority granted to the department does not affect or modify any other procedural requirements of chapter 90.03, 90.44, or 90.54 RCW that apply to the processing of such applications.

(16) The joint legislative task force expires December 31, ~~((2020))~~ 2022. During the period from November 16, 2019, through December 31, ~~((2020))~~ 2022, the work of the task force is limited to:

(a) A review of any additional information that may be developed after November 15, 2019, as a result of the pilot projects established under subsection (9) of this section; and

(b) An update of the task force's November 15, 2019, recommendations ~~((under subsection (8) of this section))~~.

(17) This section expires January 1, 2029."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 10 of the title, after "43.155.050" insert "and 90.94.090"

Senators Warnick and Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 508 by Senator Warnick on page 331, line 31 to Substitute Senate Bill No. 5083.

The motion by Senator Warnick carried and floor amendment no. 508 was adopted by voice vote.

#### MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 5083 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, Schoesler, Mullet and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5083.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5083 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Frockt: "Thank you Mr. President. Thank you, Senator Liias. I just briefly, the capital budget is just about ten, having worked on both budgets, they both have different challenges, but the capital budget in size is about ten percent the size of the operating budget. But I can tell you that the staff, it's not ten percent of the work. It is much more than that and I wanted to just recognize our nonpartisan and caucus staff, if I could just briefly, who did just an incredible job: Michele Alishahi; Sarah Emmans; Kayla Hammer; Jed Hermon; Maria Hovde; Jeff Naas; Corban Nemeth; Sarian Scott; Liza Weeks; Mary Cho; Brenna Price; Alan Ryan; Mike Bezanson; James Crandall, Counsel for the Republican side; Steven Ellis, Democratic Counsel; and of course our indefatigable coordinator Richard Ramsey, who has been a great guide to me for the last three or four years that I have been doing this. Thank you to all of them. We have a ways to go to get this brought home before the end of session but this is a terrific start. And I want to thank them for the time they put in during this intense budget season. Thank you."

#### PERSONAL PRIVILEGE

Senator Honeyford: "Well, thank you, Mr. President. It's a, in addition to thanking the members, I just wanted to mention that it has been a long-standing tradition in the Senate that when you pass out the capital budget you wear a bowtie. So, I think we are going to have to take a collection up and buy Senator Frockt a bowtie. Thank you, Mr., President."

#### REMARKS BY SENATOR LIAS

Senator Liias: "Thankyou Mr. President. Senator Honeyford is also going to have to buy an instruction manual on how to assemble the bowtie at the same time."

#### MOTION

On motion of Senator Liias, and without objection, House Bill No. 1022 was removed from the Consent Calendar and placed on the 2<sup>nd</sup> Reading Calendar.

#### PERSONAL PRIVILEGE

SEVENTY NINTH DAY, MARCH 30, 2021

2021 REGULAR SESSION

Senator Frockt: "Thank you. I just wanted to say, thank you, Mr. President. I just wanted to say I promise to wear a bowtie if you promise to vote for the bonds."

PERSONAL PRIVILEGE

Senator Honeyford: "Well, I am just wondering, yes, I will be voting for the bonds and so I will expect to see a bowtie from Senator Frockt. I don't know if we need to put a proviso in the capital budget to buy one or not."

SECOND READING

HOUSE BILL NO. 1042, by Representatives Thai, Walen, Ortiz-Self, Lekanoff, Gregerson, Callan, Frame, Santos and Macri

Revising the international application of the uniform child custody jurisdiction and enforcement act to protect families from facing the death penalty in certain foreign jurisdictions on the basis of religious beliefs, political beliefs, or sexual orientation.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.27.051 and 2001 c 65 s 105 are each amended to read as follows:

(1) A court of this state shall treat a foreign country as if it were a state of the United States for the purpose of applying Articles 1 and 2.

(2) Except as otherwise provided in subsection (3) or (4) of this section, a child custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of this chapter must be recognized and enforced under Article 3.

(3) A court of this state need not apply this chapter if the child custody law of a foreign country violates fundamental principles of human rights.

(4) A court of this state need not apply this chapter if the law of a foreign country holds that apostasy, or a sincerely held religious belief or practice, or homosexuality are punishable by death, and a parent or child may be at demonstrable risk of being subject to such laws. For the purposes of this subsection, "apostasy" means the abandonment or renunciation of a religious or political belief.

NEW SECTION. Sec. 2. This act applies to child custody proceedings or proceedings to enforce a child custody determination pending as of the effective date of this section, or commenced on or after the effective date of this section.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 5 of the title, after "orientation;" strike the remainder of the title and insert "amending RCW 26.27.051; creating a new section; and declaring an emergency."

Senators Pedersen and Padden spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to House Bill No. 1042.

The motion by Senator Pedersen carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 1042 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1042 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1042, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1042, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1055, by Representatives Berg, Abbarno, Shewmake, Walen, Orcutt, Ramos, Tharinger and Callan

Extending the expiration date for reporting requirements on timber purchases.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, House Bill No. 1055 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1055.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1055 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1199, by Representatives Corry, Chapman, Davis, Dent and Eslick

Providing compensation to department of natural resources lessees whose leases are terminated for reasons other than default.

The measure was read the second time.

#### MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed House Bill No. 1199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1199.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1199 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED HOUSE BILL NO. 1199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1437, by Representatives MacEwen and Eslick

Concerning a vessel crewmember license.

The measure was read the second time.

#### MOTION

On motion of Senator Warnick, the rules were suspended, House Bill No. 1437 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1437.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1437 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senator Wellman

HOUSE BILL NO. 1437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1037, by House Committee on Consumer Protection & Business (originally sponsored by Kirby and Vick)

Concerning insurance adjusters.

The measure was read the second time.

#### MOTION

On motion of Senator Mullet, the rules were suspended, Substitute House Bill No. 1037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1037.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1037 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SEVENTY NINTH DAY, MARCH 30, 2021  
 SECOND READING

2021 REGULAR SESSION

HOUSE BILL NO. 1104, by Representatives Ryu and Kloba

Extending the operation of the mortgage lending fraud prosecution account until June 30, 2027.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, House Bill No. 1104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1104.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1104 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1007, by House Committee on Health Care & Wellness (originally sponsored by Klippert, Slatter, Graham and Macri)

Concerning the completion of supervised experience through distance supervision.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1007 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1007.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1007 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5267.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070, by House Committee on Finance (originally sponsored by Ryu, Macri, Walen, Chopp, Santos, Fitzgibbon, Ramel, Wylie, Ramos, Bateman, Tharinger, Simmons, Kloba, Peterson, Gregerson, Goodman, Sells, Bronoske, Valdez, Callan, Hackney, Cody, Ormsby, Riccelli, Springer, Fey, Davis, Pollet and Harris-Talley)

Modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities.

The measure was read the second time.

MOTION

Senator Short moved that the following floor amendment no. 490 by Senator Short be adopted:

On page 3, line 28, after "limits." insert "A county or a city must provide public notice and a public hearing prior to acquiring any facilities authorized under subsection (2)(a) of this section."

On page 7, line 28, after "youth" insert ". A county or a city must provide public notice and a public hearing prior to acquiring any facilities authorized under this subsection (3)(d)(ii)(A)"

Senator Short spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendment no. 490 by Senator Short on page 3, line 28 to Engrossed Substitute House Bill No. 1070 was withdrawn.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute House Bill No. 1070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fortunato and Kuderer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1070.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1070 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Brown, Dozier, Ericksen, Hawkins, Honeyford, McCune, Muzzall, Padden, Schoesler, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1378, by Representatives Ybarra, Cody and Dolan

Concerning the supervision of medical assistants.

The measure was read the second time.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, House Bill No. 1378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1378.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1378 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1090, by Representatives Ortiz-Self, Fey, Fitzgibbon, J. Johnson, Ramos, Tharinger, Simmons, Ramel, Senn, Peterson, Gregerson, Ryu, Valdez, Callan, Kloba, Young, Hackney, Chopp, Lovick, Ormsby, Stonier, Frame, Santos, Macri, Orwall, Davis, Pollet and Harris-Talley

Concerning private, for-profit detention facilities.

The measure was read the second time.

#### MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed House Bill No. 1090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, Kuderer and Wellman spoke in favor of passage of the bill.

Senators Gildon, McCune, Schoesler, Padden, Fortunato and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1090.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1090 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED HOUSE BILL NO. 1090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:18 p.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock p.m. Wednesday, March 31, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**EIGHTIETH DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia  
 Wednesday, March 31, 2021

The Senate was called to order at 9:01 a.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

**MOTIONS**

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

March 29, 2021

SB 5092 Prime Sponsor, Senator Rolfes: Making 2021-2023 fiscal biennium operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5092 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Referred to Committee on Rules for second reading.

March 29, 2021

E2SHB 1099 Prime Sponsor, Committee on Appropriations: Improving the state's climate response through updates to the state's comprehensive planning framework. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member,

Capital; Braun; Gildon; Muzzall; Rivers; Van De Wege; Wagoner and Warnick.

Referred to Committee on Transportation.

March 30, 2021

SHB 1137 Prime Sponsor, Committee on Transportation: Elevating road maintenance and preservation in transportation planning. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J..

Referred to Committee on Rules for second reading.

March 30, 2021

HB 1198 Prime Sponsor, Representative Dent: Concerning the state commercial aviation coordinating commission. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

March 30, 2021

SHB 1207 Prime Sponsor, Committee on Transportation: Improving access to department of licensing issued documents by extending the issuance period of driver licenses and identicards to eight years, allowing online issuance and renewal of instruction permits, and expanding online renewal of driver licenses and identicards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

March 30, 2021

EHB 1251 Prime Sponsor, Representative Orcutt: Concerning the authorization of wheeled all-terrain vehicles on state highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

March 30, 2021

SHB 1269 Prime Sponsor, Committee on Transportation: Addressing motor vehicle transporter license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Lovelett; Nguyen; Nobles; Randall and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato; Hawkins; Padden; Sheldon and Wilson, J.

Referred to Committee on Rules for second reading.

March 30, 2021

SHB 1301 Prime Sponsor, Committee on Transportation: Providing expanded options for fare enforcement by regional transit authorities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

March 30, 2021

SHB 1322 Prime Sponsor, Committee on Transportation: Addressing off-road vehicle and snowmobile registration enforcement. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

March 30, 2021

SHB 1379 Prime Sponsor, Committee on Transportation: Establishing an unpiloted aircraft system state coordinator and program funding source. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

March 30, 2021

ESHB 1457 Prime Sponsor, Committee on Transportation: Facilitating the installation of broadband facilities on limited access highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

March 30, 2021

SHB 1502 Prime Sponsor, Committee on Transportation: Concerning the procurement and design of electric ferries by counties. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

March 30, 2021

ESHB 1529 Prime Sponsor, Committee on Transportation: Modifying requirements in order to pay for debt service obligations when toll revenues are not sufficient to cover legal obligations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

March 30, 2021

SGA 9272 HENRIK KROMBEEN, reappointed on January 22, 2021, for the term ending December 26, 2024, as Member of the Board of Pilotage Commissioners. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

On motion of Senator Liias, the Senate advanced to the third order of business.

## MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 24, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KAREN JOHNSON, appointed March 8, 2021, for the term ending at the governor's pleasure, as a Director of the Washington State Office of Equity.

Sincerely,  
JAY INSLEE, Governor

EIGHTIETH DAY, MARCH 31, 2021

2021 REGULAR SESSION

Referred to Committee on State Government & Elections as Senate Gubernatorial Appointment No. 9288.

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Liias, the Senate advanced to the eighth order of business.

March 19, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

CLAIRE HESSELHOLT, reappointed March 11, 2021, for the term ending February 28, 2027, as Member of the Board of Tax Appeals.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Ways & Means as Senate Gubernatorial Appointment No. 9289.

MOTION

Senator Gildon moved adoption of the following resolution:

SENATE RESOLUTION

8617

By Senators Gildon and Conway

WHEREAS, For 88 years the annual Daffodil Festival has been a cherished tradition for the people of Pierce County; and

WHEREAS, The Daffodil Festival has been an anticipated event that continues to bring communities together to celebrate unity within our diverse community; and

WHEREAS, Since its inception in the 1920s as a modest garden party, it has grown into the festival that we all know and love today and this year celebrates its 88th anniversary; and

WHEREAS, Each year, 23 young women pass through a rigorous selection process to represent their schools as well as Pierce County communities through ambassadorship, community service, and civic pride; and

WHEREAS, Members of the Daffodil Festival royal court serve as role models for youth around our region. Their volunteerism, civic responsibility, and willingness to be ambassadors for Pierce County serve as a light for youth to look up to; and

WHEREAS, This year's Daffodil Festival royal court includes: Angelina Mireles-Mazz, Eatonville High School; Kelsey Monaghan-Bergson, Wilson High School; Haley Isom, Rogers High School; Lucy Dysart, Graham Kapowsin High School; Liberty Tucker, White River High School; Guadalupe Perez-Delores, Sumner High School; Kayala Purdie, Clover Park High School; Roslyn Addy, Franklin Pierce High School; Lura Shultis, Lakes High School; Joie Goninan, Stadium High School; Annabelle Pepin, Curtis High School; Ashley Anita-Barriga, Mount Tahoma High School; Szoj Stevens, Chief Leschi High School; Ava Fritz, Orting High School; Karah Ritter, Fife High School; Katie Rose Abegglen, Puyallup High School; Annie McAuliffe, Washington High School; Brynne Spicer, Bonney Lake High School; Jewlieanna Granberry, Lincoln High School; and Makesha Conzuelo, Foss High School;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the many contributions made to our state by the Daffodil Festival, its organizers, and its royal court for the past 88 years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2021 Daffodil Festival officers and to the 23 members of the 2019 Daffodil Festival royalty.

March 23, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MACK L. HOGANS, appointed March 29, 2021, for the term ending September 30, 2023, as Member of the State Board for Community and Technical Colleges.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9290.

March 23, 2021

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PAH-TU PITT, appointed April 2, 2021, for the term ending June 12, 2024, as Member of the Columbia River Gorge Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Natural Resources & Parks as Senate Gubernatorial Appointment No. 9291.

MOTIONS

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5479 by Senator King

AN ACT Relating to workforce development in the beverage alcohol industry; and amending RCW 66.44.318.

Referred to Committee on Labor, Commerce & Tribal Affairs.

MOTIONS

MOTION

Senators Gildon and Conway spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8617.

The motion by Senator Gildon carried and the resolution was adopted by voice vote.

At 9:11 a.m., on motion of Senator Liias, the Senate adjourned until 9:00 o'clock a.m. Thursday, April 1, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**EIGHTY FIRST DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Thursday, April 1, 2021

The Senate was called to order at 9:01 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Scarlett Berner led the Senate in the Pledge of Allegiance. Miss Berner is the granddaughter of Senator Sheldon.

The prayer was offered by Senator Rebecca Saldaña, 37<sup>th</sup> Legislative District, Seattle.

**MOTIONS**

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

March 31, 2021

SHB 1223 Prime Sponsor, Committee on Transportation: Enacting the uniform electronic recordation of custodial interrogations act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; Cleveland; Das; Lovelett; Nguyen; Nobles; Randall and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Fortunato; Hawkins; Padden; Sheldon and Wilson, J.

Referred to Committee on Ways & Means.

March 30, 2021

ESHB 1476 Prime Sponsor, Committee on Appropriations: Enrollment stabilization funding to address enrollment declines due to the COVID-19 pandemic. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital and Wagoner.

Referred to Committee on Rules for second reading.

**MOTIONS**

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

At 9:11 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

----

The Senate was called to order at 10:45 a.m. by President Heck.

**MOTION**

On motion of Senator Liias, the Senate advanced to the sixth order of business.

**SECOND READING**

SENATE BILL NO. 5092, by Senators Rolfes, Wilson, L., Wilson, C.

Making 2021-2023 fiscal biennium operating appropriations.

**MOTION**

On motion of Senator Rolfes, Substitute Senate Bill No. 5092 was substituted for Senate Bill No. 5092 and the substitute bill was placed on the second reading and read the second time.

Revised for 1st Substitute: Making 2021-2023 fiscal biennium operating appropriations and 2019-2021 fiscal biennium second supplemental operating appropriations.

**MOTION**

Senator Wilson, L. moved that the following floor amendment no. 522 by Senator Wilson, L. be adopted:

On page 13, line 11, increase the General Fund—State Appropriation (FY 2022) by \$50,000

Adjust the total appropriation accordingly.

On page 14, after line 35, insert the following:

"(9) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Senate Bill No. 5039 (gubernatorial emergencies). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse."

On page 504, line 18, increase the General Fund—State Appropriation (FY 2021) by \$50,000

Adjust the total appropriation accordingly.

On page 506, after line 2, insert the following:

"(9) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5039 (gubernatorial emergencies). If the bill is not enacted by

June 30, 2021, the amount provided in this subsection shall lapse."

Senators Wilson, L. and Short spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

Senators Fortunato and Ericksen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Wilson, L. on page 13, line 11 to Substitute Senate Bill No. 5092.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Wilson, L. and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

MOTION

Senator Kuderer moved that the following floor amendment no. 516 by Senator Kuderer be adopted:

On page 52, line 9, after "and" insert "\$"

On page 52, line 14, after "2021" insert ", as amended in section 1803 of this act"

On page 955, after line 26, insert the following:

"Sec. 1803. 2021 c 3 s 3 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE—RENTAL ASSISTANCE AND HOUSING**

General Fund—Federal Appropriation ..... \$365,000,000

TOTAL APPROPRIATION..... \$365,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$325,000,000 of the general fund—federal appropriation (CRRSA) is provided solely for the department to administer an emergency rental and utility assistance program pursuant to P.L. 116-260, the federal consolidated appropriations act. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider as well as account for any funding that jurisdiction, including cities within each county, received directly from the federal government. A provider may use up to 9.5 percent of their grant award for administrative costs and the remainder must be used for financial assistance as defined in P.L. 116-260. The department may retain up to 0.5 percent of the funding provided in this subsection to administer the program.

(2)(a) \$30,000,000 of the general fund—federal appropriation (CRF) is provided solely for the department to administer an eviction rental assistance program. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider. To be eligible for the program, households must, at a minimum, have an income at or below 80 percent of the area median income and must have a missed or partially paid rent payment. Rental payments made through the program will be provided directly to landlords. The department may establish additional eligibility criteria to target these resources to households most likely to become homeless if they do not receive rental assistance.

(b) Of the amounts provided in this subsection, \$16,000,000 of the general fund—federal appropriation (CRF) is provided solely for local housing providers to subgrant with community organizations that serve historically disadvantaged populations within their jurisdiction. Subgrants may be used for program outreach and assisting community members in applying for assistance under this subsection and subsection (1) of this section.

(3) \$4,000,000 of the general fund—federal appropriation (CRF) is provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW. Funding must be used for activities to prevent mortgage or tax lien foreclosures, housing counselors, foreclosure prevention hotlines, low-income legal services, mediation, and other activities that promote homeownership. The department may contract with other state agencies to carry out these activities.

(4) \$1,500,000 of the general fund—federal appropriation (CRF) is provided solely for a contract with resolution Washington for alternative dispute resolution centers and dispute resolution programs to provide citizens with low-cost resolution as an alternative to litigation. This funding must be prioritized for resolution services relating to evictions.

(5) \$1,500,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the office of civil legal aid to provide services relating to evictions, housing, and utilities.

(6) \$1,000,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the office of the attorney general for legal work relating to the eviction moratorium extended in the governor's proclamation 20-19.5.

(7)(a) \$2,000,000 of the general fund—federal appropriation (CRF) is provided solely for a program to provide grants to eligible landlords who have encountered a significant financial hardship due to loss of rental income from elective nonpayor tenants during the state's eviction moratorium pursuant to the governor's proclamation.

(b) To be eligible for a grant under this subsection, a landlord must:

(i) Apply for a grant or have a property manager or property management company apply for a grant on behalf of a landlord;

(ii) Be the sole investor in the property from which they are seeking rental arrears;

(iii) Be the owner of no more than ~~((four))~~ six dwelling units from which they receive rental payments; and

(iv) ~~((Not contract with a property manager or property management company for duties or activities related to the tenancy or dwelling unit; and~~

~~(v)))~~ (v)) Have an elective nonpayor tenant who is in arrears in rent or utilities or both.

(c) Eligible landlords may receive a grant of up to 80 percent of the total amount of rent in arrears. The department must prioritize landlords who have an income at or below 100 percent

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

of the area median income and who demonstrate a loss of rental income, to the extent that funds are available.

(d) The department may inspect the property and the landlord's records related to an application under the program, including the use of a third-party inspector as needed to investigate fraud, to assist in making its application review, and to determine eligibility.

(e) A landlord who receives a grant under this section is prohibited from:

(i) Taking any legal action against the tenant for damages attributable to the same tenancy; or

(ii) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, against the tenant for damages attributable to the same tenancy.

(8) For the purposes of this section, the following definitions apply:

(i) "Dwelling unit" has the meaning defined in RCW 59.18.030.

(ii) "Elective nonpayer" means a tenant who has been determined to not be eligible for the federal or state emergency rental assistance program or has not applied for the federal or state emergency rental assistance program.

(iii) "Landlord" has the meaning defined in RCW 59.18.030.

(iv) "Owner" has the meaning defined in RCW 59.18.030.

(v) "Rent" has the meaning defined in RCW 59.18.030.

(vi) "Tenant" has the meaning defined in RCW 59.18.030."

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 8 of the title, after "1," strike "and"

On page 1, line 16 of the title, after "804" insert ", and 2021 c 3 s 3"

Senators Kuderer and Wagoner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 516 by Senator Kuderer on page 52, line 9 to Engrossed Substitute Senate Bill No. 5092.

The motion by Senator Kuderer carried and floor amendment no. 516 was adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 524 by Senator Short be adopted:

On page 63, after line 36, insert the following:

"(14) Within the amounts appropriated in this section, the department must convene a stakeholder work group to analyze and develop recommendations on future taxation of digital products that are used in the electronic processing of prescriptions to avoid increases in the cost of providing prescription drugs to consumers. The analysis and recommendations must be submitted in a report to the appropriate committees of the legislature by December 1, 2021."

Senator Short spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 524 by Senator Short on page 63, line 36 to Substitute Senate Bill No. 5092.

The motion by Senator Short carried and floor amendment no. 524 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford and without objection, floor amendment no. 517 by Senator Honeyford on page 70, line 31 to Substitute Senate Bill No. 5092 was withdrawn.

MOTION

Senator Hunt moved that the following floor amendment no. 518 by Senator Hunt be adopted:

On page 72, line 14, after "through" strike "December 31, 2021" and insert "June 30, 2023"

Senator Hunt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 518 by Senator Hunt on page 72, line 14 to Substitute Senate Bill No. 5092.

The motion by Senator Hunt carried and floor amendment no. 518 was adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 526 by Senator Warnick be adopted:

On page 119, line 5, increase the General Fund—State Appropriation (FY 2022) by \$3,462,000

On page 119, line 6, increase the General Fund—State Appropriation (FY 2023) by \$3,462,000

On page 119, line 7, increase the General Fund—Federal Appropriation by \$13,164,000

Adjust the total appropriation accordingly.

On page 125, line 28, after "participating hospitals." insert "It is the intent of the legislature in the 2023-2025 fiscal biennium to provide funding for state grants for participating hospitals at levels assuming federal disproportionate share hospital reductions continue to be suspended in fiscal years 2024 and 2025."

On page 139, after line 20, insert the following:

"(59) \$2,362,000 of the general fund—state appropriation for fiscal year 2022, \$2,362,000 of the general fund—state appropriation for fiscal year 2023, and \$8,264,000 of the general fund—federal appropriation are provided solely to increase the rates paid to low volume, small rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to 150 percent of the hospital's fee-for-service rates beginning July 1, 2021. The authority must discontinue this rate increase after June 30, 2023, and return to the payment levels and methodology for these hospitals that were in place as of June 30, 2020. A hospital qualifying for this rate increase must:

(a) Have fewer than 70 available acute beds as reported in the hospital's 2018 department of health year-end report;

(b) Not be currently designated as a critical access hospital, and not meet the current federal eligibility requirements for designation as a critical access hospital;

(c) Not be a certified public expenditure hospital;

(d) Have combined medicare and medicaid inpatient days greater than 80 percent as reported in the hospital's 2018 cost report.

(60) \$1,100,000 of the general fund—state appropriation for fiscal year 2022, \$1,100,000 of the general fund—state appropriation for fiscal year 2023, and \$4,900,000 of the general fund—federal appropriation are provided solely to increase the

rates paid to rural regional referral hospitals that meet the criteria in (a) through (g) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to 110 percent of the current medicaid hospital's fee-for-service rates beginning July 1, 2021, for the state medicaid plan and for each of the managed care organization's contracted rates with the hospital. The authority must discontinue this rate increase after June 30, 2023, and return to the payment levels and methodology for these hospitals that were in place as of June 30, 2021. To qualify for this increase, a hospital must:

- (a) Have greater than 170 available acute beds as reported in the hospital's 2019 department of health year-end report;
- (b) Be currently designated by the centers for medicare and medicaid services as a sole community hospital located in north central Washington;
- (c) Have a medicaid eligible population greater than 30 percent of the service population;
- (d) Have medicaid revenue greater than 17 percent of total gross revenue as reported on the hospital's 2019 medicare cost report;
- (e) Be designated by the state of Washington as a level 3 adult trauma center and a level 3 pediatric trauma center;
- (f) Be designated by the state of Washington as a level 2 nursery; and
- (g) Be designated as a certified stroke center."

Senators Warnick, Honeyford, Hawkins, Rivers, Schoesler and Wagoner spoke in favor of adoption of the amendment.

Senator Robinson spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 526 by Senator Warnick on page 119, line 5 to Substitute Senate Bill No. 5092.

The motion by Senator Warnick did not carry and floor amendment no. 526 was not adopted by voice vote.

#### MOTION

Senator Conway moved that the following floor amendment no. 519 by Senator Conway be adopted:

On page 176, line 37, increase the General Fund—State Appropriation (FY 2022) by \$450,000

Adjust the total appropriation accordingly.

On page 187, after line 28, insert the following:

"(28) \$450,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the nursing care quality assurance commission, in collaboration with the workforce training and education coordinating board and the department of labor and industries, to plan a home care aide to nursing assistant certified to licensed practical nurse (HCA-NAC-LPN) apprenticeship pathway. The plan must provide the necessary groundwork for the launch of at least three licensed practical nurse apprenticeship programs in the next phase of work. The plan for the apprenticeship programs must include programs in at least three geographically disparate areas of the state experiencing high levels of long-term care workforce shortages for corresponding health professions and incorporate the participation of local workforce development councils for implementation."

Senator Conway spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 519 by Senator Conway on page 176, line 37 to Substitute Senate Bill No. 5092.

The motion by Senator Conway carried and floor amendment no. 519 was adopted by voice vote.

#### MOTION

Senator Rolfes moved that the following floor amendment no. 530 by Senator Rolfes be adopted:

On page 210, line 28, decrease the General Fund—State Appropriation (FY 2022) by \$9,652,000

On page 210, line 29, decrease the General Fund—State Appropriation (FY 2023) by \$4,956,000

On page 210, line 30, increase the General Fund—Federal Appropriation by \$452,000

Adjust the total appropriation accordingly.

On page 211, line 6, after "(1)(a)" strike "\$89,925,000" and insert "\$80,273,000"

On page 211, line 7, after "2022," strike "\$77,622,000" and insert "\$72,666,000"

On page 211, line 10, after "and" strike "\$25,000,000" and insert "25,452,000"

On page 211, line 13, after "at least" strike "15,162" and insert "15,412"

On page 211, line 13, after "and" strike "15,562" and insert "16,412"

On page 211, line 17, after "subsection," strike "\$16,014,000" and insert "\$14,930,000"

On page 211, at the beginning of line 19, strike "\$13,805,000" and insert "\$14,889,000"

Senator Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 530 by Senator Rolfes on page 210, line 28 to Substitute Senate Bill No. 5092.

The motion by Senator Rolfes carried and floor amendment no. 530 was adopted by voice vote.

#### MOTION

Senator Ericksen moved that the following floor amendment no. 527 by Senator Ericksen be adopted:

On page 225, line 25, increase the General Fund—State Appropriation (FY 2022) by \$2,500,000

On page 225, line 26, increase the General Fund—State Appropriation (FY 2023) by \$2,500,000

Adjust the total appropriation accordingly.

On page 234, after line 27, insert the following:

"(30) \$2,500,000 of the general fund—state appropriation for fiscal year 2022 and \$2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide participation grants to agricultural landowners who may be impacted by the adjudication of state water rights in the Nooksack (water resource inventory area 1) watershed."

Senators Ericksen, Honeyford, Schoesler and Padden spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 527 by Senator Ericksen on page 225, line 25 to Substitute Senate Bill No. 5092.

The motion by Senator Ericksen did not carry and floor amendment no. 527 was not adopted by voice vote.

#### MOTION

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

Senator Wilson, J. moved that the following floor amendment no. 520 by Senator Wilson, J. be adopted:

On page 240, line 22, decrease the General Fund—State Appropriation (FY 2022) by \$447,000

On page 240, line 23, decrease the General Fund—State Appropriation (FY 2023) by \$453,000

Adjust the total appropriation accordingly.

On page 243, beginning on line 3, after "(11)" strike all material through "fisheries" on line 27 and insert "\$553,000 of the general fund—state appropriation for fiscal year 2022 and \$547,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to reduce the number of commercial gillnet fishing licenses on the Columbia river through a voluntary buy-back program with the goal of purchasing approximately 100 licenses"

Senator Wilson, J. spoke in favor of adoption of the amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Wilson, J. and without objection, floor amendment no. 520 by Senator Wilson, J. on page 240, line 22 to Substitute Senate Bill No. 5092 was withdrawn.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Van De Wege and without objection, floor amendment no. 521 by Senator Van De Wege on page 265, line 3 to Substitute Senate Bill No. 5092 was withdrawn.

#### PARLIAMENTARY INQUIRY

Senator McCune: "I actually didn't know how, I objected, I wanted to object to putting down that amendment by Jeff. I would like to run that amendment if possible, myself. Senator Jeff Wilson."

#### RULING BY THE PRESIDENT

President Heck: "Senator McCune, the procedure by which one is to state an objection in an instance like this is to indicate a point of inquiry button which is also to serve as a point of order button and the President made a particular effort to pause, and no such point of order was timely raised. I hesitate, and will not establish the precedent now, but I will commit to you all that in similar circumstances I will adequately pause so that you will have an opportunity to press the point of inquiry or point of order button. Senator McCune, do you have a point of inquiry or point of order?"

#### PARLIAMENTARY INQUIRY

Senator McCune: "I do. I didn't know the amendment, Mr. President, was gonna be put down. If I would have known, I would have run it myself. It's an important amendment to the budget.

President Heck: "Senator McCune, that is not a point of inquiry. Or a point of order either."

#### MOTION

Senator Braun moved that the following floor amendment no. 529 by Senator Braun be adopted:

On page 268, line 5, increase the General Fund—State Appropriation (FY 2022) by \$50,000

Adjust the total appropriation accordingly.

On page 280, after line 39, insert the following:

"(s) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Senate Bill No. 5464 (in-person learning option). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse."

On page 825, line 9, increase the General Fund—State Appropriation (FY 2021) by \$50,000

Adjust the total appropriation accordingly.

On page 846, after line 32, insert the following:

"(cc) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5464 (in-person learning option). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse."

Senators Braun and Short spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

#### MOTION

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

Senators King, Wilson, L., Wagoner, Dozier and Rivers spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

#### PARLIAMENTARY INQUIRY

Senator Van De Wege: "Do our rules allow for a bill that has not passed deadlines to be amended to make it NTIB? I believe they do not and that is what I think this amendment is attempting to do."

#### RULING BY THE PRESIDENT

President Heck: "If I understood the point of inquiry correctly Senator Van De Wege, and I am not entirely convinced I did, it had multiple parts. First of all, the amendment before us is in order. Secondly, if the question is whether or not that would render the bill referenced in the amendment necessary to implement the budget, that bill is not before us, and therefore the President will not rule upon it until such time as it is timely."

Senator Padden spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 268, line 5 to Substitute Senate Bill No. 5092.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

MOTION

Senator Short moved that the following floor amendment no. 525 by Senator Wilson, L. be adopted:

On page 491, after line 5, insert the following:

"NEW SECTION. Sec. 994. The president of the United States proposed the American jobs plan on March 31, 2021, and has requested the United States congress to provide additional federal funding to the states to rebuild the economy including, but not limited to, funding for infrastructure projects, building and utilities improvements, economic stimulus and jobs, and access to care and services for the aging and persons with disabilities. The legislature anticipates the receipt of this new federal funding and intends to appropriate any federal funds with an operating or capital budget impact in a future budget or appropriation act. The new federal funding may not be expended through the unanticipated process provided in RCW 43.79.270 and 43.79.280 or through any appropriation authority provided in this omnibus operating appropriations act or the omnibus capital appropriations act."

Senators Braun and Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 525 by Senator Wilson, L. on page 491, line 5 to Substitute Senate Bill No. 5092.

The motion by Senator Short carried and floor amendment no. 525 was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Heck: "The President is going to take a brief pause here. The ranking member of Ways & Means has frozen in her connection and we are attempting to reestablish it. The remaining amendment left is the ranking member's striking amendment. We want to make sure we provide every opportunity for her participation obviously."

EDITOR'S NOTE: The Senate waited while technical issues were corrected.

MOTION

Senator Wilson, L. moved that the following striking floor amendment no. 515 by Senator Wilson, L. be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal

biennium beginning July 1, 2021, and ending June 30, 2023, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "ARPA" means funds attributable to the American rescue plan act of 2021, P.L. 117-2.

(b) "CRF" means funds attributable to the coronavirus relief fund created by section 5001, the coronavirus aid, relief, and economic security act, P.L. 116-136, division A.

(c) "CRRSA" means funds attributable to the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(d) "CRRSA/ESSER" means funds attributable to the elementary and secondary school emergency relief fund, as modified by the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(e) "Fiscal year 2022" or "FY 2022" means the fiscal year ending June 30, 2022.

(f) "Fiscal year 2023" or "FY 2023" means the fiscal year ending June 30, 2023.

(g) "FMAP" means federal medical assistance percentage, including funds attributable to the temporary increase of medicaid FMAP by section 6008, the families first coronavirus response act, P.L. 116-127, division F.

(h) "FTE" means full time equivalent.

(i) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(j) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

PART I GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund—State Appropriation (FY 2022).....	\$44,445,000
General Fund—State Appropriation (FY 2023).....	\$45,213,000
TOTAL APPROPRIATION .....	\$89,658,000

The appropriations in this section are subject to the following conditions and limitations: \$5,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Senate Bill No. 5316 (state fiscal management). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund—State Appropriation (FY 2022).....	\$31,791,000
General Fund—State Appropriation (FY 2023).....	\$34,327,000
TOTAL APPROPRIATION .....	\$66,118,000

The appropriations in this section are subject to the following conditions and limitations: \$5,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Senate Bill No. 5316 (state fiscal management). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

**NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Performance Audits of Government Account—State  
Appropriation.....\$9,470,000  
TOTAL APPROPRIATION.....\$9,470,000

**NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Performance Audits of Government Account—State  
Appropriation.....\$4,635,000  
TOTAL APPROPRIATION.....\$4,635,000

**NEW SECTION. Sec. 105. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund—State Appropriation (FY 2022)....\$14,059,000  
General Fund—State Appropriation (FY 2023)....\$14,155,000  
TOTAL APPROPRIATION.....\$28,214,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

**NEW SECTION. Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY**

General Fund—State Appropriation (FY 2022).....\$368,000  
General Fund—State Appropriation (FY 2023).....\$381,000  
State Health Care Authority Administrative Account—  
State Appropriation.....\$499,000  
Department of Retirement Systems Expense Account—  
State Appropriation.....\$6,063,000  
TOTAL APPROPRIATION.....\$7,311,000

**NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE**

General Fund—State Appropriation (FY 2022).....\$5,352,000  
General Fund—State Appropriation (FY 2023).....\$5,712,000  
TOTAL APPROPRIATION.....\$11,064,000

**NEW SECTION. Sec. 108. FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES**

General Fund—State Appropriation (FY 2022).....\$4,551,000  
General Fund—State Appropriation (FY 2023).....\$4,966,000  
TOTAL APPROPRIATION.....\$9,517,000

**NEW SECTION. Sec. 109. FOR THE REDISTRICTING COMMISSION**

General Fund—State Appropriation (FY 2022).....\$1,200,000  
TOTAL APPROPRIATION.....\$1,200,000

The appropriation in this section is subject to the following conditions and limitations: Prior to the appointment of the

redistricting commission, the secretary of the senate and chief clerk of the house of representatives may jointly authorize the expenditure of these funds to facilitate preparations for the 2022 redistricting effort. Following the appointment of the commission, the house of representatives and senate shall enter into an interagency agreement with the commission authorizing the continued expenditure of these funds for legislative redistricting support.

**NEW SECTION. Sec. 110. LEGISLATIVE AGENCIES**

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, joint transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, and office of legislative support services.

**NEW SECTION. Sec. 111. FOR THE SUPREME COURT**

General Fund—State Appropriation (FY 2022) .....\$9,652,000  
General Fund—State Appropriation (FY 2023) .....\$9,684,000  
TOTAL APPROPRIATION .....\$19,336,000

**NEW SECTION. Sec. 112. FOR THE LAW LIBRARY**

General Fund—State Appropriation (FY 2022) .....\$1,776,000  
General Fund—State Appropriation (FY 2023) .....\$1,780,000  
TOTAL APPROPRIATION .....\$3,556,000

**NEW SECTION. Sec. 113. FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund—State Appropriation (FY 2022) .....\$1,628,000  
General Fund—State Appropriation (FY 2023) .....\$1,625,000  
TOTAL APPROPRIATION .....\$3,253,000

**NEW SECTION. Sec. 114. FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2022) .....\$21,657,000  
General Fund—State Appropriation (FY 2023) .....\$21,894,000  
TOTAL APPROPRIATION .....\$43,551,000

**NEW SECTION. Sec. 115. FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2022) .....\$72,768,000  
General Fund—State Appropriation (FY 2023) .....\$72,127,000  
General Fund—Federal Appropriation.....\$2,209,000  
General Fund—Private/Local Appropriation .....\$681,000  
Judicial Stabilization Trust Account—State  
Appropriation .....\$6,692,000  
Judicial Information Systems Account—State  
Appropriation .....\$60,549,000  
TOTAL APPROPRIATION .....\$215,026,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) \$1,399,000 of the general fund—state appropriation for fiscal year 2022 and \$1,399,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$7,000,000 of the general fund—state appropriation for fiscal year 2022 and \$7,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition processing costs nor penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2021-2023 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are informational in nature and are not for the purpose of distributing funds.

(4) \$1,892,000 of the general fund—state appropriation for fiscal year 2022 and \$1,892,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for distribution to counties to help cover the cost of electronic monitoring with victim notification technology when an individual seeking a protection order requests electronic monitoring with victim notification technology from the court and the respondent is unable to pay.

**NEW SECTION. Sec. 116. FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund—State Appropriation (FY 2022).....	\$47,479,000
General Fund—State Appropriation (FY 2023).....	\$47,423,000
Judicial Stabilization Trust Account—State	
Appropriation.....	\$3,870,000
TOTAL APPROPRIATION.....	\$98,772,000

**NEW SECTION. Sec. 117. FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2022)....	\$23,738,000
General Fund—State Appropriation (FY 2023)....	\$24,089,000
Judicial Stabilization Trust Account—State	
Appropriation.....	\$1,464,000
TOTAL APPROPRIATION.....	\$49,291,000

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2022 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2023 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(3) Up to \$165,000 of the general fund—state appropriation for fiscal year 2022 may be used to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp. sess.

**NEW SECTION. Sec. 118. FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2022).....	\$8,306,000
General Fund—State Appropriation (FY 2023).....	\$8,311,000
Economic Development Strategic Reserve Account—State	
Appropriation.....	\$2,000,000
TOTAL APPROPRIATION.....	\$18,617,000

The appropriations in this section are subject to the following conditions and limitations: \$703,000 of the general fund—state appropriation for fiscal year 2022 and \$803,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the education ombuds.

**NEW SECTION. Sec. 119. FOR THE LIEUTENANT GOVERNOR**

General Fund—State Appropriation (FY 2022)....	\$1,514,000
General Fund—State Appropriation (FY 2023)....	\$1,533,000
General Fund—Private/Local Appropriation .....	\$90,000
TOTAL APPROPRIATION.....	\$3,137,000

**NEW SECTION. Sec. 120. FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund—State Appropriation (FY 2022)....	\$5,594,000
General Fund—State Appropriation (FY 2023)....	\$5,378,000
Public Disclosure Transparency Account—State	
Appropriation.....	\$410,000
TOTAL APPROPRIATION.....	\$11,382,000

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

The appropriations in this section are subject to the following conditions and limitations:

(1) \$280,000 of the public disclosure transparency account—state appropriation is provided solely for staff for business analysis and project management of information technology projects.

(2) No moneys may be expended from the appropriations in this section to establish an electronic directory, archive, or other compilation of political advertising unless explicitly authorized by the legislature.

**NEW SECTION. Sec. 121. FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2022)....	\$19,306,000
General Fund—State Appropriation (FY 2023)....	\$29,716,000
General Fund—Federal Appropriation .....	\$12,661,000
Public Records Efficiency, Preservation, and Access Account—State Appropriation .....	\$10,110,000
Charitable Organization Education Account—State Appropriation.....	\$901,000
Washington State Library Operations Account—State Appropriation.....	\$11,450,000
Local Government Archives Account—State Appropriation.....	\$10,165,000
Election Account—Federal Appropriation .....	\$4,364,000
TOTAL APPROPRIATION.....	\$98,673,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,498,000 of the general fund—state appropriation for fiscal year 2022 and \$12,196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$2,972,000 of the general fund—state appropriation for fiscal year 2022 and \$2,971,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2021-2023 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$267,000 of the public records efficiency, preservation, and access account—state appropriation and \$504,000 of the government archives account—state appropriation are provided solely for digital archives functionality and is subject to the conditions, limitations, and review provided in section 701 of this act.

(5) \$114,000 of the general fund—state appropriation for fiscal year 2022 and \$114,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2021, to legislative policy and fiscal committees. The annual report must include reasons for ballot rejection and an analysis of the ways ballots are received, counted, and rejected that can be used by policymakers to better understand election administration.

(6) \$626,000 of the public records efficiency, preservation, and access account—state appropriation is provided solely for additional project staffing to pack, catalog, and move the state's archival collection in preparation for the move to the new library archives building that will be located in Tumwater.

(7) \$546,000 of the general fund—state appropriation for fiscal year 2022 and \$546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for dedicated staffing for maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(8) \$1,000,000 of the general fund—federal appropriation (ARPA) is provided solely for humanities Washington to provide grants to humanities organizations in Washington state pursuant to the American rescue plan act of 2021, P.L. 117-2. Of the amounts provided in this subsection:

(a) Forty percent must be used for grants to state humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the

grants support, to prevent, prepare for, respond to, and recover from coronavirus; and

(b) Sixty percent must be used for direct grants, and relevant administrative expenses, that support humanities organizations' programming and general operating expenses to cover up to 100 percent of the costs of the programs which the grants support, to prevent, prepare for, respond to, and recover from coronavirus.

(9) \$3,600,000 of the general fund—federal appropriation (ARPA) is provided solely for eligible museum services, pursuant to section 2023, American rescue plan act of 2021, P.L. 117-2. Of the amount provided in this subsection:

(a) \$1,800,000 of the general fund—federal appropriation (ARPA) is provided solely for the Washington state historical society; and

(b) \$1,800,000 of the general fund—federal appropriation (ARPA) is provided solely for the eastern Washington historical society.

**NEW SECTION. Sec. 122. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2022).....	\$386,000
General Fund—State Appropriation (FY 2023).....	\$384,000
TOTAL APPROPRIATION.....	\$770,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

**NEW SECTION. Sec. 123. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2022).....	\$435,000
General Fund—State Appropriation (FY 2023).....	\$448,000
TOTAL APPROPRIATION.....	\$883,000

**NEW SECTION. Sec. 124. FOR THE STATE TREASURER**

State Treasurer's Service Account—State	
Appropriation.....	\$19,455,000
TOTAL APPROPRIATION.....	\$19,455,000

**NEW SECTION. Sec. 125. FOR THE STATE AUDITOR**

General Fund—State Appropriation (FY 2022).....	\$28,000
General Fund—State Appropriation (FY 2023).....	\$32,000
Auditing Services Revolving Account—State	
Appropriation.....	\$14,155,000
Performance Audits of Government Account—State	
Appropriation.....	\$1,648,000

TOTAL APPROPRIATION .....\$15,863,000

The appropriations in this section are subject to the following conditions and limitations: \$1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

**NEW SECTION. Sec. 126. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund—State Appropriation (FY 2022).....	\$240,000
General Fund—State Appropriation (FY 2023).....	\$268,000
TOTAL APPROPRIATION.....	\$508,000

**NEW SECTION. Sec. 127. FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2022)....	\$15,705,000
General Fund—State Appropriation (FY 2023)....	\$15,763,000
General Fund—Federal Appropriation.....	\$18,183,000
Public Service Revolving Account—State Appropriation	
.....	\$4,072,000
New Motor Vehicle Arbitration Account—State	
Appropriation.....	\$1,703,000
Medicaid Fraud Penalty Account—State Appropriation	
.....	\$5,601,000
Child Rescue Fund—State Appropriation.....	\$80,000
Legal Services Revolving Account—State Appropriation	
.....	\$277,970,000
Local Government Archives Account—State	
Appropriation.....	\$997,000
Local Government Archives Account—Local	
Appropriation.....	(\$20,000)
Tobacco Prevention and Control Account—State	
Appropriation.....	\$273,000
TOTAL APPROPRIATION.....	\$340,327,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$161,000 of the general fund—state appropriation for fiscal year 2022 and \$161,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the civil rights unit to provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(5) \$8,392,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

(6) \$617,000 of the general fund—state appropriation for fiscal year 2022 and \$617,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

**NEW SECTION. Sec. 128. FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY 2022).....	\$1,973,000
General Fund—State Appropriation (FY 2023).....	\$1,963,000
General Fund—Federal Appropriation .....	\$160,000
Workforce Education Investment Account—State	
Appropriation.....	\$326,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$4,422,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$314,000 of the workforce education investment account—state appropriation is provided solely to forecast the caseload for the Washington college grant program.

(2) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Senate Bill No. 5268 (developmental disability services). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMERCE**

General Fund—State Appropriation (FY 2022)..	\$121,547,000
General Fund—State Appropriation (FY 2023)..	\$121,760,000
General Fund—Federal Appropriation .....	\$1,353,952,000
General Fund—Private/Local Appropriation.....	\$8,803,000
Public Works Assistance Account—State Appropriation	
.....	\$7,971,000

Lead Paint Account—State Appropriation.....	\$110,000
Building Code Council Account—State Appropriation	
.....	\$17,000
Liquor Excise Tax Account—State Appropriation.	\$1,248,000
Home Security Fund Account—State Appropriation	
.....	\$104,291,000
Affordable Housing for All Account—State	
Appropriation .....	\$9,817,000
Financial Fraud and Identity Theft Crimes	
Investigation and Prosecution Account—State	
Appropriation .....	\$2,670,000
Low-Income Weatherization and Structural	
Rehabilitation Assistance Account—State	
Appropriation .....	\$1,400,000
Statewide Tourism Marketing Account—State	
Appropriation .....	\$3,034,000
Community and Economic Development Fee Account—State	
Appropriation .....	\$4,073,000
Growth Management Planning and Environmental Review	
Fund—State Appropriation .....	\$5,783,000
Liquor Revolving Account—State Appropriation..	\$5,919,000
Washington Housing Trust Account—State Appropriation	
.....	\$7,806,000
Prostitution Prevention and Intervention Account—	
State Appropriation .....	\$26,000
Public Facility Construction Loan Revolving Account—	
State Appropriation .....	\$1,211,000
Model Toxics Control Stormwater Account—State	
Appropriation .....	\$100,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022).....	\$1,100,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023).....	\$1,100,000
Andy Hill Cancer Research Endowment Fund Match	
Transfer Account—State Appropriation.....	\$10,920,000
Community Preservation and Development Authority	
Account—State Appropriation.....	\$500,000
Economic Development Strategic Reserve Account—State	
Appropriation .....	\$6,608,000
Statewide Broadband Account—State Appropriation	
.....	\$180,000,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation .....	\$200,000,000

TOTAL APPROPRIATION..... \$2,161,766,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) \$5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(7) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(8) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(9) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the northwest agriculture business center.

(10) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(11) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(12) \$643,000 of the general fund—state appropriation for fiscal year 2022 and \$643,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(13) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(14) \$2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(15) \$1,980,000 of the general fund—state appropriation for fiscal year 2022 and \$1,980,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(16) \$557,000 of the general fund—state appropriation for fiscal year 2022 and \$557,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to design and administer the achieving a better life experience program.

(17) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(18) \$1,070,000 of the general fund—state appropriation for fiscal year 2022 and \$1,070,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(19) \$60,000 of the general fund—state appropriation for fiscal year 2022 and \$60,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(20) \$2,000,000 of the general fund—state appropriation for fiscal year 2022 and \$2,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(21)(a) \$18,500,000 of the general fund—state appropriation for fiscal year 2022 and \$18,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

- (i) Is dedicated as permanent supportive housing units;
- (ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and
- (iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(22)(a) \$625,000 of the general fund—state appropriation for fiscal year 2022, \$625,000 of the general fund—state appropriation for fiscal year 2023, and \$7,000,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

(i) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(ii) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(iii) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection, \$625,000 of the general fund—state appropriation for fiscal year 2022 and \$625,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of eighteen. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages eighteen to twenty-four.

(23) \$52,070,000 of the general fund—state appropriation for fiscal year 2022 and \$52,070,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for the essential needs and housing support program.

(24) \$1,436,000 of the general fund—state appropriation for fiscal year 2022 and \$1,436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(25) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(26) \$1,246,000 of the liquor excise tax account—state appropriation is provided solely for the department to provide fiscal note assistance to local governments, including increasing staff expertise in multiple subject matter areas, including but not limited to criminal justice, taxes, election impacts, transportation and land use, and providing training and staff preparation prior to legislative session.

(27) \$198,000 of the general fund—state appropriation for fiscal year 2022 and \$198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(28) \$250,000 of the general fund—state appropriation for fiscal 2022 and \$250,000 of the general fund—state appropriation for fiscal 2023 are provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be collocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(29) \$1,500,000 of the general fund—state appropriation for fiscal year 2022, \$1,500,000 of the general fund—state appropriation for fiscal year 2023 and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(30) \$10,920,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(31) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operations of the long-term care ombudsman program.

(32) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

(33) \$35,000,000 of the home security fund—state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW 43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) The department shall not reimburse more than \$56 per day per net additional person sheltered above the baseline of shelter occupancy prior to award of the funding. Eligible uses of funds include shelter operations, shelter maintenance, shelter rent, loan repayment, case management, navigation to other services, efforts to address potential impacts of shelters on surrounding

neighborhoods, capital improvements and construction, and outreach directly related to bringing unsheltered people into shelter. The department shall coordinate with local governments to encourage cost-sharing through local matching funds.

(c) The department shall not reimburse more than \$10,000 per shelter bed prior to occupancy, for costs associated with creating additional shelter capacity or improving existing shelters to improve occupancy rates and successful outcomes. Eligible costs prior to occupancy include acquisition, construction, equipment, staff costs, and other costs directly related to creating additional shelter capacity.

(d) For the purposes of this subsection "shelter" means any facility, the primary purpose of which is to provide space for homeless in general or for specific populations of homeless. The shelter must: Be structurally sound to protect occupants from the elements and not pose any threat to health or safety, have means of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

(34) \$1,007,000 of the general fund—state appropriation for fiscal year 2022 and \$1,007,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

(35) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises.

(36) \$80,000 of the general fund—state appropriation for fiscal year 2022 and \$80,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicaid issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

(37) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(38) \$100,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(39) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(40) \$500,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

(41) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of commerce to contract with a nonprofit organization to establish and operate a center for child care retention and expansion. The nonprofit organization must be a Bellingham, Washington-based nonprofit community action agency with fifty years of experience serving homeless and low-income families and individuals.

(a) Funding provided in this subsection may be used for, but is not limited to, the following purposes:

(i) Creating a rapid response team trained to help child care businesses whose continuity of operations is threatened;

(ii) Developing business model prototypes for new child care settings; and

(iii) Assisting existing or new child care businesses in assessing readiness for expansion or acquisition.

(b) Of the amounts provided in this subsection:

(i) \$120,000 of the general fund—state appropriation for fiscal year 2022 and \$120,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staffing at the center for child care; and

(ii) \$380,000 of the general fund—state appropriation for fiscal year 2022 and \$380,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the nonprofit organization to distribute grants to third party child care providers and nongovernmental organizations. Nonprofit entities applying for funding as a statewide network must:

(A) Have an existing infrastructure or network of academic, innovation, and mentoring program grant-eligible entities;

(B) Provide after-school and summer programs with youth development services; and

(C) Provide proven and tested recreational, educational, and character-building programs for children ages six to eighteen years of age.

(42) \$607,000 of the general fund—state appropriation for fiscal year 2022 and \$607,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the

department to assist current and prospective homeowners, and homeowners at risk of foreclosure. Funding provided in this section may be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, a foreclosure prevention hotline, legal services for low-income individuals, mediation, and other activities that promote homeownership. The department may contract with other foreclosure fairness program state partners to carry out this work.

(43) \$2,500,000 of the general fund—state appropriation for fiscal year 2022, \$2,500,000 of the general fund—state appropriation for fiscal year 2023, \$15,000,000 of the general fund—federal appropriation, \$200,000,000 of the coronavirus state fiscal recovery account—federal appropriation, and \$180,000,000 of the statewide broadband account—state appropriation are provided solely to the statewide broadband office. Of this amount:

(a) \$2,500,000 of the general fund—state appropriation for fiscal year 2022, \$2,500,000 of the general fund—state appropriation for fiscal year 2023, and \$15,000,000 of the general fund—federal appropriation are provided solely to implement the United States department of agriculture reconnect program. The general fund—state appropriation is provided to match the general fund—federal funding. The funding is provided for the construction, improvement, or acquisition of facilities and equipment to provide broadband service to eligible rural areas of the state.

(b) \$180,000,000 of the statewide broadband account—state appropriation and \$200,000,000 of the coronavirus state fiscal recovery account—federal appropriation are provided solely to the statewide broadband office to establish a broadband investment acceleration program. The funding must be awarded to match funds required to participate in the federal broadband infrastructure programs. Priority for grants must be for projects that serve distressed areas and rural counties as defined in RCW 43.168.020.

(i) Eligible applicants for grants include:

(A) Local governments;

(B) Tribes;

(C) Nonprofit organizations;

(D) Cooperative associations;

(E) Multiparty entities comprised of public entity members;

(F) Limited liability corporations organized for the purpose of expanding broadband access; and

(G) Incorporated businesses or partnerships.

(ii) No more than three percent of the funds appropriated for the program may be expended by the statewide broadband office, the public works board, and the community economic revitalization board, for administration of the program.

(iii) No more than three percent of each grant may be expended by the grant recipient for management or administration of the grant.

(44) \$6,000,000 of the general fund—federal appropriation is provided solely for the statewide broadband office in the department of commerce to provide grants to covered partnerships between the state or a political subdivision of the state and a provider of fixed broadband services. The grants are to be awarded and administered consistent with the guidelines of

the United States department of commerce national telecommunications and information administration.

(45) \$255,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer an emergency rental and utility assistance program pursuant to the American rescue plan act of 2021, P.L. 117-2. The department shall distribute funding in the form of grants to local housing providers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider as well as account for any funding that jurisdiction, including cities within each county, received directly from the federal government. A provider may use up to 10 percent of their grant award for administrative costs and the remainder must be used for financial assistance as defined in P.L. 117-2. The department may retain up to five percent of the funding provided in this subsection to administer the program.

(46) \$187,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to assist current and prospective homeowners at risk of foreclosure, pursuant to section 3206 of the American rescue plan act of 2021, P.L. 117-2. For purposes of this subsection, an eligible homeowner is one that has a household income at or below 100 percent of area median income or 100 percent of the United States median income. The department may contract with other foreclosure fairness program state partners to carry out this work.

(47) \$80,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer a low-income home energy assistance program pursuant to section 2911 of the American rescue plan act of 2021, P.L. 117-2. The department may designate local agencies to administer the program. The department shall not provide funds directly to home energy suppliers. In making distributions, the department must consider the number of unemployed persons and renters in each jurisdiction served by the provider as well as account for any funding that jurisdiction, including cities within each county, received directly from the federal government.

(48) \$23,000,000 of the general fund—federal appropriation (ARPA) is provided solely for a HOME investment partnership program, pursuant to the American rescue plan act of 2021, P.L. 117-2. The department shall prioritize housing projects that provide immediate relief for individuals experiencing or at risk of experiencing homelessness.

(49) \$29,525,000 of the general fund—federal appropriation (CRF) and \$230,000,000 of the general fund—federal appropriation (CRRSA), not to exceed the amount appropriated in section 3, chapter 3, Laws of 2021, that were unobligated at the end of fiscal year 2021, are provided solely for rental assistance and housing and are subject to the same terms and conditions as the appropriation in section 3, chapter 3, Laws of 2021.

(50) \$4,800,000 of the general fund—federal appropriation (CRF), not to exceed the amount appropriated in section 4, chapter 3, Laws of 2021, that was unobligated at the end of fiscal year 2021, is provided solely for working Washington grants and is subject to the same terms and conditions as the appropriation in section 4, chapter 3, Laws of 2021.

(51) \$138,000,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer a state small business credit initiative program pursuant to section 3301, the American rescue plan act of 2021, P.L. 117-2. The department is highly encouraged to use local nonprofit community development financial institutions to deliver access to credit to the maximum extent allowed by federal law, rules, and guidelines.

The department must apply for the maximum possible allocation of federal funding under section 3301, the American rescue plan act of 2021, P.L. 117-2, including but not limited to funds set aside for extremely small businesses and business enterprises owned and controlled by socially and economically disadvantaged individuals. The funding provided in this section also includes federal funds allocated to the state for technical assistance to businesses.

**NEW SECTION. Sec. 130. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2022).....	\$854,000
General Fund—State Appropriation (FY 2023).....	\$913,000
Lottery Administrative Account—State Appropriation	\$50,000
TOTAL APPROPRIATION .....	\$1,817,000

**NEW SECTION. Sec. 131. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2022)....	\$14,358,000
General Fund—State Appropriation (FY 2023)....	\$13,388,000
General Fund—Federal Appropriation.....	\$32,424,000
General Fund—Private/Local Appropriation .....	\$513,000
Economic Development Strategic Reserve Account—State Appropriation .....	\$311,000
Workforce Education Investment Account—State Appropriation .....	\$100,000
Personnel Service Account—State Appropriation.	\$35,216,000
Higher Education Personnel Services Account—State Appropriation .....	\$1,497,000
Statewide Information Technology System Development Maintenance and Operations Revolving Account— State Appropriation .....	\$44,058,000
Office of Financial Management Central Service Account—State Appropriation.....	\$20,247,000
Performance Audits of Government Account—State Appropriation .....	\$619,000
TOTAL APPROPRIATION .....	\$162,731,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

- (i) The number of state need grant and college bound recipients;
- (ii) The number of students on the unserved waiting list of the state need grant;

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(iii) Persistence and completion rates of state need grant recipients and college bound recipients as well as students on the state need grant unserved waiting list, disaggregated by institution of higher education;

(iv) State need grant recipients and students on the state need grant unserved waiting list grade point averages; and

(v) State need grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(2) \$100,000 of the workforce education investment account—state appropriation is provided solely to the office of financial management to implement career connected learning.

(3)(a) \$44,058,000 of the information technology system development revolving account—state appropriation is provided solely for the one Washington information technology program.

(b) Beginning July 1, 2021, the office of financial management shall provide written quarterly reports, within 30 calendar days of the end of each quarter, to the legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent compared to budget for the prior quarter by fiscal month and what the ensuing quarter budget will be by fiscal month. The written report must also include:

(i) A list of quantifiable deliverables accomplished and the expenditures by deliverable by fiscal month;

(ii) A report on the contract full time equivalent charged and paid to each vendor compared to budget by fiscal month;

(iii) A report identifying each state agency that received change management vendor work from an one Washington vendor; and

(iv) A report on budget and spending by phase of the one Washington program.

(c) Prior to spending any funds, the director of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(4) \$250,000 of the office of financial management central service account—state appropriation is provided solely for a dedicated budget staff for the work associated with information technology projects that are under oversight by the office of the chief information officer. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account after each fiscal month close;

(b) Amount by project of funding approved to date and for the last fiscal month;

(c) Amount by agency of funding approved to date and for the last fiscal month;

(d) Total amount approved to date and for the last fiscal month;

(e) A projection for the information technology pool account by fiscal month through the 2021-2023 fiscal biennium close, and

a calculation of amount spent to date as a percentage of the total appropriation;

(f) A projection of each project by fiscal month through the 2021-2023 fiscal biennium close, and a calculation of amount spent to date as a percentage of total project cost; and

(g) A list of agencies and projects that have not yet been approved for funding by the office of financial management.

(5)(a) \$900,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of financial management to contract out for an independent security evaluation audit of state agency information technology in the state of Washington. The independent third party must audit the security and protection of digital assets for the state of Washington to test and assess the overall security posture, including but not limited to, cybersecurity.

(b) The audit must, at a minimum:

(i) Define threats, and include recommendations to mitigate the threats to include real-time security assessments of applications, systems, and networks to identify and assess risks and determine if they could be exploited by bad actors;

(ii) Review security protocols and identify flaws in both physical and digital systems, to include data transfers;

(iii) Assess the current security performance of existing security structures, to include penetration testing;

(iv) Prioritize and complete risk scoring of identified threats and risks; and

(v) Formulate security solutions with estimated costs, to include what can be achieved in the short term or less than 12 months and what can be achieved in the mid to long term.

(c) The independent audit team must include the chair and ranking member of the senate energy, environment, and technology committee and two members of the house of representatives in executive briefings throughout the audit, and the four members must be updated, at least monthly, on the progress of the audit.

(d) The security evaluation audit report must be submitted to the fiscal committees of the legislature by August 31, 2022.

**NEW SECTION. Sec. 132. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account—State

Appropriation .....\$48,018,000

TOTAL APPROPRIATION .....\$48,018,000

**NEW SECTION. Sec. 133. FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account—State Appropriation .....\$29,095,000

TOTAL APPROPRIATION .....\$29,095,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

**NEW SECTION. Sec. 134. FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2022)..... \$428,000  
 General Fund—State Appropriation (FY 2023)..... \$447,000  
 TOTAL APPROPRIATION..... \$875,000

**NEW SECTION. Sec. 135. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2022)..... \$404,000  
 General Fund—State Appropriation (FY 2023)..... \$413,000  
 TOTAL APPROPRIATION..... \$817,000

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

Department of Retirement Systems Expense Account—  
 State Appropriation..... \$67,924,000  
 TOTAL APPROPRIATION..... \$67,924,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$6,007,000 of the appropriation in this section is provided solely for the pension system modernization project, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$181,000 of the appropriation in this section is provided solely for system modifications to minimize the use of the last four digits of member social security numbers.

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2022).. \$163,658,000  
 General Fund—State Appropriation (FY 2023).. \$247,560,000  
 Timber Tax Distribution Account—State Appropriation  
 ..... \$7,382,000  
 Business License Account—State Appropriation . \$20,549,000  
 Waste Reduction, Recycling, and Litter Control  
 Account—State Appropriation ..... \$168,000  
 Model Toxics Control Operating Account—State  
 Appropriation..... \$118,000  
 Financial Services Regulation Account—State  
 Appropriation..... \$5,000,000  
 TOTAL APPROPRIATION..... \$444,435,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,608,000 of the general fund—state appropriation for fiscal year 2022 and \$95,958,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Senate Bill No. 5424 (working families/tax). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(2) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$8,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Senate Bill No. 5309 (diapers/sales & use tax). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(3) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5449 (vehicle sales tax).

(4) \$292,000 of the general fund—state appropriation for fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Substitute House Bill No. 1095 (emergency assistance/tax). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(5) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$19,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Senate Bill No. 5324 (mobility equipment/sales tax). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(6) \$7,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Senate Bill No. 5337 (property tax/senior, veteran). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(7) \$321,000 of the general fund—state appropriation for fiscal year 2022 and \$40,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Senate Bill No. 5440 (manufacturing B&O reform). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(8) \$78,000 of the general fund—state appropriation for fiscal year 2022 and \$56,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Senate Bill No. 5463 (residential property valuation). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 138. FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2022)..... \$2,516,000  
 General Fund—State Appropriation (FY 2023)..... \$2,528,000  
 TOTAL APPROPRIATION ..... \$5,044,000

**NEW SECTION. Sec. 139. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

General Fund—State Appropriation (FY 2022)..... \$629,000  
 General Fund—State Appropriation (FY 2023)..... \$631,000  
 Minority and Women's Business Enterprises Account—  
 State Appropriation ..... \$5,086,000  
 TOTAL APPROPRIATION ..... \$6,346,000

The appropriations in this section are subject to the following conditions and limitations: The office of minority and women's business enterprises shall consult with the Washington state office of equity on the Washington state toolkit for equity in public spending.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

**NEW SECTION. Sec. 140. FOR THE INSURANCE COMMISSIONER**

General Fund—Federal Appropriation .....	\$4,629,000
Insurance Commissioner's Fraud Account—State Appropriation.....	\$3,586,000
Insurance Commissioner's Regulatory Account—State Appropriation.....	\$63,794,000
TOTAL APPROPRIATION.....	\$72,009,000

**NEW SECTION. Sec. 141. FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account—State Appropriation.....	\$60,071,000
TOTAL APPROPRIATION.....	\$60,071,000

**NEW SECTION. Sec. 142. FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2022).....	\$385,000
General Fund—State Appropriation (FY 2023).....	\$408,000
General Fund—Federal Appropriation .....	\$3,035,000
General Fund—Private/Local Appropriation.....	\$75,000
Dedicated Marijuana Account—State Appropriation (FY 2022) .....	\$11,501,000
Dedicated Marijuana Account—State Appropriation (FY 2023) .....	\$11,473,000
Liquor Revolving Account—State Appropriation	\$73,698,000
TOTAL APPROPRIATION.....	\$100,575,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) \$659,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Senate Bill No. 5417 (liquor license privileges). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(3) \$58,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5272 (liquor & cannabis board fees). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 143. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund—Private/Local Appropriation.....	\$16,503,000
Public Service Revolving Account—State Appropriation .....	\$40,147,000
Public Service Revolving Account—Federal	

Appropriation.....	\$100,000
Pipeline Safety Account—State Appropriation.....	\$3,403,000
Pipeline Safety Account—Federal Appropriation..	\$3,114,000
TOTAL APPROPRIATION .....	\$63,267,000

The appropriations in this section are subject to the following conditions and limitations: Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

**NEW SECTION. Sec. 144. FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2022) .....	\$8,846,000
General Fund—State Appropriation (FY 2023) .....	\$8,838,000
General Fund—Federal Appropriation.....	\$120,331,000
Enhanced 911 Account—State Appropriation .....	\$53,782,000
Disaster Response Account—State Appropriation	\$33,637,000
Disaster Response Account—Federal Appropriation .....	\$286,890,000
Military Department Rent and Lease Account—State Appropriation .....	\$992,000
Military Department Active State Service Account— State Appropriation .....	\$400,000
Oil Spill Prevention Account—State Appropriation .....	\$1,040,000
Worker and Community Right to Know Fund—State Appropriation .....	\$1,811,000
TOTAL APPROPRIATION .....	\$516,567,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2021-2023 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(4) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training,

equipment, and supporting costs to national guard soldiers and airmen.

(5) \$200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staff.

(6) \$2,136,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to administer the emergency management performance grants according to federal laws and guidelines.

**NEW SECTION. Sec. 145. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund—State Appropriation (FY 2022).....	\$2,330,000
General Fund—State Appropriation (FY 2023).....	\$2,332,000
Personnel Service Account—State Appropriation..	\$4,336,000
Higher Education Personnel Services Account—State Appropriation.....	\$1,393,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$10,391,000</b>

**NEW SECTION. Sec. 146. FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account—State Appropriation.....	\$4,349,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$4,349,000</b>

**NEW SECTION. Sec. 147. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation.....	\$4,940,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$4,940,000</b>

The appropriation in this section is subject to the following conditions and limitations: \$3,930,000 of the appropriation in this section is provided solely for a benefits management system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

**NEW SECTION. Sec. 148. FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation.	\$752,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$752,000</b>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

**NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2022).....	\$4,959,000
---	-------------

General Fund—State Appropriation (FY 2023).....	\$5,006,000
General Fund—Private/Local Appropriation .....	\$102,000
Building Code Council Account—State Appropriation .....	\$1,730,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$11,797,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,158,000 of the general fund—state appropriation for fiscal year 2022 and \$4,177,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the payment of facilities and services charges to include campus rent, utilities, parking, and contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(3) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2022 and \$1,300,000 in fiscal year 2023.

(4) Within existing resources, beginning October 31, 2021, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislature by October 31st of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that calendar year and must include any contract that was active since July 1 of the previous calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, the contract term start and end dates, the contract dollar amount in total, contract dollar amount by state fiscal year to include contract spending projections for each ensuing state fiscal year through the contract term, and type of service delivered. The list of contracts must be provided electronically in Excel and sortable by all fields.

**NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund—State Appropriation (FY 2022).....	\$2,163,000
General Fund—State Appropriation (FY 2023).....	\$2,160,000
General Fund—Federal Appropriation.....	\$2,142,000
General Fund—Private/Local Appropriation .....	\$14,000

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

TOTAL APPROPRIATION.....\$6,479,000

The appropriations in this section are subject to the following conditions and limitations: \$103,000 of the general fund—state appropriation for fiscal year 2022 and \$103,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

**NEW SECTION. Sec. 151. FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2022).....\$188,000

General Fund—State Appropriation (FY 2023).....\$188,000

Consolidated Technology Services Revolving Account—

State Appropriation.....\$25,072,000

TOTAL APPROPRIATION.....\$25,448,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,275,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount \$1,663,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency information technology projects that are under oversight from the office of the chief information officer and subject to the provisions of section 701 of this act. The staff or vendors will:

(a) Provide master level project management guidance to agency information technology stakeholders;

(b) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past information technology projects in at least Washington state and share these with agency information technology stakeholders and legislative fiscal staff at least quarterly, beginning July 1, 2021; and

(c) Provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of information technology projects.

(2) \$10,939,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) \$4,303,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must

include, at a minimum, full-service desktop support, service assistance, security, and consultation.

(10)(a) The statewide information technology dashboard elements must include at the minimum the:

- (i) Start date of the project;
- (ii) End date of the project, when the project will close out and implementation will occur;
- (iii) Term of the project in fiscal years across all biennia to reflect the start of the project through the end of the project;
- (iv) Total project cost from start date through end date in total dollars, and a subtotal of near general fund outlook;
- (v) Estimated annual fiscal year cost for maintenance and operations after implementation and close out;
- (vi) Start date of maintenance and operations;
- (vii) Actual spend by fiscal year and in total for fiscal years that are closed; and
- (viii) Date a feasibility study was completed.

(b) The office of the chief information officer may recommend additional elements be included but must have agreement with legislative fiscal committees and the office of financial management prior to including the additional elements.

(c) The agency must ensure timely posting of project data on the statewide information technology dashboard for at least each project funded in the budget to include, at a minimum, posting on the dashboard:

- (i) The budget funded level by project for each project within 30 calendar days of the budget being signed into law;
- (ii) The project historical expenditures through fiscal year 2021, by June 30, 2022, for all projects that started prior to July 1, 2021; and
- (iii) Whether each project has completed a feasibility study.

**NEW SECTION. Sec. 152. FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Professional Engineers' Account—State Appropriation .....	\$4,132,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$4,132,000</b>

**PART II  
HUMAN SERVICES**

**NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as

long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when

EIGHTY FIRST DAY, APRIL 1, 2021

collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

**NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

**(1) INSTITUTIONAL SERVICES**

General Fund—State Appropriation (FY 2022)..	\$422,874,000
General Fund—State Appropriation (FY 2023)..	\$397,987,000
General Fund—Federal Appropriation.....	\$136,138,000
General Fund—Private/Local Appropriation.....	\$16,628,000
TOTAL APPROPRIATION.....	\$973,627,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2022 and \$310,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2022 and \$45,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2022 and \$19,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas.

(e) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this

determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2019 and December 1, 2020.

(g) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. The department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness of the tool; (D) identification of interventions and strategies that can be effective in reducing future criminal justice involvement of high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to contracted managed care organizations and behavioral health entities.

(ii) The model for civil and forensic state hospital bed need must be developed and updated in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The department must submit a report to the legislature each November 1st through the end of the biennium. The department must continue to update the model on a calendar quarterly basis and provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(h) \$3,881,000 of the general fund—state appropriation for fiscal year 2022 and \$3,933,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes

implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(i) \$7,147,000 of the general fund—state appropriation for fiscal year 2022 and \$7,147,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 and further increase the number of staff providing competency evaluation services. During the 2021-2023 fiscal biennium, the department must use a portion of these amounts to increase the number of forensic evaluators pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) \$63,159,000 of the general fund—state appropriation for fiscal year 2022, \$63,159,000 of the general fund—state appropriation for fiscal year 2023, and \$2,127,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services). These amounts must be used to maintain increases that began in fiscal year 2016 and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need. During the 2021-2023 fiscal biennium, the department must use a portion of these amounts to increase forensic bed capacity at the state hospitals pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(k) \$86,705,000 of the general fund—state appropriation for fiscal year 2022 and \$86,705,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees.

(i) The staffing tool must be designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities.

(ii) Within these amounts, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services.

(iii) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial

management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within thirty days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within thirty days of granting such authorizations and identify the reason and time frame for the extension.

(l) \$10,581,000 of the general fund—state appropriation for fiscal year 2022 and \$10,581,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for implementing a new intensive care model program at western state hospital.

(m) \$2,593,000 of the general fund—state appropriation for fiscal year 2022 and \$2,593,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Laswhay* settlement agreement.

(n) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per ten thousand patient bed days; (iv) monthly dollar expenditures per ten thousand patient bed days; (v) percentage of FTE expenditures for overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per 10,000 bed days; (x) rate of patient assaults per 10,000 bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature each December 1st through the end of fiscal year 2023, and provide annual updates each December 1st thereafter.

(o) \$1,382,000 of the general fund—state appropriation for fiscal year 2022, \$5,092,000 of the general fund—state appropriation for fiscal year 2023, and \$5,092,000 of the general fund—federal appropriation are provided solely for the operations of a 16-bed civil commitment facility located in Grand Mound.

(p) \$4,316,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the operation of a facility on the Maple Lane campus serving persons deemed not guilty by reason of insanity.

(q) \$2,941,000 of the general fund—state appropriation for fiscal year 2023 and \$2,941,000 of the general fund—federal appropriation are provided solely for the operations of a 16-bed civil commitment facility located in Clark county.

EIGHTY FIRST DAY, APRIL 1, 2021

(r) \$8,422,000 of the general fund—state appropriation for fiscal year 2022 and \$18,997,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operating costs of the two new 29-bed competency restoration wards constructed at western state hospital.

(2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022).....	\$5,786,000
General Fund—State Appropriation (FY 2023).....	\$5,709,000
General Fund—Federal Appropriation .....	\$338,000
TOTAL APPROPRIATION.....	\$11,833,000

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2022)..	\$824,723,000
General Fund—State Appropriation (FY 2023)..	\$914,217,000
General Fund—Federal Appropriation .....	\$1,865,121,000
General Fund—Private/Local Appropriation.....	\$4,058,000
Developmental Disabilities Community Trust Account—	
State Appropriation.....	\$52,000,000
TOTAL APPROPRIATION.....	\$3,660,119,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2022 and \$225 per bed beginning in fiscal year 2023. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2022 and \$116 per bed beginning in fiscal year 2023.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2022 and \$359 per bed beginning in fiscal year 2023.

(c) \$3,488,000 of the general fund—state appropriation for fiscal year 2022, \$8,946,000 of the general fund—state appropriation for fiscal year 2023, and \$15,825,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 944 of this act.

(d) \$384,000 of the general fund—state appropriation for fiscal year 2022, \$992,000 of the general fund—state appropriation for fiscal year 2023, and \$1,751,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e) \$688,000 of the general fund—state appropriation for fiscal year 2022, \$860,000 of the general fund—state appropriation for

fiscal year 2023, and \$1,733,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(f) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(g) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(h) Sufficient appropriations are provided to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (h)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (h)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(i) Sufficient appropriations are provided for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) The department will work with the health care authority and Washington state's managed care organizations to establish recommendations for clients who live in the community to access the developmental disabilities administration's facility-based professionals to receive care covered under the state plan. If feasible, these recommendations should detail how to enable

facility-based professionals to deliver services at mobile or brick-and-mortar clinical settings in the community.

(k) \$1,705,000 of the general fund—state appropriation for fiscal year 2022, \$1,688,000 of the general fund—state appropriation for fiscal year 2023, and \$1,465,000 of the general fund—federal appropriation are provided solely for 13 enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) \$2,025,000 of the general fund—state appropriation for fiscal year 2022 and \$2,006,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for 13 community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(i) \$486,000 of the general fund—state appropriation for fiscal year 2022 and \$486,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Senate Bill No. 5268 (developmental disability services). If the bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022).....	\$115,067,000
General Fund—State Appropriation (FY 2023).....	\$123,752,000
General Fund—Federal Appropriation .....	\$238,869,000
General Fund—Private/Local Appropriation.....	\$27,043,000
TOTAL APPROPRIATION.....	\$504,731,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2022 and \$495,000 of the general fund—state appropriation for fiscal year 2023 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$3,490,000 of the general fund—local appropriation and \$3,490,000 of the general fund—federal appropriation are provided solely to implement chapter 458, Laws of 2019 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2022 and \$859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the

department's annual licensing and oversight activity costs. The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2022).....	\$2,570,000
General Fund—State Appropriation (FY 2023).....	\$2,578,000
General Fund—Federal Appropriation.....	\$3,094,000
TOTAL APPROPRIATION .....	\$8,242,000

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2022).....	\$61,000
General Fund—State Appropriation (FY 2023).....	\$61,000
General Fund—Federal Appropriation.....	\$1,090,000
TOTAL APPROPRIATION .....	\$1,212,000

**NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022).....	\$1,532,849,000
General Fund—State Appropriation (FY 2023).....	\$1,728,702,000
General Fund—Federal Appropriation.....	\$4,179,204,000
General Fund—Private/Local Appropriation .....	\$37,804,000
Traumatic Brain Injury Account—State Appropriation .....	\$4,544,000
Skilled Nursing Facility Safety Net Trust Account—State Appropriation .....	\$133,360,000
Long-Term Services and Supports Trust Account—State Appropriation .....	\$2,778,000
TOTAL APPROPRIATION .....	\$7,619,241,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed \$263.07 for fiscal year 2022 and may not exceed \$267.18 for fiscal year 2023.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2022 and \$225 per bed beginning in fiscal year 2023. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2022 and \$116 per bed beginning in fiscal year 2023.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2022 and \$359 per bed beginning in fiscal year 2023.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$7,705,000 of the general fund—state appropriation for fiscal year 2022, \$19,599,000 of the general fund—state appropriation for fiscal year 2023, and \$34,749,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 944 of this act.

(5) \$2,557,000 of the general fund—state appropriation for fiscal year 2022, \$6,439,000 of the general fund—state appropriation for fiscal year 2023, and \$11,448,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(6) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(7) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(8) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(9) Appropriations in this section are sufficient to fund discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(10) Appropriations in this section are sufficient to fund financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(11) The department shall continue to administer initiative 2 of the medicaid transformation waiver that provides tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. This initiative will be funded by the health care authority with the medicaid quality improvement program. The secretary in collaboration with the director of the health care authority shall report to the office of financial management all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested. The department shall not increase general fund—state expenditures on this initiative.

(12) \$4,304,000 of the general fund—state appropriation for fiscal year 2022, \$5,561,000 of the general fund—state appropriation for fiscal year 2023, and \$11,054,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor

and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium, as provided in section 946 of this act.

(13) \$428,000 of the general fund—state appropriation for fiscal year 2022, \$1,761,000 of the general fund—state appropriation for fiscal year 2023, and \$2,520,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(14) Appropriations provided in this section are sufficient for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

- (i) The importance of early advance care, legal, and financial planning;
- (ii) The purpose and application of various advance care, legal, and financial documents;
- (iii) Dementia and capacity;
- (iv) Long-term care financing considerations;
- (v) Elder and vulnerable adult abuse and exploitation;
- (vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"
- (vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and
- (viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(15) Appropriation provided in this section are sufficient to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a

community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(16) The department of social and health services aging and long term services administration, in coordination with the health care authority, is directed to identify a fiscal process that will update and modify the appropriation for behavioral health medicaid personal care services for individuals whose principal disability is due to their psychiatric diagnosis annually to ensure the department and the authority are adequately funded. The department shall also work with the authority to identify how medicaid managed care plans actively case manage and coordinate services for long term care clients and identify opportunities for improved care coordination for individuals whose principal disability is due to their psychiatric diagnosis. These recommendations and options should be reported to the office of financial management, and the appropriate legislative fiscal committees, no later than November 1, 2021.

(17) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(18) \$3,353,000 of the general fund—local appropriation and \$1,055,000 of the general fund—federal appropriation are provided solely to implement chapter 458, Laws of 2019 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2022 and \$859 per client in fiscal year 2023. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(19) \$1,858,000 of the general fund—state appropriation for fiscal year 2022 and \$1,857,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(20) \$5,094,000 of the general fund—state appropriation for fiscal year 2022 and \$5,094,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for services

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

and support to individuals who are deaf, hard of hearing, or deaf-blind.

(21) \$479,000 of the general fund—state appropriation for fiscal year 2022 and \$479,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(22) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(23) \$1,344,000 of the general fund—state appropriation for fiscal year 2022 and \$1,344,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the kinship care support program.

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022)..	\$376,994,000
General Fund—State Appropriation (FY 2023)..	\$383,831,000
General Fund—Federal Appropriation.....	\$1,497,129,000
General Fund—Private/Local Appropriation.....	\$5,274,000
Domestic Violence Prevention Account—State Appropriation.....	\$2,404,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$2,265,632,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$87,901,000 of the general fund—state appropriation for fiscal year 2022, \$92,944,000 of the general fund—state appropriation for fiscal year 2023, and \$835,974,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b)(i) The department shall submit quarterly expenditure reports to the governor, the fiscal committees of the legislature, and the legislative WorkFirst poverty reduction oversight task force under RCW 74.08A.341. In addition to these requirements, the department must detail any fund transfers across budget units identified in (a) of this subsection. The department shall not initiate any services that require expenditure of state general fund moneys that are not consistent with policies established by the legislature.

(ii) The department may transfer up to ten percent of funding between budget units identified in (a) of this subsection. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(c) \$403,000 of the general fund—state appropriation for fiscal year 2022 and \$584,000 of the general fund—state appropriation

for fiscal year 2023 of the amounts in (a) of this subsection are provided solely for the implementation of chapter 320, Laws of 2020 (revising economic assistance programs).

(d) \$638,000 of the general fund—state appropriation for fiscal year 2022, \$645,000 of the general fund—state appropriation for fiscal year 2023, and \$2,921,000 of the general fund—federal appropriation of the amounts in (a) of this subsection are provided solely for the implementation of chapter 338, Laws of 2020 (improving access to temporary assistance for needy families).

(e)(i) Of the amounts in (a) of this subsection, \$353,402,000 of the general fund—federal appropriation is provided solely for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families.

(ii) The department of social and health services shall work in collaboration with the department of children, youth, and families to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families. Effective September 30, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(f) Of the amounts in (a) of this subsection, \$68,496,000 of the general fund—federal appropriation is provided solely for child welfare services within the department of children, youth, and families.

(g) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(h) In the 2021-2023 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (a) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$2,545,000 of the general fund—state appropriation for fiscal year 2022 and \$2,546,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2022, and January 1, 2023, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(8) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operational support of the Washington information network 211 organization.

(9) \$568,000 of the general fund—federal appropriation (CRRSSA) and \$20,592,000 of the general fund—federal appropriation (ARPA) are provided solely for the administration of the federal supplemental nutrition assistance program.

(10) \$204,000 of the general fund—state appropriation for fiscal year 2022 and \$22,635,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to provide a one-time or short-term cash benefit to families eligible for pandemic emergency assistance under section 9201 of the American rescue plan act of 2021, P.L. 117-2, and to offer an equivalent benefit to eligible state family assistance or food assistance program recipients.

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2022).....	\$16,001,000
General Fund—State Appropriation (FY 2023).....	\$15,866,000
General Fund—Federal Appropriation.....	\$109,595,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$141,462,000</b>

**NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2022).....	\$54,490,000
General Fund—State Appropriation (FY 2023).....	\$54,338,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$108,828,000</b>

The appropriations in this section are subject to the following conditions and limitations: The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022).....	\$32,078,000
General Fund—State Appropriation (FY 2023).....	\$31,383,000
General Fund—Federal Appropriation.....	\$46,335,000
General Fund—Private/Local Appropriation .....	\$429,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$110,225,000</b>

The appropriations in this section are subject to the following conditions and limitations: Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2022, and February 1, 2023. The report must provide:

- (1) The number of people in Washington who are eligible for the program;
- (2) The number of people in Washington who participated in the program;
- (3) The average annual participation rate in the program;
- (4) Participation rates by geographic distribution; and
- (5) The annual federal funding of the program in Washington.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2022).....	\$45,826,000
General Fund—State Appropriation (FY 2023).....	\$47,720,000
General Fund—Federal Appropriation.....	\$46,673,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$140,219,000</b>

The appropriations in this section are subject to the following conditions and limitations: Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

**NEW SECTION. Sec. 210. FOR THE STATE HEALTH CARE AUTHORITY**

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

During the 2021-2023 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

**NEW SECTION. Sec. 211. FOR THE STATE HEALTH CARE AUTHORITY—MEDICAL ASSISTANCE**

General Fund—State Appropriation (FY 2022)	\$2,398,933,000
General Fund—State Appropriation (FY 2023)	\$2,316,122,000
General Fund—Federal Appropriation	\$12,700,051,000
General Fund—Private/Local Appropriation	\$355,726,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation	\$15,086,000
Hospital Safety Net Assessment Account—State Appropriation	\$723,238,000
Dedicated Marijuana Account—State Appropriation (FY 2022)	\$24,549,000
Dedicated Marijuana Account—State Appropriation (FY 2023)	\$25,223,000
Medical Aid Account—State Appropriation	\$536,000
Telebehavioral Health Access Account—State	

Appropriation	\$7,468,000
TOTAL APPROPRIATION	\$18,566,932,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2), (3), and (4) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonpunitive of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. The authority shall submit an application to the centers for medicaid and medicare services to extend the duration of the medicaid transformation waiver under healthier Washington as described in subsections (2), (3), and (4) of this section by one year. If not extended, by federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement.

(2)(a) No more than \$99,113,000 of the general fund—federal appropriation and no more than \$82,554,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$243,047,000 of the general fund—federal appropriation and no more than \$99,274,000 of the general fund—private/local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against the medicaid transformation demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program does not create an entitlement. The authority shall not increase general fund—state, federal, or private/local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(3) No more than \$26,837,000 of the general fund—federal appropriation and \$26,839,000 of the general fund—local appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington as well as administrative expenses for initiative 3. The authority shall contract and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not increase general fund—state expenditures on this initiative.

(4) No more than \$74,069,000 of the general fund—federal appropriation and no more than \$22,862,000 of the general fund—local appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(5) The authority shall submit a plan to preserve the waiver that allows for the full cost of stays in institutions for mental diseases to be included in managed care rates by November 1, 2021, to the appropriate committees of the legislature.

(6) The authority shall submit a plan to preserve the waiver allowing for full federal financial participation for medical clients in mental health facilities classified as institutions for mental

diseases by November 1, 2021, to the appropriate committees of the legislature.

(7) Annually, no later than November 1st, the authority shall report to the governor and appropriate committees of the legislature savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

(8) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(9) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(10) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(11) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(12) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(13) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(14) \$4,261,000 of the general fund—state appropriation for fiscal year 2022, \$4,261,000 of the general fund—state appropriation for fiscal year 2023, and \$8,522,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(15) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(16) \$7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(17) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2021-2023 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2021, and by November 1, 2022, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2022 and fiscal year 2023, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2021-2023 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$691,000 of the general fund—state appropriation for fiscal year 2022 and \$686,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for state grants for the participating hospitals.

(18) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(19) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(20) The authority shall submit reports to the governor and the legislature by September 15, 2021, and no later than September 15, 2022, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(21) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(22) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(23) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(24) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(25) \$90,000 of the general fund—state appropriation for fiscal year 2022, \$90,000 of the general fund—state appropriation for fiscal year 2023, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(26) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(27) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(28) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(29) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(30) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

(31) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

(32) During the 2021-2023 fiscal biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

- (a) Are over nineteen years of age;
- (b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;
- (c) Are not covered by other public or private insurance; and
- (d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

(33) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

(a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

- (A) At least one common measure must be weighted towards having the potential to impact managed care costs; and
- (B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

- (A) Be chosen from the statewide common measure set;
- (B) Reflect specific measures where a managed care organization has poor performance; and
- (C) Be substantive and clinically meaningful in promoting health status.

(b) The authority shall set the four common measures to be analyzed across all managed care organizations.

(c) The authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each

managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2021, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

- (i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or
- (ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

(34) Sufficient amounts are provided to the authority to implement the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. The authority is directed to:

(a) Organize all program integrity activities into a centralized unit or under a common protocol addressing provider enrollment, fraud and abuse detection, investigations, and law enforcement referrals that is more reflective of industry standards;

(b) Ensure appropriate resources are dedicated to prevention, detection, investigation, and suspected provider fraud at both the authority and at contracted managed care organizations;

(c) Ensure all required federal regulations are being followed and are incorporated into managed care contracts;

(d) Directly audit managed care encounter data to identify fraud, waste, and abuse issues with managed care organization providers;

(e) Initiate data mining activities in order to identify fraud, waste, and abuse issues with managed care organization providers;

(f) Implement proactive data mining and routine audits of validated managed care encounter data;

(g) Assess liquidated damages to managed care organizations when fraud, waste, or abuse with managed care organization providers is identified;

(h) Require managed care organizations submit accurate reports on overpayments, including the prompt reporting of overpayments identified or recovered, specifying overpayments due to fraud, waste, or abuse;

(i) Implement processes to ensure integrity of data used for rate setting purposes;

(j) Refine payment suspension policies; and

(k) Ensure all federal database exclusion checks are performed at the appropriate intervals. The authority shall update managed care contracts as appropriate to reflect these requirements.

EIGHTY FIRST DAY, APRIL 1, 2021

(35) No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(17) of this act, shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

(36) \$2,786,000 of the general fund—state appropriation for fiscal year 2022, \$3,714,000 of the general fund—state appropriation for fiscal year 2023, and \$11,009,000 of the general fund—federal appropriation are provided solely to maintain and increase access for behavioral health services through increased provider rates. The rate increases are effective October 2021 and must be applied to the following codes for children and adults enrolled in the medicaid program: 90832, 90833, 90834, 90837, H0004, H0036, H2015, H2021, H0023, 90836, 90838, 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, 96171, 90845, 90846, 90847, 90849, 90853, 90785, and 90791. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Implement this rate increase in accordance with the process established in chapter 285, Laws of 2020 (EHB 2584) (behavioral health rates);

(b) Raise the state fee-for-service rates for these codes by up to 15 percent, except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available;

(c) Require in contracts with managed care organizations that, beginning October 2021, managed care organizations pay no lower than the fee-for-service rate for these codes, and adjust managed care capitation rates accordingly; and

(d) Not duplicate rate increases provided in subsection (37) of this section.

(37) \$16,749,000 of the general fund—state appropriation for fiscal year 2022, \$22,332,000 of the general fund—state appropriation for fiscal year 2023, and \$70,378,000 of the general fund—federal appropriation are provided solely to maintain and increase access for primary care services for medicaid-enrolled patients through increased provider rates beginning October 1, 2021. Within the amounts provided in this subsection the authority must:

(a) Increase the medical assistance rates for primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 15 percent above medical assistance rates in effect on January 1, 2019;

(b) Increase the medical assistance rates for pediatric critical care, neonatal critical care, and neonatal intensive care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 21 percent above medical assistance rates in effect on January 1, 2019;

(c) Apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014, implementing the patient

protection and affordable care act, except that the authority may not require provider attestations;

(d) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2019; and

(e) Not duplicate rate increases provided in subsection (36) of this section.

(38)(a) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health clinics.

(b) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health clinics during the fiscal year close process following generally accepted accounting practices.

(39)(a) The authority in collaboration with the office of financial management and representatives from fiscal committees of the legislature shall conduct an evaluation of the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(b) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(c) The authority shall require all managed care organizations to provide information to the authority to account for all payments to federally qualified health centers to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(d) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with federally qualified health centers contracting under APM4.

(e) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with federally qualified health centers contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

(40) Within the amounts appropriated in this section, the authority is to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

(41) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas.

(42) \$120,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for evaluation of the Washington rural health access preservation pilot program.

(43) The authority is prohibited to direct any funds to safe-injection sites for the illicit use of drugs.

**NEW SECTION. Sec. 212. FOR THE STATE HEALTH CARE AUTHORITY—PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAM**

State Health Care Authority Administrative Account—	
State Appropriation .....	\$34,967,000
TOTAL APPROPRIATION .....	\$34,967,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any savings from reduced claims costs must be reserved for funding employee benefits and may not be used for administrative expenses.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who use tobacco products, and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

**NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY—SCHOOL EMPLOYEES' BENEFITS BOARD**

School Employees' Insurance Administrative Account—	
State Appropriation.....	\$24,580,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$24,580,000</b>

**NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE AUTHORITY—HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2022).....	\$4,407,000
General Fund—State Appropriation (FY 2023).....	\$4,407,000
General Fund—Federal Appropriation.....	\$46,294,000
Health Benefit Exchange Account—State Appropriation	
.....	\$63,416,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$118,524,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation and one-half the health benefit exchange account—state appropriation to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

**NEW SECTION. Sec. 215. FOR THE STATE HEALTH CARE AUTHORITY—COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2022)..	\$718,769,000
General Fund—State Appropriation (FY 2023)..	\$736,064,000
General Fund—Federal Appropriation.....	\$2,621,018,000

General Fund—Private/Local Appropriation .....	\$36,512,000
Criminal Justice Treatment Account—State	
Appropriation .....	\$21,988,000
Problem Gambling Account—State Appropriation	\$1,463,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022).....	\$28,487,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023).....	\$28,487,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$4,192,788,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and administrative services organizations in regions where the authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380, and behavioral health organizations in regions that have not yet transitioned to fully integrated managed care.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) \$23,231,000 of the general fund—state appropriation for fiscal year 2022, \$27,679,000 of the general fund—state appropriation for fiscal year 2023, and \$9,072,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) \$10,424,000 of the general fund—state appropriation for fiscal year 2022, \$10,424,000 of the general fund—state appropriation for fiscal year 2023, and \$23,444,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (6) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

evidence-based practice model in programs funded under this section.

(5) From the general fund—state appropriations in this section, the authority shall assure that behavioral health entities reimburse the department of social and health services aging and long-term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health entity consumers use because of their psychiatric disability.

(6) \$107,991,000 of the general fund—state appropriation for fiscal year 2022 and \$108,891,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) \$3,939,000 of each fiscal year amounts must be distributed to behavioral health administrative service organizations. Of the remaining amount per fiscal year, 80 percent must be distributed to behavioral health administrative service organizations and 20 percent to managed care organizations. The percentage of funding provided to each behavioral health administrative services organization must be proportionate to the fiscal year 2021 regional allocation of flexible nonmedicaid funds.

(b) The authority must include the following language in medicaid contracts with behavioral health entities unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(7) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(8) \$1,204,000 of the general fund—state appropriation for fiscal year 2022 and \$1,204,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(9) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (6) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(10) \$2,291,000 of the general fund—state appropriation for fiscal year 2022 and \$2,291,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit

a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(11) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(12) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health administrative services organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health administrative services organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health administrative services organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health administrative services organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan.

(13) During the 2021-2023 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health administrative services organizations.

(14) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(15) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(16) No more than \$1,535,000 of the general fund—federal appropriation and \$810,000 of the general fund—local

appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(17) \$6,858,000 of the general fund—state appropriation for fiscal year 2022, \$6,858,000 of the general fund—state appropriation for fiscal year 2023, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain new crisis triage or stabilization centers. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(18) \$1,125,000 of the general fund—federal appropriation, from the substance abuse prevention and treatment federal block grant amount, is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(19) \$9,795,000 of the general fund—state appropriation for fiscal year 2022, \$10,015,000 of the general fund—state appropriation for fiscal year 2023, and \$15,025,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(20) \$23,090,000 of the general fund—state appropriation for fiscal year 2022, \$23,090,000 of the general fund—state appropriation for fiscal year 2023, and \$92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that were initially funded in fiscal year 2019. 20 percent of the general fund—state appropriation amounts must be provided to behavioral health administrative services organizations to increase their nonmedicaid regional funding allocations and the remainder must be provided to the medicaid managed care organizations providing apple health integrated managed care.

The medicaid funding is intended to increase rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. For the behavioral health administrative services organizations, this funding must be allocated to each region based upon the population of the region. For managed care organizations, this funding must be provided through the behavioral health portion of the medicaid integrated managed care capitation rates. The authority must require managed care organizations to provide a report that details the methodology the managed care organization used to distribute this funding to their contracted behavioral health providers. The report submitted by behavioral health administrative service organizations and managed care organizations must include mechanisms employed to disperse the funding as well as estimated impacts to behavioral health providers in the community. The authority must submit a report to the legislature by December annually, summarizing the information provided by the managed care organizations regarding the distribution of the funding provided under this section.

(21) \$58,832,000 of the general fund—state appropriation for fiscal year 2022, \$78,832,000 of the general fund—state appropriation for fiscal year 2023, and \$199,641,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities.

Sufficient amounts are provided for the authority to reimburse providers serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows: (i) Community hospitals whose costs exceed their current rates based on their most recently filed medicare cost report at one hundred percent of the hospital's eligible costs documented in the most recently filed medicare cost report; (ii) community hospitals that do not have a filed medicare cost report on file with the authority at the statewide average rate based on the average of provider specific long-term inpatient care rates or the provider's current per diem rate, whichever is higher; (iii) community hospitals whose costs do not exceed their current rates based on their most recently filed medicare cost report at a rate of \$940 per day; and (iv) nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025 at a rate that reflects a five percent increase from their fiscal year 2020 rate for serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025.

(22)(a) \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2022 and \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2019 allocation.

(23)(a) \$1,125,000 of the general fund—state appropriation for fiscal year 2022 and \$1,125,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(24) \$1,850,000 of the general fund—state appropriation for fiscal year 2022, \$1,850,000 of the general fund—state appropriation for fiscal year 2023, and \$13,312,000 of the general fund—federal appropriation are provided solely for substance use disorder peer support services included in behavioral health capitation rates in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(25) \$1,256,000 of the general fund—state appropriation for fiscal year 2022, \$1,256,000 of the general fund—state appropriation for fiscal year 2023, and \$2,512,000 of the general fund—federal appropriation are provided solely for the authority to increase the number of residential beds for pregnant and parenting women. These amounts may be used for startup funds and ongoing costs associated with two new sixteen bed pregnant and parenting women residential treatment programs.

(26) \$1,393,000 of the general fund—state appropriation for fiscal year 2022, \$1,423,000 of the general fund—state appropriation for fiscal year 2023, and \$5,938,000 of the general fund—federal appropriation are provided solely for the authority to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being

diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(27) \$3,396,000 of the general fund—state appropriation for fiscal year 2022, \$3,396,000 of the general fund—state appropriation for fiscal year 2023, and \$16,200,000 of the general fund—federal appropriation are provided solely for support of and to increase clubhouse facilities across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service.

(28) \$800,000 of the general fund—state appropriation for fiscal year 2022, \$800,000 of the general fund—state appropriation for fiscal year 2023, and \$1,452,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

(29) \$446,000 of the general fund—state appropriation for fiscal year 2022, \$446,000 of the general fund—state appropriation for fiscal year 2023, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(30) \$259,000 of the general fund—state appropriation for fiscal year 2022, \$259,000 of the general fund—state appropriation for fiscal year 2023, and \$1,285,000 of the general fund—federal appropriation are provided solely to support the administrative costs associated with the application and implementation of a federal waiver allowing for full federal participation in mental health treatment facilities identified as institutions of mental diseases.

(31) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

(32) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall consider

the information gained from this process and make adjustments allowable under federal law when appropriate.

(33) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop the format of a report which addresses revenues and expenditures for the community behavioral health programs. The report shall include, but not be limited to (i) revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (ii) access to services, service denials, and utilization by state plan modality; (iii) claims denials and record of timely payment to providers; (iv) client demographics; and (v) social and recovery measures and managed care organization performance measures. The authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before July 1st of each year.

(34) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the authority to contract for the following: (a) At least \$150,000 to the University of Washington autism center to provide telecommunication consultation with local physicians to discuss medications appropriate to patients who have developmental disability and behavioral issues; and (b) at least \$50,000 to contract for training to both behavioral health and developmental disabilities professionals to support individuals with both developmental disability and behavioral health needs. Funding is also provided for contract expansions to include training for behavioral health and developmental disabilities professionals to support and manage children and youth with challenging behaviors in the respite setting, expand training to providers across the state, add training for medical providers who have requested specialized training, and provide additional support for wraparound with intensive services and behavioral health staff to meet other training needs.

(35) \$4,374,000 of the general fund—state appropriation for fiscal year 2022, \$3,474,000 of the general fund—state appropriation for fiscal year 2023, and \$2,622,000 of the general fund—federal appropriation are provided solely for funding to expand youth mobile crisis teams statewide.

(36) \$1,200,000 of the general fund—state appropriation for fiscal year 2022 and \$1,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of a statewide youth suicide prevention tipline to receive and respond to tips from the public regarding risks or potential risks to the safety or well-being of youth. The tipline must be established in collaboration with the office of the attorney general.

**NEW SECTION. Sec. 216. FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2022).....	\$2,892,000
General Fund—State Appropriation (FY 2023).....	\$2,905,000
General Fund—Federal Appropriation .....	\$2,498,000
TOTAL APPROPRIATION.....	\$8,295,000

**NEW SECTION. Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right to Know Fund—State Appropriation.....	\$10,000
Accident Account—State Appropriation .....	\$23,744,000
Medical Aid Account—State Appropriation.....	\$23,743,000
TOTAL APPROPRIATION.....	\$47,497,000

**NEW SECTION. Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2022)....	\$32,484,000
General Fund—State Appropriation (FY 2023)....	\$32,124,000

General Fund—Private/Local Appropriation .....	\$5,937,000
Death Investigations Account—State Appropriation .....	\$1,216,000
Municipal Criminal Justice Assistance Account—State Appropriation .....	\$460,000
Washington Auto Theft Prevention Authority Account—State Appropriation .....	\$8,167,000
24/7 Sobriety Account—State Appropriation.....	\$20,000
TOTAL APPROPRIATION .....	\$80,408,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2022 and \$5,000,000 of the general fund—state appropriation for fiscal year 2023, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$1,504,000 of the general fund—state appropriation for fiscal year 2022 and \$1,513,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for 75 percent of the costs of providing five additional statewide basic law enforcement trainings in each fiscal year. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$1,179,000 of the general fund—state appropriation for fiscal year 2022 and \$1,179,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(5) \$6,000,000 of the general fund—state appropriation for fiscal year 2022 and \$6,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$7,000,000 in grants to the phase one and phase two regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$449,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) \$1,068,000 of the death investigations account—state appropriation is provided solely for the commission to update and expand the medicolegal forensic investigation training currently provided to coroners and medical examiners from eighty hours to two-hundred forty hours to meet the recommendations of the national commission on forensic science for certification and accreditation.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(8) \$307,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for chapter 294, Laws of 2020 (critical stress management programs).

(9) \$727,000 of the general fund—state appropriation for fiscal year 2022, \$727,000 of the general fund—state appropriation for fiscal year 2023, and \$248,000 of the general fund—local appropriation are provided solely for chapter 119, Laws of 2020 (correctional officer certification).

(10) \$750,000 of the general fund—state appropriation for fiscal year 2022 and \$750,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2022, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(11) \$406,000 of the general fund—state appropriation for fiscal year 2022 and \$408,000 of the general fund—state appropriation for fiscal year 2023 are provided to the Washington association of sheriffs and police chiefs solely to establish a behavioral health support and suicide prevention program for law enforcement officers. The program will begin with grants to three pilot locations and will leverage access to mental health professionals, critical stress management, and resiliency training.

(12) Within the amounts appropriated in this section, the criminal justice training commission shall determine the incremental cost to increase law enforcement staff, prosecution resources, and jail bed capacity and utilization from the provisions of Senate Bill No. 5310 (combatting violence, disorder, and looting while ensuring protection for law enforcement) and submit a request for funding with their 2022 supplemental budget request.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2022).....	\$15,127,000
General Fund—State Appropriation (FY 2023).....	\$16,266,000
General Fund—Federal Appropriation .....	\$11,876,000
Asbestos Account—State Appropriation .....	\$571,000
Electrical License Account—State Appropriation	\$56,093,000
Farm Labor Contractor Account—State Appropriation	\$28,000
Worker and Community Right to Know Fund—State	
Appropriation.....	\$996,000
Construction Registration Inspection Account—State	
Appropriation.....	\$25,711,000
Public Works Administration Account—State	
Appropriation.....	\$9,264,000
Manufactured Home Installation Training Account—	
State Appropriation.....	\$391,000
Accident Account—State Appropriation .....	\$363,903,000
Accident Account—Federal Appropriation .....	\$16,044,000
Medical Aid Account—State Appropriation.....	\$368,138,000
Medical Aid Account—Federal Appropriation.....	\$3,608,000
Plumbing Certificate Account—State Appropriation	\$3,287,000

Pressure Systems Safety Account—State Appropriation	\$4,511,000
TOTAL APPROPRIATION .....	\$895,814,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$22,012,000 of the accident account—state appropriation and \$22,012,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(2) \$334,000 of the accident account—state appropriation and \$60,000 of the medical aid account—state appropriation are provided solely for the maintenance and operating costs of the isolated worker protection information technology project.

(3) \$2,500,000 of the general fund—state appropriation for fiscal year 2022 and \$2,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department for the crime victims compensation program to pay for medical exams for suspected victims of domestic violence. Neither the hospital, medical facility, nor victim is to pay for the cost of the medical exam. This funding must not supplant existing funding for sexual assault medical exams. If the cost of medical exams for suspected victims of domestic violence exceeds the funding provided in this subsection, the program shall not reduce the reimbursement rates for medical providers seeking reimbursement for other claimants, and instead the program shall return to paying for domestic violence medical exams after insurance.

(4) By September 30, 2022, and in compliance with RCW 43.01.036, the department shall submit a report to the legislature with the following information, for each fiscal year between 2017 and 2022:

(a) The type of claims received from victims of suspected domestic violence;

(b) The total number of claims received from victims of suspected domestic violence;

(c) The type of claims paid to victims of suspected domestic violence;

(d) The total number of claims paid to victims of suspected domestic violence; and

(e) The total amounts of claims paid to victims of suspected domestic violence.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS	
General Fund—State Appropriation (FY 2022) .....	\$3,658,000
General Fund—State Appropriation (FY 2023) .....	\$3,684,000
Charitable, Educational, Penal, and Reformatory	
Institutions Account—State Appropriation .....	\$10,000
TOTAL APPROPRIATION .....	\$7,352,000

(2) FIELD SERVICES	
General Fund—State Appropriation (FY 2022) .....	\$12,228,000
General Fund—State Appropriation (FY 2023) .....	\$12,261,000
General Fund—Federal Appropriation.....	\$4,394,000
General Fund—Private/Local Appropriation .....	\$4,931,000
Veteran Estate Management Account—Private/Local	
Appropriation .....	\$709,000
TOTAL APPROPRIATION .....	\$34,523,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$233,000 of the general fund—state appropriation for fiscal year 2022 and \$233,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the traumatic brain injury program to reduce homelessness, domestic violence, and

intimate partner violence impacts to the behavioral health system and justice system.

(b) \$3,222,000 of the general fund—state appropriation for fiscal year 2022 and \$3,222,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department of veterans affairs to deploy mental health counselors with experience and training working with active duty military and veterans to public baccalaureate institutions and community and technical colleges to assist veterans and their family members who are enrolled in higher education in areas of the state where there is insufficient access to these services.

(3) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2022)....	\$11,222,000
General Fund—State Appropriation (FY 2023)....	\$11,223,000
General Fund—Federal Appropriation .....	\$107,932,000
General Fund—Private/Local Appropriation.....	\$21,721,000
TOTAL APPROPRIATION.....	\$152,098,000

(4) CEMETERY SERVICES

General Fund—State Appropriation (FY 2022).....	\$88,000
General Fund—State Appropriation (FY 2023).....	\$90,000
General Fund—Federal Appropriation .....	\$710,000
TOTAL APPROPRIATION.....	\$888,000

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 2022)....	\$79,682,000
General Fund—State Appropriation (FY 2023)....	\$79,611,000
General Fund—Federal Appropriation .....	\$586,750,000
General Fund—Private/Local Appropriation.....	\$202,255,000
Hospital Data Collection Account—State Appropriation .....	\$364,000
Health Professions Account—State Appropriation .....	\$140,678,000
Aquatic Lands Enhancement Account—State Appropriation.....	\$633,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation.....	\$10,041,000
Safe Drinking Water Account—State Appropriation .....	\$5,895,000
Drinking Water Assistance Account—Federal Appropriation.....	\$16,584,000
Waterworks Operator Certification Account—State Appropriation.....	\$1,967,000
Drinking Water Assistance Administrative Account—State Appropriation.....	\$1,602,000
Site Closure Account—State Appropriation .....	\$172,000
Biotoxin Account—State Appropriation.....	\$1,661,000
Model Toxics Control Operating Account—State Appropriation.....	\$4,731,000
Medical Test Site Licensure Account—State Appropriation.....	\$3,167,000
Youth Tobacco and Vapor Products Prevention Account—State Appropriation.....	\$3,221,000
Dedicated Marijuana Account—State Appropriation (FY 2022) .....	\$10,540,000
Dedicated Marijuana Account—State Appropriation (FY 2023) .....	\$10,543,000
Public Health Supplemental Account—Private/Local Appropriation.....	\$3,604,000
Accident Account—State Appropriation .....	\$342,000
Medical Aid Account—State Appropriation.....	\$53,000
Medicaid Fraud Penalty Account—State Appropriation .....	(\$2,000)
Secure Drug Take-Back Program Account—State Appropriation.....	(\$2,000)
TOTAL APPROPRIATION.....	\$1,164,092,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2021-2023 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt license and certification fees in fiscal years 2022 and 2023 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2022 and 2023 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work

EIGHTY FIRST DAY, APRIL 1, 2021

together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(7) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(8) \$25,000 of the general fund—state appropriation for fiscal year 2022 and \$18,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of Senate Bill No. 5037 (school opening metrics). If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

(9) \$1,745,000 of the general fund—state appropriation for fiscal year 2022, \$1,745,000 of the general fund—state appropriation for fiscal year 2023, \$754,000 of the general fund—federal appropriation, and \$18,117,000 of the general fund—federal appropriation (ARPA) are provided solely for the ongoing operations and maintenance of public health data systems maintained by the department.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF CORRECTIONS**

**(1) ADMINISTRATION AND SUPPORT SERVICES**

General Fund—State Appropriation (FY 2022)....	\$72,628,000
General Fund—State Appropriation (FY 2023)....	\$72,887,000
General Fund—Federal Appropriation .....	\$400,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$145,915,000</b>

The appropriations in this subsection are subject to the following conditions and limitations: \$6,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of Senate Bill No. 5054 (impaired driving). If this bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

**(2) CORRECTIONAL OPERATIONS**

General Fund—State Appropriation (FY 2022)..	\$613,719,000
General Fund—State Appropriation (FY 2023)..	\$617,678,000
General Fund—Federal Appropriation .....	\$1,300,000
Washington Auto Theft Prevention Authority Account— State Appropriation.....	\$4,598,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$1,237,295,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, and transportation of offenders to and from department of corrections facilities. The capacity provided at local correctional facilities must be for offenders whom the

department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund—state appropriation for fiscal year 2022 and \$501,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c)(i) \$5,992,000 of the general fund—state appropriation for fiscal year 2022 and \$3,752,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to purchase and install body scanners at the seven major prison facilities that do not currently have a body scanner installed as well as for custody staff to operate the body scanners.

(ii) Of the amounts provided in this subsection, \$2,240,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the purchase and associated installation cost of the body scanners at each facility.

(d) \$77,000 of the general fund—state appropriation for fiscal year 2022 and \$292,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Senate Bill No. 5054 (impaired driving). If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

**(3) COMMUNITY SUPERVISION**

General Fund—State Appropriation (FY 2022) ..	\$243,028,000
General Fund—State Appropriation (FY 2023) ..	\$245,411,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$488,439,000</b>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall contract with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) \$105,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5054 (impaired driving). If this bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

**(4) CORRECTIONAL INDUSTRIES**

General Fund—State Appropriation (FY 2022) .....	\$7,300,000
General Fund—State Appropriation (FY 2023) .....	\$7,433,000

TOTAL APPROPRIATION..... \$14,733,000  
 (5) INTERAGENCY PAYMENTS  
 General Fund—State Appropriation (FY 2022).... \$45,858,000  
 General Fund—State Appropriation (FY 2023).... \$45,814,000  
 TOTAL APPROPRIATION..... \$91,672,000

The appropriations in this subsection are subject to the following conditions and limitations: \$2,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for implementation of Senate Bill No. 5054 (impaired driving). If this bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2022).... \$63,777,000  
 General Fund—State Appropriation (FY 2023).... \$63,912,000  
 TOTAL APPROPRIATION..... \$127,689,000

The appropriations in this subsection are subject to the following conditions and limitations: The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2022).. \$179,705,000  
 General Fund—State Appropriation (FY 2023).. \$182,347,000  
 General Fund—Federal Appropriation ..... \$1,400,000  
 TOTAL APPROPRIATION..... \$363,452,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$4,242,000 of the general fund—state appropriation for fiscal year 2022 and \$4,242,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for health care services staff to operate the body scanners deployed at the major prison facilities.

(c) \$58,000 of the general fund—state appropriation for fiscal year 2022 and \$222,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of Senate Bill No. 5054 (impaired driving). If this bill is not enacted by June 30, 2021, the amounts provided in this subsection shall lapse.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 2022)..... \$3,373,000  
 General Fund—State Appropriation (FY 2023)..... \$3,366,000  
 General Fund—Federal Appropriation ..... \$25,456,000  
 General Fund—Private/Local Appropriation..... \$60,000  
 TOTAL APPROPRIATION..... \$32,255,000

The appropriations in this subsection are subject to the following conditions and limitations: \$70,000 of the general fund—state appropriation is provided solely for the department to provide individualized training to its blind, visually-impaired, deaf, and hearing-impaired staff in Microsoft 365 programs.

**NEW SECTION. Sec. 224. FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2022)..... \$910,000  
 General Fund—State Appropriation (FY 2023)..... \$910,000  
 General Fund—Federal Appropriation ..... \$384,115,000  
 General Fund—Private/Local Appropriation..... \$36,075,000  
 Unemployment Compensation Administration Account—

Federal Appropriation .....\$389,098,000  
 Administrative Contingency Account—State  
 Appropriation .....\$26,188,000  
 Employment Service Administrative Account—State  
 Appropriation .....\$56,955,000  
 Family and Medical Leave Insurance Account—State  
 Appropriation .....\$137,979,000  
 Workforce Education Investment Account—State  
 Appropriation ..... \$5,894,000  
 TOTAL APPROPRIATION .....\$1,038,124,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) Within existing resources, the department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the governor and appropriate committees of the legislature by September 1, 2021, and annually thereafter.

(3) \$101,000 of the employment service administrative account—state appropriation is provided solely for information technology enhancements necessary for implementation of job title reporting and is subject to the conditions, limitations, and review provided in section 701 of this act.

(4)(a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2021, and each year thereafter, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(5) Within existing resources, the department shall report the following to the legislature and the governor by September 30, 2021, and each year thereafter:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for the most recent five fiscal years, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for the most recent five fiscal years;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for the most recent five fiscal years; and

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

(6) \$842,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to implement Engrossed Substitute Senate Bill

EIGHTY FIRST DAY, APRIL 1, 2021

No. 5061 (unemployment insurance). If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection (6).

(7) \$875,000 of the general fund—state appropriation for fiscal year 2022, \$875,000 of the general fund—state appropriation for fiscal year 2023, and \$5,885,000 of the workforce education investment account—state appropriation are provided solely for career connected learning grants as provided in RCW 28C.30.050.

(8) \$1,222,000 of the employment services administrative account—state appropriation and \$1,500,000 of the family and medical leave insurance account—state appropriation is provided solely for the maintenance and operation of the disaster recovery continuity of operations information technology project.

(9) \$32,979,000 of the general fund—federal appropriation (ARPA) and \$2,683,000 of the general fund—federal appropriation (CRF) are provided solely for the department to address the impacts of COVID-19 on the state unemployment system in order to prevent and detect fraud, promote equitable access to the unemployment insurance system, and ensure the timely payment of unemployment insurance benefits. Of the amounts provided in this subsection:

(a) \$22,346,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to address an anticipated increase in the unemployment insurance appeals caseload.

(b) \$5,768,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to ensure adequate security measures are in place to prevent unemployment insurance fraud.

(c) \$4,465,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to migrate and upgrade the unemployment insurance customer call center phone system to a cloud-based system. Prior to executing a contract, the department shall consult with the office of the chief information officer. The department must ensure that the project plan, timeline with quantifiable deliverables, and budget by fiscal year by fund, to include ongoing costs by fiscal year, are adhered to. The department shall report on the status of the project to the office of financial management and the relevant committees of the legislature by December 1, 2021.

(d) \$400,000 of the general fund—federal appropriation (ARPA) is provided solely for translation of documents and letters and other improvements to ensure customer ease-of-access.

(e) \$1,417,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the national guard to assist the department with its unemployment insurance claims backlog.

(f) \$1,267,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with a vendor to provide fact-finding services related to unemployment insurance claims.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—GENERAL**

(1) The appropriations to the department of children, youth, and families in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of children, youth, and families shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor

shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

**NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—CHILDREN AND FAMILIES SERVICES PROGRAM**

General Fund—State Appropriation (FY 2022) ..	\$375,995,000
General Fund—State Appropriation (FY 2023) ..	\$382,399,000
General Fund—Federal Appropriation .....	\$482,104,000
General Fund—Private/Local Appropriation .....	\$2,824,000
TOTAL APPROPRIATION .....	\$1,243,322,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$748,000 of the general fund—state appropriation for fiscal year 2022 and \$748,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(2) \$453,000 of the general fund—state appropriation for fiscal year 2022 and \$453,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2022 and \$579,000 of the general fund—state appropriation for fiscal year 2023 and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$1,245,000 of the general fund—state appropriation for fiscal year 2022 and \$1,245,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for services provided through children's advocacy centers.

(5) In fiscal year 2022 and in fiscal year 2023, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(a) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(b) Vacancy rates by region, office, and classification and band; and

(c) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(6) \$94,000 of the general fund—state appropriation for fiscal year 2022 and \$94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(7)(a) \$539,000 of the general fund—state appropriation for fiscal year 2022, \$540,000 of the general fund—state appropriation for fiscal year 2023, \$656,000 of the general fund private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(b) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(8) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(9) \$375,000 of the general fund—state appropriation for fiscal year 2022, \$375,000 of the general fund—state appropriation for fiscal year 2023, and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child.

(10) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(11) \$1,230,000 of the general fund—state appropriation for fiscal year 2022, \$2,230,000 of the general fund—state appropriation for fiscal year 2023, and \$156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(12) \$197,000 of the general fund—state appropriation for fiscal year 2022 and \$197,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(13) \$4,455,000 of the general fund—state appropriation for fiscal year 2022, \$4,454,000 of the general fund—state appropriation for fiscal year 2023, and \$1,188,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement and enhanced emergent placement contracts. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(14)(a) The department shall modify the behavioral rehabilitation services rate structure to one that is based on placement setting rather than acuity level pursuant to the rate study submitted in December 2018.

(b) Beginning January 1, 2022, and continuing through the 2021-2023 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the prior six months. The report shall identify separately beds with the enhanced behavioral rehabilitation services rate. Effective January 1, 2022, and to the extent the information is available, the report will include the same information for emergency placement services beds and enhanced emergency placement services beds.

(15) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

(16) The department of children, youth, and families shall enter into interagency agreements with the office of public defense and office of civil legal aid to facilitate the use of federal Title IV-E reimbursement for parent representation and child representation services.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(17) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(18) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(19) \$3,170,000 of the general fund—federal appropriation (CRRSSA) is provided solely for implementation of the Chafee foster care independence program.

(20) \$455,000 of the general fund—federal appropriation (CRRSSA) is provided solely for implementation of the promoting safe and stable families program.

(21) The department is authorized to use the amounts provided in this section for services and maintenance payments to former dependent youth as authorized and directed in the supporting foster youth and families through the pandemic act, P.L. 116-260, division X.

**NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—JUVENILE REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2022)..	\$116,119,000
General Fund—State Appropriation (FY 2023)..	\$117,468,000
General Fund—Federal Appropriation .....	\$3,464,000
General Fund—Private/Local Appropriation.....	\$1,787,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation.....	\$196,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$239,034,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund—state appropriation for fiscal year 2022 and \$331,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,841,000 of the general fund—state appropriation for fiscal year 2022 and \$2,841,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts for the juvenile justice programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(3) \$1,537,000 of the general fund—state appropriation for fiscal year 2022 and \$1,537,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(4)(a) \$6,198,000 of the general fund—state appropriation for fiscal year 2022 and \$6,198,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state,

including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(5) \$707,000 of the general fund—state appropriation for fiscal year 2022 and \$707,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for funding of the teamchild project.

(6) \$283,000 of the general fund—state appropriation for fiscal year 2022 and \$283,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the juvenile detention alternatives initiative.

(7) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(8) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(9) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(10) \$432,000 of the general fund—state appropriation for fiscal year 2022 and \$432,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

**NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—EARLY LEARNING PROGRAM**

General Fund—State Appropriation (FY 2022)..	\$278,214,000
General Fund—State Appropriation (FY 2023)..	\$329,745,000
General Fund—Federal Appropriation .....	\$1,165,835,000
General Fund—Private/Local Appropriation.....	\$86,000

Education Legacy Trust Account—State Appropriation .....	\$28,124,000
Home Visiting Services Account—State Appropriation .....	\$15,879,000
Home Visiting Services Account—Federal Appropriation .....	\$29,754,000
Washington Opportunity Pathways Account—State Appropriation .....	\$80,000,000
Workforce Education Investment Account—State Appropriation .....	\$8,482,000
TOTAL APPROPRIATION .....	\$1,936,119,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$88,448,000 of the general fund—state appropriation for fiscal year 2022, \$107,728,000 of the general fund—state appropriation for fiscal year 2023, \$24,126,000 of the education legacy trust account—state appropriation, and \$80,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 14,662 slots in fiscal year 2022 and 15,412 slots in fiscal year 2023. Of the total slots in each fiscal year, 100 slots must be reserved for foster children to receive school-year-round enrollment.

(b) Of the amounts provided in this subsection, \$9,675,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for a slot rate increase of seven percent to begin July 1, 2022.

(c) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(4) \$8,482,000 of the workforce education investment account—state appropriation is provided solely for eliminating the work requirement under the working connections child care program for single parents who are pursuing a vocational education full-time at a community, technical, or tribal college as provided in RCW 43.216.136.

(5) \$14,198,000 of the general fund—state appropriation in fiscal year 2022, \$94,298,000 of the general fund—state appropriation in fiscal year 2023, \$319,762,000 of the general fund—federal appropriation, and \$73,413,000 of the general fund—federal appropriation (CRRSSA) are provided solely for the working connections child care program under RCW 43.216.135. Of the amounts provided in this subsection:

(a) The department of children, youth, and families shall work in collaboration with the department of social and health services to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families. Effective December 1, 2022, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(b) \$6,390,000 is for the compensation components of the 2021-2023 collective bargaining agreement covering family child care providers as provided in section 945 of this act. Of the amounts provided in this subsection:

(i) \$4,410,000 is for a 35 cent per hour per child rate increase for family, friends, and neighbor providers (FFNs) beginning July 1, 2022;

(ii) \$854,000 is to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by two percent beginning July 1, 2021; and

(iii) \$1,126,000 is to increase the nonstandard hour care rate by \$10.00 per child per month beginning July 1, 2021.

(c) \$72,922,000 of the general fund—federal appropriation (ARPA) is for the department to cap monthly copayments at \$115 per month for fiscal year 2022 and fiscal year 2023.

(d) \$62,063,000 of the general fund—federal appropriation (CRRSSA) is for a subsidy rate increase for child care providers. Funding in this subsection is sufficient to increase base rates to 75th percentile of market for both child care centers and licensed family homes. The state and the representative for family child care providers must enter in bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

(e) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(i) Families applying for or receiving temporary assistance for needy families (TANF);

(ii) TANF families curing sanction;

(iii) Foster children;

(iv) Families that include a child with special needs;

(v) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(vi) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;

(vii) Families that received subsidies within the last thirty days and:

(A) Have reapplied for subsidies; and

(B) Have household income of two hundred percent of the federal poverty level or below; and

(viii) All other eligible families.

(f) On July 1, 2021, and July 1, 2022, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(i) A summary of the number of overpayments that occurred;

(ii) The reason for each overpayment;

(iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(6) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(7) \$623,000 of the general fund—state appropriation for fiscal year 2022, \$935,000 of the general fund—state appropriation for fiscal year 2023, and \$6,701,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(8) The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements.

(9) \$1,728,000 of the general fund—state appropriation for fiscal year 2022 and \$1,728,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(10) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(11) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(12) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(13) Within existing resources, the department shall implement chapter 409, Laws of 2019 (early learning access).

(14) \$773,000 of the general fund—state appropriation for fiscal year 2022 and \$773,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 360, Laws of 2019 (children's mental health).

(15) \$50,000,000 of the general fund—federal appropriation (CRRSA) is provided solely for the department to provide financial support to child care providers, including new child care providers, by October 30, 2021. The department shall prioritize providers located in child care deserts or communities of concern, or both. Accepting working connections child care subsidies shall not be a condition of receiving the grant. As a condition of receiving the grant, the department shall require child care providers to attest that they will, to the best of their ability, remain open through the 2021-22 school year.

(16) \$5,000,000 of the general fund—federal appropriation (CRRSA) is provided solely for the department to provide grants to child care providers for small capital purchases and minor renovations necessary for providers to meet safety and licensing standards. The grants are intended to provide financial support to child care providers so that they may maintain operations during and after the COVID-19 public health emergency, and to build the supply of child care providers during and after the COVID-19 public health emergency. The department shall work in collaboration with the department of commerce to administer the grants, and to track and report the number of grants awarded by child care program type.

(17) \$195,440,000 of the general fund—federal appropriation (ARPA) and \$36,658,000 of the general fund—federal appropriation (CRRSA) are provided solely for the department to implement a temporary child care subsidy program for households with income up to 85 percent of the state median income. The legislature intends this appropriation to support families seeking access to affordable child care and to stabilize the child care industry following the COVID-19 public health emergency.

**NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—PROGRAM SUPPORT**

General Fund—State Appropriation (FY 2022).....	\$135,841,000
General Fund—State Appropriation (FY 2023).....	\$136,769,000
General Fund—Federal Appropriation .....	\$169,090,000
General Fund—Private/Local Appropriation.....	\$394,000
Education Legacy Trust Account—State Appropriation .....	\$180,000
Home Visiting Services Account—State Appropriation .....	\$458,000
Home Visiting Services Account—Federal Appropriation .....	\$380,000
TOTAL APPROPRIATION.....	\$443,112,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(3) The department shall use funding provided in the information technology pool to develop and implement the following, subject to the conditions, limitations, and review provided in section 701 of this act:

(a) A web-based reporting portal accessible to mandated reporters for reporting child abuse and neglect as required by RCW 26.44.030; and

(b) A call-back option for callers placed on hold to provide a phone number for the department to return a call to complete the report of child abuse and neglect.

(4) Within existing resources, the department shall submit a brief report to the governor and appropriate legislative committees by December 1, 2022, outlining options for creating a new dedicated account for adoption support that will meet 42 U.S.C. Sec. 473 requirements. The report shall include a methodology for calculating savings in a manner that can be incorporated into the adoption support forecast budget process, statutory needs, and expenditure guidelines for the account.

**PART III  
NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund—State Appropriation (FY 2022).....	\$640,000
General Fund—State Appropriation (FY 2023).....	\$668,000
General Fund—Federal Appropriation.....	\$32,000
General Fund—Private/Local Appropriation .....	\$1,093,000
TOTAL APPROPRIATION .....	\$2,433,000

The appropriations in this section are subject to the following conditions and limitations: \$94,000 of the general fund—state appropriation for fiscal year 2022 and \$94,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation (FY 2022)....	\$28,475,000
General Fund—State Appropriation (FY 2023)....	\$27,982,000
General Fund—Federal Appropriation.....	\$98,269,000
General Fund—Private/Local Appropriation .....	\$26,667,000
Reclamation Account—State Appropriation .....	\$4,241,000
Flood Control Assistance Account—State Appropriation .....	\$3,996,000
State Emergency Water Projects Revolving Account— State Appropriation .....	\$40,000
Waste Reduction, Recycling, and Litter Control Account—State Appropriation.....	\$25,774,000
State Drought Preparedness Account—State Appropriation .....	\$204,000
State and Local Improvements Revolving Account—Water Supply Facilities—State Appropriation.....	\$186,000
Water Rights Tracking System Account—State Appropriation .....	\$48,000
Site Closure Account—State Appropriation.....	\$582,000
Wood Stove Education and Enforcement Account—State Appropriation .....	\$563,000

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

Worker and Community Right to Know Fund—State

Appropriation.....	\$1,936,000
Water Rights Processing Account—State Appropriation .....	\$39,000
Water Quality Permit Account—State Appropriation .....	\$46,054,000
Underground Storage Tank Account—State Appropriation .....	\$3,804,000
Biosolids Permit Account—State Appropriation....	\$2,291,000
Hazardous Waste Assistance Account—State Appropriation.....	\$6,841,000
Radioactive Mixed Waste Account—State Appropriation .....	\$20,040,000
Air Pollution Control Account—State Appropriation .....	\$4,070,000
Oil Spill Prevention Account—State Appropriation .....	\$6,258,000
Air Operating Permit Account—State Appropriation .....	\$4,483,000
Oil Spill Response Account—State Appropriation.	\$7,076,000
Model Toxics Control Operating Account—State Appropriation.....	\$250,637,000
Model Toxics Control Operating Account—Local Appropriation.....	\$499,000
Paint Product Stewardship Account—State Appropriation.....	\$140,000
Dedicated Marijuana Account—State Appropriation (FY 2022) .....	\$271,000
Dedicated Marijuana Account—State Appropriation (FY 2023) .....	\$272,000
Water Pollution Control Revolving Administration Account—State Appropriation .....	\$4,412,000
Aquatic Algae Control Account—State Appropriation .....	\$529,000
Freshwater Aquatic Weeds Account—State Appropriation .....	\$1,505,000
Voluntary Cleanup Account—State Appropriation ...	\$344,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$578,528,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.
- (2) \$102,000 of the general fund—state appropriation for fiscal year 2022 and \$102,000 of the general fund—state appropriation

for fiscal year 2023 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(3) \$10,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs. Up to \$5,000,000 of the amount provided in this subsection may be used to assist local governments to clean up homeless camps.

(4) \$242,000 of the model toxics control operating account—state appropriation is provided solely for an equipment cache grant for the Jamestown S'Klallam Tribe for a new response vehicle.

**NEW SECTION. Sec. 303. FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

General Fund—Federal Appropriation.....	\$638,000
Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State Appropriation .....	\$957,000
Pollution Liability Insurance Program Trust Account—State Appropriation .....	\$1,342,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$2,937,000</b>

**NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2022) ....	\$19,526,000
General Fund—State Appropriation (FY 2023) ....	\$19,535,000
General Fund—Federal Appropriation.....	\$7,038,000
Winter Recreation Program Account—State Appropriation .....	\$3,297,000
ORV and Nonhighway Vehicle Account—State Appropriation .....	\$368,000
Snowmobile Account—State Appropriation.....	\$5,635,000
Aquatic Lands Enhancement Account—State Appropriation .....	\$367,000
Parks Renewal and Stewardship Account—State Appropriation .....	\$123,074,000
Parks Renewal and Stewardship Account—Private/Local Appropriation.....	\$420,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$179,260,000</b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$129,000 of the general fund—state appropriation for fiscal year 2022 and \$129,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant for the operation of the Northwest weather and avalanche center.
- (2) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to pay assessments charged by local improvement districts.

**NEW SECTION. Sec. 305. FOR THE RECREATION AND CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2022).....	\$1,075,000
General Fund—State Appropriation (FY 2023).....	\$1,013,000
General Fund—Federal Appropriation .....	\$3,676,000
General Fund—Private/Local Appropriation.....	\$24,000
Aquatic Lands Enhancement Account—State Appropriation.....	\$312,000
Salmon Recovery Account—State Appropriation .....	\$28,000
Firearms Range Account—State Appropriation .....	\$37,000
Recreation Resources Account—State Appropriation .....	\$3,807,000
NOVA Program Account—State Appropriation ....	\$1,074,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$11,046,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(2) \$3,773,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(3) \$1,054,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

**NEW SECTION. Sec. 306. FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2022).....	\$2,571,000
General Fund—State Appropriation (FY 2023).....	\$2,597,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$5,168,000</b>

**NEW SECTION. Sec. 307. FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2022).....	\$8,115,000
General Fund—State Appropriation (FY 2023).....	\$8,100,000
General Fund—Federal Appropriation .....	\$2,482,000
Public Works Assistance Account—State Appropriation .....	\$8,441,000
Model Toxics Control Operating Account—State Appropriation.....	\$1,000,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$28,138,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,410,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(2) \$229,000 of the general fund—state appropriation for fiscal year 2022 and \$229,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the commission to continue to convene and facilitate a food policy forum.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2022)....	\$78,552,000
General Fund—State Appropriation (FY 2023) ....	\$75,489,000
General Fund—Federal Appropriation.....	\$132,144,000
General Fund—Private/Local Appropriation .....	\$63,694,000
ORV and Nonhighway Vehicle Account—State Appropriation .....	\$644,000
Aquatic Lands Enhancement Account—State Appropriation .....	\$11,905,000
Recreational Fisheries Enhancement Account—State Appropriation .....	\$3,295,000
Warm Water Game Fish Account—State Appropriation .....	\$2,771,000
Eastern Washington Pheasant Enhancement Account— State Appropriation .....	\$675,000
Special Wildlife Account—State Appropriation ....	\$2,889,000
Special Wildlife Account—Federal Appropriation ...	\$518,000
Special Wildlife Account—Private/Local Appropriation .....	\$3,628,000
Wildlife Rehabilitation Account—State Appropriation .....	\$361,000
Ballast Water and Biofouling Management Account— State Appropriation .....	\$10,000
Regional Fisheries Enhancement Salmonid Recovery Account—Federal Appropriation.....	\$5,001,000
Oil Spill Prevention Account—State Appropriation .....	\$1,159,000
Aquatic Invasive Species Management Account—State Appropriation .....	\$1,025,000
Model Toxics Control Operating Account—State Appropriation .....	\$2,971,000
Fish, Wildlife, and Conservation Account—State Appropriation .....	\$64,204,000
Oyster Reserve Land Account—State Appropriation	\$524,000
Limited Fish and Wildlife Account—State Appropriation .....	\$33,093,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$484,552,000</b>

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

The appropriations in this section are subject to the following conditions and limitations:

(1) \$467,000 of the general fund—state appropriation for fiscal year 2022 and \$467,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) \$503,000 of the general fund—state appropriation for fiscal year 2022, \$503,000 of the general fund—state appropriation for fiscal year 2023, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(3) \$400,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(4) \$477,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to develop conflict mitigation strategies for wolf recovery and staff resources in northeast Washington for response to wolf-livestock conflicts.

(5) \$753,000 of the general fund—state appropriation for fiscal year 2022 and \$753,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas.

(6) \$1,262,000 of the general fund—state appropriation for fiscal year 2022 and \$1,262,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the costs for the department to maintain shellfish sanitation activities necessary to implement its memorandum of understanding with the department of health to ensure the state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

(7) \$553,000 of the general fund—state appropriation for fiscal year 2022 and \$547,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to reduce the number of commercial gillnet fishing licenses on the Columbia river through a voluntary buy-back program with the goal of purchasing approximately one hundred licenses.

**NEW SECTION. Sec. 309. FOR THE PUGET SOUND PARTNERSHIP**

General Fund—State Appropriation (FY 2022).....	\$4,229,000
General Fund—State Appropriation (FY 2023).....	\$4,204,000
General Fund—Federal Appropriation .....	\$12,513,000
Aquatic Lands Enhancement Account—State	
Appropriation.....	\$1,413,000
Model Toxics Control Operating Account—State	
Appropriation.....	\$740,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$23,099,000</b>

The appropriations in this section are subject to the following conditions and limitations: By October 15, 2022, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2023-

2025 capital and operating budget requests related to Puget Sound recovery and restoration.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2022) ..	\$101,139,000
General Fund—State Appropriation (FY 2023) ....	\$99,965,000
General Fund—Federal Appropriation.....	\$42,609,000
General Fund—Private/Local Appropriation .....	\$3,159,000
Forest Development Account—State Appropriation .....	\$53,380,000
ORV and Nonhighway Vehicle Account—State	
Appropriation.....	\$7,024,000
Surveys and Maps Account—State Appropriation.	\$2,115,000
Aquatic Lands Enhancement Account—State	
Appropriation .....	\$18,260,000
Resource Management Cost Account—State Appropriation .....	\$126,510,000
Surface Mining Reclamation Account—State	
Appropriation .....	\$4,018,000
Disaster Response Account—State Appropriation	\$23,063,000
Forest and Fish Support Account—State Appropriation .....	\$11,114,000
Aquatic Land Dredged Material Disposal Site Account—	
State Appropriation .....	\$403,000
Natural Resources Conservation Areas Stewardship	
Account—State Appropriation.....	\$40,000
Forest Practices Application Account—State	
Appropriation.....	\$1,954,000
Air Pollution Control Account—State Appropriation	\$889,000
Model Toxics Control Operating Account—State	
Appropriation.....	\$10,707,000
NOVA Program Account—State Appropriation.....	\$771,000
Derelict Vessel Removal Account—State Appropriation .....	\$1,987,000
Community Forest Trust Account—State Appropriation .....	\$52,000
Agricultural College Trust Management Account—State	
Appropriation.....	\$3,127,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$512,286,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,590,000 of the general fund—state appropriation for fiscal year 2022 and \$1,523,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for deposit into the agricultural college trust management account and are

provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$20,668,000 of the general fund—state appropriation for fiscal year 2022, \$20,668,000 of the general fund—state appropriation for fiscal year 2023, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression. The department shall provide a monthly report to the office of financial management and the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed.

(3) \$5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(4) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2021, and December 1, 2022, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's website.

(5) \$186,000 of the general fund—state appropriation for fiscal year 2022 and \$185,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(6) \$31,250,000 of the general fund—state appropriation for fiscal year 2022 and \$31,250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the department to implement forest health activities consistent with their forest health plan as specified in chapter 76.06 RCW.

**NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2022)....	\$24,767,000
General Fund—State Appropriation (FY 2023)....	\$24,241,000
General Fund—Federal Appropriation .....	\$48,369,000
General Fund—Private/Local Appropriation.....	\$193,000
Aquatic Lands Enhancement Account—State Appropriation.....	\$2,661,000
Water Quality Permit Account—State Appropriation .	\$73,000

Model Toxics Control Operating Account—State Appropriation .....	\$6,567,000
Dedicated Marijuana Account—State Appropriation (FY 2022).....	\$629,000
Dedicated Marijuana Account—State Appropriation (FY 2023).....	\$630,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation .....	\$3,000,000,000
TOTAL APPROPRIATION .....	\$3,108,130,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,108,445 of the general fund—state appropriation for fiscal year 2022 and \$6,102,905 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementing the emergency food assistance program as defined in RCW 43.23.290.

(2) \$170,000 of the general fund—state appropriation for fiscal year 2022 and \$170,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(3) \$194,000 of the general fund—state appropriation for fiscal year 2022, \$194,000 of the general fund—state appropriation for fiscal year 2023, and \$1,134,000 of the general fund—federal appropriation are provided solely for implementing an Asian giant hornet eradication program.

(4) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant program to improve food supply chain infrastructure and market access for farms, food processors, and food distributors.

(5) \$3,000,000,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for investments in water infrastructure, including flooding, irrigation, and the removal of fish passage barriers, as permitted under the federal American rescue plan act of 2021.

(6) \$950,000 of the general fund—state appropriation for fiscal year 2022, \$950,000 of the general fund—state appropriation for fiscal year 2023, and \$12,506,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to fill gaps in the emergency food system through direct purchase of supplies, food and associated food processing costs, prioritizing Washington-grown as available, and for the provision of discretionary grants to hunger relief organizations to respond to emerging opportunities and targeted community needs, especially in communities of color and tribal communities. The department may retain up to five percent of these funds each year for administration, operations, and compliance oversight.

(7) \$2,000,000 of the general fund—federal appropriation, not to exceed the amount appropriated in section 11, chapter 3, Laws of 2021, that were unobligated at the end of fiscal year 2021, is provided solely to assist hunger relief organizations to achieve

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

food security and is subject to the same terms and conditions as the appropriation in section 11, chapter 3, Laws of 2021.

PART IV

TRANSPORTATION

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

Table with 2 columns: Description and Amount. Includes items like General Fund—State Appropriation (FY 2022), Architects' License Account, Real Estate Commission Account, etc.

The appropriations in this section are subject to the following conditions and limitations:

- (1) Appropriations provided for the business and technology modernization project...
(2) \$25,000 of the general fund—state appropriation, \$13,000 of the architects' license account...
(3) The department shall inventory all business and professions fees...

NEW SECTION. Sec. 402. FOR THE WASHINGTON STATE PATROL

Table with 2 columns: Description and Amount. Includes items like General Fund—State Appropriation (FY 2022), General Fund—Federal Appropriation, etc.

Table with 2 columns: Description and Amount. Includes items like Appropriation, Municipal Criminal Justice Assistance Account, Fire Service Trust Account, etc.

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$8,000,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs...
(2) \$2,421,000 of the dedicated marijuana account—state appropriation for fiscal year 2022...
(3) \$643,000 of the general fund—state appropriation for fiscal year 2022...
(4) \$356,000 of the general fund—state appropriation for fiscal year 2022...
(5) \$510,000 of the county criminal justice assistance account—state appropriation...
(6) \$1,000,000 of the fire service training account—state appropriation...

PART V EDUCATION

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—State Appropriation (FY 2022)....	\$27,350,000
General Fund—State Appropriation (FY 2023)....	\$27,298,000
General Fund—Federal Appropriation .....	\$105,041,000
General Fund—Private/Local Appropriation.....	\$8,048,000
Washington Opportunity Pathways Account—State Appropriation.....	\$261,000
Dedicated Marijuana Account—State Appropriation (FY 2022) .....	\$510,000
Dedicated Marijuana Account—State Appropriation (FY 2023) .....	\$519,000
Performance Audits of Government Account—State Appropriation.....	\$211,000
Workforce Education Investment Account—State Appropriation.....	\$1,809,000
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation .....	\$4,631,000
TOTAL APPROPRIATION.....	\$175,678,000

The appropriations in this section are subject to the following conditions and limitations:

(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) \$12,361,000 of the general fund—state appropriation for fiscal year 2022 and \$12,234,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 513 and 520 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(b) \$1,217,000 of the general fund—state appropriation for fiscal year 2022 and \$1,217,000 of the general fund—state

appropriation for fiscal year 2023 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) \$494,000 of the general fund—state appropriation for fiscal year 2022 and \$494,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(d) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$61,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(e) \$61,000 of the general fund—state appropriation for fiscal year 2022 and \$61,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(f) \$266,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(g) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(h) \$123,000 of the general fund—state appropriation for fiscal year 2022 and \$123,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(i) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(j) \$14,000 of the general fund—state appropriation for fiscal year 2022 and \$14,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(k) \$131,000 of the general fund—state appropriation for fiscal year 2022, \$131,000 of the general fund—state appropriation for fiscal year 2023, and \$210,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(l) \$117,000 of the general fund—state appropriation for fiscal year 2022 and \$117,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(m) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(n) \$385,000 of the general fund—state appropriation for fiscal year 2022 and \$385,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

(o) \$205,000 of the general fund—state appropriation for fiscal year 2022 and \$205,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(p) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(q) \$481,000 of the general fund—state appropriation for fiscal year 2022 and \$481,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(r) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(s) \$4,631,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for the office to update the apportionment and accounting systems and to oversee grant administration. The office shall contract with an organization which specializes in developing tools to combine internal and external data sets and provide data analytics and visualizations and custom workflows to match existing data processes, without requiring data science or technical expertise by the end user to provide accurate reporting and accountability regarding use of federal emergency relief funds. The organization must have demonstrated experience providing such tools to state education agencies in the past five years. The contract must provide access to the developed tools to the state education agency, selected educational service districts, and up to five local education agencies.

## (2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2022 and \$1,802,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for

implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$281,000 of the general fund—state appropriation for fiscal year 2022 and \$281,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2022 and \$450,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

## (3) WORK GROUPS

(a) \$335,000 of the general fund—state appropriation for fiscal year 2022 and \$335,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) \$118,000 of the general fund—state appropriation for fiscal year 2022 and \$118,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(d) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 386, Laws of 2019 (social emotional learning).

(e) \$107,000 of the general fund—state appropriation for fiscal year 2022 and \$107,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to support the children and youth behavioral health work group created in chapter 130, Laws of 2020 (child. mental health wk. grp).

## (4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2022 and \$2,590,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2022 and \$703,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2022 and \$950,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps

members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 102, Laws of 2014 (biliteracy seal).

(e)(i) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$570,000 of the general fund—state appropriation for fiscal year 2022 and \$570,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts appropriated in this subsection (4)(e)(iii), \$200,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(iv) \$196,000 of the general fund—state appropriation for fiscal year 2022 and \$196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(e)(iv), \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(e)(iv), \$96,000 of the general fund—state appropriation for fiscal year 2022 and \$96,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(f)(i) \$162,000 of the general fund—state appropriation for fiscal year 2022 and \$162,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for youth suicide prevention activities.

(ii) \$76,000 of the general fund—state appropriation for fiscal year 2022 and \$76,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(g)(i) \$280,000 of the general fund—state appropriation for fiscal year 2022, \$280,000 of the general fund—state

appropriation for fiscal year 2023, and \$1,060,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$530,000 of the dedicated marijuana account—state appropriation for fiscal year 2022, and \$530,000 of the dedicated marijuana account—state appropriation for fiscal year 2023 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2022 and \$293,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2022 and \$178,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(h) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(i) \$358,000 of the general fund—state appropriation for fiscal year 2022 and \$358,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 221, Laws of 2019 (CTE course equivalencies).

(j) \$196,000 of the general fund—state appropriation for fiscal year 2022 and \$196,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of chapter 252, Laws of 2019 (high school graduation reqs.).

(k) \$60,000 of the general fund—state appropriation for fiscal year 2022, \$60,000 of the general fund—state appropriation for fiscal year 2023, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103, chapter 295, Laws of 2019 relating to the regional recruiters program.

(l) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(m) \$57,000 of the general fund—state appropriation for fiscal year 2022 and \$57,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 288, Laws of 2020 (school meals at no cost).

(n) \$269,000 of the general fund—state appropriation for fiscal year 2022 and \$349,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 353, Laws of 2020 (innovative learning pilot).

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(5) CAREER CONNECTED LEARNING

(a) \$850,000 of the workforce education investment account—state appropriation is provided solely for expanding career connected learning as provided in RCW 28C.30.020.

(b) \$960,000 of the workforce education investment account—state appropriation is provided solely for increasing the funding per full-time equivalent for career launch programs as described in RCW 28A.700.130. In the 2021-2023 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection, funding is provided in section 503 of this act.

**NEW SECTION. Sec. 502. FOR THE STATE BOARD OF EDUCATION**

General Fund—State Appropriation (FY 2022).....	\$1,352,000
General Fund—State Appropriation (FY 2023).....	\$1,354,000
Washington Opportunity Pathways Account—State Appropriation.....	\$322,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$3,028,000</b>

**NEW SECTION. Sec. 503. FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD**

General Fund—State Appropriation (FY 2022)....	\$16,319,000
General Fund—State Appropriation (FY 2023).....	\$4,562,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$20,881,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,780,000 of the general fund—state appropriation for fiscal year 2022 and \$2,786,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the professional educator standards board for the following:

(a) Within the amounts provided in this subsection (1), \$1,558,000 of the general fund—state appropriation for fiscal year 2022 and \$1,564,000 of the general fund—state appropriation for fiscal year 2023 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(b) Within the amounts provided in this subsection (1), \$600,000 of the general fund—state appropriation for fiscal year 2022 and \$600,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional educator standards board.

Within the amounts provided in this subsection (1)(b), up to \$500,000 of the general fund—state appropriation for fiscal year 2022 and up to \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs.

(c) Within the amounts provided in this subsection (1), \$622,000 of the general fund—state appropriation for fiscal year 2022 and \$622,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (1)(c), \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(2) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation

for fiscal year 2023 are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply).

(3) \$12,663,000 of the general fund—state appropriation for fiscal year 2022 and \$12,663,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(a) Of the amount in this subsection, \$12,001,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to reimburse districts that provide two days of training in the fundamental course of study to paraeducators during the 2020-21 school year.

(b) Of the amount in this subsection, \$12,001,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for grants to reimburse school districts that provide two days of training to paraeducators in the 2021-22 school year.

**NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2022)	\$10,008,668,000
General Fund—State Appropriation (FY 2023)	\$9,488,707,000
Education Legacy Trust Account—State Appropriation	\$1,198,115,000
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation .....	\$9,700,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$20,705,190,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2021-22 and 2022-23 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2021, to August 31, 2021, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 503 and 504, chapter 357, Laws of 2020, as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2021-22 and 2022-23 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade,

and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2021-22 and 2022-23 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

Grade	RCW 28A.150.260	General education class size:	
		2021-22 School Year	2022-23 School Year
Grade K		17.00	17.00
Grade 1		17.00	17.00
Grade 2		17.00	17.00
Grade 3		17.00	17.00
Grade 4		27.00	27.00
Grades 5-6		27.00	27.00
Grades 7-8		28.53	28.53
Grades 9-12		28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional

funding for guidance counselors for each level of prototypical school as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512

To receive additional allocations under this subsection (2)(d)(ii)(A), a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2021-22 School Year	2022-23 School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2021-22 and 2022-23 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students.....	1.025
Skill Center students.....	1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2021-22 and 2022-23 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2021-22 and 2022-23 school years for the central office administrative costs of operating a school district, at the following rates:

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.54 percent in the 2021-22 school year and 12.55 percent in the 2022-23 school year for career and technical education students, and 17.87 percent in the 2021-22 school year and 17.88 percent in the 2022-23 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 22.71 percent in the 2021-22 school year and 22.71 percent in the 2022-23 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 22.75 percent in the 2021-22 school year and 22.75 percent in the 2022-23 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows: Except for nonrepresented employees of educational service districts, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in section 941 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	\$140.84	\$142.95
Utilities and Insurance	\$382.70	\$388.44
Curriculum and Textbooks	\$151.22	\$153.49
Other Supplies	\$299.50	\$303.99
Library Materials	\$21.54	\$21.87
Instructional Professional Development for Certificated and Classified Staff	\$23.39	\$23.74
Facilities Maintenance	\$189.59	\$192.43
Security and Central Office	\$131.35	\$133.32
<b>TOTAL</b>	<b>\$1,340.13</b>	<b>\$1,360.23</b>
<b>MSOC/STUDENT FTE</b>		<b>\$1,360.23</b>

(ii) For the 2021-22 school year and 2022-23 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,585.55 for the 2021-22 school year and \$1,609.33 for the 2022-23 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,585.55 for the 2021-22 school year and \$1,609.33 for the 2022-23 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2021-22 School Year	2022-23 School Year
Technology	\$40.50	\$41.11
Curriculum and Textbooks	\$44.18	\$44.84
Other Supplies	\$86.06	\$87.35
Library Materials	\$5.99	\$6.08
Instructional Professional Development for Certified and Classified Staff	\$7.36	\$7.47
<b>TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE</b>	<b>\$184.09</b>	<b>\$186.85</b>

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2021-22 and 2022-23 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2021, to August 31, 2021, are adjusted to reflect provisions of chapter 357, Laws of 2020, as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2021-22 school year and 2022-23 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8

and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty average annual full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty average annual full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy average annual full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty average annual full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty average annual full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2022 and 2023 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2022 and \$650,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2022 and \$436,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 501(5) of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 501(5) of this act, and the amount expended from this section for those students.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs

shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2021-2023 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

(22)(a) \$9,700,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for the bridge year pilot program established in Second Substitute Senate Bill No. 5265 (bridge year pilot program) for the purpose of addressing learning loss pursuant to section 2001(1)(f)(1), American rescue plan act of 2021, P.L. 117-2. If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(b) The office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined full time equivalent experience of students participating in the bridge year pilot program, including course load analyses at both the high school and community and technical college system.

**NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under section 504 of this act: For the 2021-22 school year and the 2022-23 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation

Staff Type	2021-22 School Year	2022-23 School Year
Certificated Instructional	\$68,937	\$69,971
Certificated Administrative	\$102,327	\$103,862
Classified	\$49,453	\$50,195

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on February 1, 2021, at 5:17 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.07 percent for school year 2021-22 and 22.07 percent for school year 2022-23 for certificated instructional and certificated administrative staff and 19.25 percent for school year 2021-22 and 19.25 percent for the 2022-23 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

**NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2022) ..	\$153,919,000
General Fund—State Appropriation (FY 2023) ..	\$316,380,000
TOTAL APPROPRIATION .....	\$470,299,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 2.0 percent for the 2021-22 school year, and 1.5 percent for the 2022-23 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2022-23 must be used to train school district staff on racial literacy, cultural responsiveness, and stereotype threat for purposes of closing persistent opportunity gaps.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 22.07 percent for the 2021-22 school year and 22.07 percent for the 2022-23 school year for certificated instructional and certificated administrative staff and 19.25 percent for the 2021-22 school year and 19.25 percent for the 2022-23 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 504 and 505 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 504 and 505 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in section 941 of this act and reflect the incremental change in cost of allocating rates as follows: For the 2021-22 school year, \$1,011 per month and for the 2022-23 school year, \$1,033 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

**NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2022) ..	\$581,901,000
General Fund—State Appropriation (FY 2023) ..	\$649,872,000
TOTAL APPROPRIATION .....	\$1,231,773,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 506, chapter 357, Laws of 2020, as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2022 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2023 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of this fiscal year 2022 appropriation and a maximum of \$939,000 of the fiscal year 2023 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

**NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL FOOD SERVICES**

General Fund—State Appropriation (FY 2022).....	\$7,230,000
General Fund—State Appropriation (FY 2023).....	\$7,230,000
General Fund—Federal Appropriation .....	\$551,378,000
TOTAL APPROPRIATION.....	\$565,838,000

The appropriations in this section are subject to the following conditions and limitations: \$14,200,000 of the general fund—federal appropriation (CRRSA) is provided solely for school meal programs, as authorized in section 722, the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

**NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2022)	\$1,443,308,000
General Fund—State Appropriation (FY 2023)	\$1,511,358,000
General Fund—Federal Appropriation .....	\$566,999,000
Education Legacy Trust Account—State Appropriation	\$54,694,000
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation .....	\$24,000,000
TOTAL APPROPRIATION.....	\$3,600,359,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 504 and 506 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the

superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations provided under section 504 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 357, Laws of 2020, as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$94,630,000 of the general fund—state appropriation for fiscal year 2022, \$94,630,000 of the general fund—state appropriation for fiscal year 2023, \$29,574,000 of the general fund—federal appropriation, and \$48,720,000 of the general fund—federal appropriation (ARPA) are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2021-22 and 2022-23 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other

purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$50,000 of the general fund—state appropriation for fiscal year 2022, \$50,000 of the general fund—state appropriation for fiscal year 2023, and \$100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) \$24,000,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for the office of the superintendent of public instruction to provide an allocation to school districts for extension of transition services for students with disabilities who turned age 21 during the 2019-20 or 2020-21 school years, did not graduate with a regular diploma, and require recovery services on or after July 1, 2021, as determined by the individualized education program team. The funds in this subsection are for the purpose of addressing learning loss pursuant to section 2001(1)(f)(1), American rescue plan act of 2021, P.L. 117-2. The allocation shall be based on a per student amount to be determined by the superintendent. If total requests for these funds exceed the amount appropriated for this purpose, the superintendent shall prorate requests so that each district receives a proportionate share of their original request.

(13) \$4,279,000 of the general fund—federal appropriation (ARPA) is provided solely for providing preschool services to qualifying special education students under section 619 of the federal individuals with disabilities education act, pursuant to section 2002, the American rescue plan act of 2021, P.L. 117-2. The office of the superintendent of public instruction must expend all available federal funds for this purpose before expending state funds.

**NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2022)....	\$19,812,000
General Fund—State Appropriation (FY 2023)....	\$19,823,000
TOTAL APPROPRIATION.....	\$39,635,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional

development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) Funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) Funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff.

(6) Funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) Funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams.

(8) Funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State Appropriation (FY 2022) ..	\$271,870,000
General Fund—State Appropriation (FY 2023) ..	\$247,305,000
TOTAL APPROPRIATION .....	\$519,175,000

**NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2022)....	\$16,430,000
General Fund—State Appropriation (FY 2023)....	\$17,373,000
TOTAL APPROPRIATION .....	\$33,803,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2022 and \$701,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) \$2,443,000 of the general fund—state appropriation for fiscal year 2022 and \$2,470,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility.

(7) \$300,000 of the general fund—state appropriation in fiscal year 2022 and \$300,000 of the general fund—state appropriation in fiscal year 2023 are provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

**NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2022)....	\$33,267,000
General Fund—State Appropriation (FY 2023)....	\$33,735,000
TOTAL APPROPRIATION.....	\$67,002,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 357, Laws of 2020, as amended.

**NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR**

**MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT**

General Fund—Federal Appropriation.....	\$6,802,000
TOTAL APPROPRIATION .....	\$6,802,000

**NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2022) ..	\$137,552,000
General Fund—State Appropriation (FY 2023) ..	\$140,739,000
General Fund—Federal Appropriation.....	\$96,367,000
General Fund—Private/Local Appropriation .....	\$1,450,000
Education Legacy Trust Account—State Appropriation .....	\$1,624,000
TOTAL APPROPRIATION .....	\$377,732,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ACCOUNTABILITY

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2022, \$26,975,000 of the general fund—state appropriation for fiscal year 2023, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2022 and \$14,352,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) \$71,694,000 of the general fund—state appropriation for fiscal year 2022 and \$74,712,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,705 per teacher in the 2021-22 school year and a bonus of \$5,791 per teacher in the 2022-23 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2021-22 and 2022-23 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The

conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2022 and \$3,418,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2022 and \$477,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2022 and \$810,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) \$10,500,000 of the general fund—state appropriation for fiscal year 2022 and \$10,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2022 and \$4,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

**NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2022) ..	\$228,691,000
General Fund—State Appropriation (FY 2023) ..	\$233,561,000
General Fund—Federal Appropriation .....	\$102,242,000

TOTAL APPROPRIATION .....\$564,494,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2021-22 and 2022-23; (ii) additional instruction of 3.0000 hours per week in school years 2021-22 and 2022-23 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 357, Laws of 2020, as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 1.77 percent for school year 2021-22 and 1.75 percent for school year 2022-23.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2022 and \$35,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to track current and former transitional bilingual program students.

(6) \$1,185,000 of the general fund—state appropriation in fiscal year 2022 and \$1,185,000 of the general fund—state appropriation in fiscal year 2023 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

**NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2022) ..	\$446,876,000
General Fund—State Appropriation (FY 2023) ..	\$455,757,000
General Fund—Federal Appropriation .....	\$533,481,000
TOTAL APPROPRIATION .....	\$1,436,114,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2021-22 and 2022-23 school years, the superintendent shall allocate funding to school districts for

EIGHTY FIRST DAY, APRIL 1, 2021

learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2021-22 and 2022-23 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2021, to August 31, 2021, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 357, Laws of 2020, as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2021-22 and 2022-23 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

**NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS**

Statewide Average Allocations			
Per Annual Average Full-Time Equivalent Student			
Basic Education Program		2021-22 School Year	2022-23 School Year
General Apportionment		\$9,453	\$9,578
Pupil Transportation		\$590	\$593
Special Education Programs		\$10,047	\$10,167
Institutional Education Programs		\$20,361	\$20,637
Programs for Highly Capable Students		\$615	\$623

Transitional Bilingual Programs	\$1,431	\$1,435
Learning Assistance Program	\$925	\$927

**NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

(4) Appropriations in sections 504 and 506 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in section 941 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in section 941 of this act.

(5) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

**NEW SECTION. Sec. 520. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS**

Washington Opportunity Pathways Account—State Appropriation .....	\$144,960,000
TOTAL APPROPRIATION .....	\$144,960,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) \$4,437,000 of the Washington opportunity pathways account—state appropriation is provided solely for implementation of House Bill No. 1195 (charter school time frame). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 521. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION**

Washington Opportunity Pathways Account—State Appropriation .....	\$22,000
Charter Schools Oversight Account—State Appropriation .....	\$3,333,000
TOTAL APPROPRIATION .....	\$3,355,000

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

**NEW SECTION. Sec. 522. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2022)....	\$59,368,000
General Fund—State Appropriation (FY 2023)....	\$31,996,000
General Fund—Federal Appropriation .....	\$912,338,000
COVID-19 Resiliency and Reopening Nonappropriated Account—State Appropriation .....	\$200,000,000
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation .....	\$1,814,170,000
TOTAL APPROPRIATION.....	\$3,017,872,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,894,000 of the general fund—state appropriation for fiscal year 2022 and \$4,894,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants for implementation of dual credit programs and subsidized advanced placement exam fees, international baccalaureate class fees, and exam and course fees for low-income students.

For expenditures related to subsidized exam fees, the superintendent of public instruction shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(2)(a) \$2,052,000 of the general fund—state appropriation for fiscal year 2022 and \$2,052,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,075,000 of the 2022 appropriation and \$1,075,000 of the 2023 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, \$100,000 of the fiscal year 2022 appropriation and \$100,000 of the fiscal year 2023 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(b) \$135,000 of the general fund—state appropriation for fiscal year 2022 and \$135,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2022, a high school must have offered a foundational project lead the way course during the 2020-21 school year. The 2022 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2021-22 school year. To be eligible for funding in 2023, a high school must have offered a foundational project lead the way course during the 2021-22 school year. The 2023 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2022-23 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in

alignment with the measures of the Washington school improvement framework.

(d) \$2,127,000 of the general fund—state appropriation for fiscal year 2022 and \$2,127,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime, construction, aerospace, and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment or certification in maritime, construction, aerospace, or advanced manufacturing industries, as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) \$900,000 of the general fund—state appropriation for fiscal year 2022 and \$900,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for annual startup, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs.

(ii) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for annual startup, expansion, or maintenance of existing programs in construction programs.

(iii) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime programs.

(iv) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to expand the current employer engagement program to support schools, teachers, and students.

(v) \$427,000 of the general fund—state appropriation for fiscal year 2022 and \$427,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to provide management, development, assessment, and outreach of the programs.

(3)(a) \$75,000 of the general fund—state appropriation for fiscal year 2022 and \$75,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2022 and \$15,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$373,000 of the general fund—state appropriation for fiscal year 2022 and \$373,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(4)(a) \$55,000 of the general fund—state appropriation for fiscal year 2022 and \$55,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) \$3,395,000 of the general fund—state appropriation for fiscal year 2022 and \$3,395,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), \$446,000 of the general fund—state appropriation for fiscal year 2022 and \$446,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), \$1,015,000 of the general fund—state appropriation for fiscal year 2022 and \$1,015,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), \$684,000 of the general fund—state appropriation for fiscal year 2022 and \$684,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the demonstration site established

with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(7)(a) \$1,200,000 of the general fund—state appropriation for fiscal year 2022 and \$1,200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) \$36,000 of the general fund—state appropriation for fiscal year 2022 and \$36,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(8) \$375,000 of the general fund—state appropriation for fiscal year 2022 and \$375,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(9) \$1,425,000 of the general fund—state appropriation for fiscal year 2022 and \$1,425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for dual language grants to grow capacity for high quality dual language learning. Of the amounts provided in this subsection:

(a) \$1,425,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(33), chapter 299, Laws of 2018.

(b) \$400,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to establish a new dual language program.

(c) \$225,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to expand an existing dual language program.

(d) \$400,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to create heritage language programs for immigrant and refugee students.

(e) \$400,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for grants to create indigenous language programs for native students.

(10)(a) \$4,940,000 of the general fund—state appropriation for fiscal year 2022 and \$4,940,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. Of the amounts provided: \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the college success foundation to establish programming in new regions throughout the state. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$1,454,000 of the general fund—state appropriation for fiscal year 2022 and \$1,454,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment

with the measures of the Washington school improvement framework.

(c) \$181,000 of the general fund—state appropriation for fiscal year 2022 and \$181,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(11)(a) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$3,000,000 of the general fund—state appropriation for fiscal year 2022 and \$3,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools. The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) \$50,000 of the general fund—state appropriation for fiscal year 2022 and \$50,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(e) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least seventeen years of experience collaborating with the office and school districts

statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) \$62,000 of the general fund—state appropriation for fiscal year 2022 and \$62,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as co-instructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(12) \$85,000 of the general fund—state appropriation for fiscal year 2022 and \$85,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the centrum program at Fort Worden state park.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(14) \$250,000 of the general fund—state appropriation for fiscal year 2022 and \$250,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

(15) \$200,000,000 of the COVID-19 resiliency and reopening nonappropriated account—state appropriation is provided solely for grants to local education agencies for vaccinations, testing, contact tracing, and other necessary activities to facilitate the safe

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

reopening of schools. If necessary, the superintendent and the department of health shall enter into an interagency agreement to facilitate expenditures from the account. The office of financial management must reduce the allotment of the amount provided in this subsection to reflect spending in fiscal year 2021 for subgrants to local educational agencies pursuant to section 1417(32) of this act. The superintendent must distribute the funding as a grant based on the number of full-time equivalent students within that local education agency as a proportion of the total number of full-time equivalent students statewide.

(16) For purposes of this section, "local education agencies" means school districts, charter schools, and state-tribal education compact schools.

(17) \$27,375,000 of the general fund—state appropriation for fiscal year 2022, \$80,000,000 of the general fund—federal appropriation (CRRSA/ESSER), and \$92,625,000 of the elementary and secondary school emergency relief III account—federal appropriation are provided solely for the office of the superintendent of public instruction to administer grants to school districts for the purposes of learning recovery and acceleration. Allowable uses of the funds are limited to:

(a) One-time contracts for classified, certificated, or administrative staff who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning, including locating and reengaging students who have disengaged from school, one-on-one and small-group instruction, and other intensive learning supports;

(b) Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;

(c) Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and

(d) Direct supports to students to improve school engagement and accelerate learning.

(18) \$18,000,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for grants to entities or organizations to provide outdoor education summer enrichment programs to youth.

(19) \$74,237,000 of the general fund—federal appropriation (CRRSA/ESSER) is provided solely for allocations from federal funding in response to the COVID-19 pandemic as authorized in section 313, the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M. The superintendent of public instruction must allocate the entire amount as subgrants to local education agencies consistent with timing and provisions of section 313, P.L. 116-260, division M.

(20) \$1,667,251,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from federal funding in response to the COVID-19 pandemic as authorized in section 2001, the American rescue plan act of 2021, P.L. 117-2. The superintendent of public instruction must allocate the entire amount as subgrants to local education agencies consistent with timing and provisions of section 2001, P.L. 117-2.

(21) \$43,708,000 of the general fund—federal appropriation (ARPA) is provided solely for emergency assistance to nonpublic schools, as authorized in section 2002, the American rescue plan act of 2021, P.L. 117-2.

(22) \$46,263,000 of the general fund—federal appropriation (CRRSA), not to exceed the amount appropriated in section 13, chapter 3, Laws of 2021, that was unobligated at the end of fiscal

year 2021, is provided solely for emergency assistance to nonpublic schools, subject to the same terms and conditions of section 13, chapter 3, Laws of 2021.

(23) \$78,172,000 of the general fund—federal appropriation (CARES), not to exceed the amount approved by the governor on June 15, 2020, through the unanticipated receipts process for distribution to local education agencies, that was unobligated at the end of fiscal year 2021, is provided solely for allocations from federal funding in response to the COVID-19 pandemic as authorized in section 18003, the coronavirus aid, relief, and economic security act, P.L. 116-136.

(24) \$668,130,000 of the general fund—federal appropriation (CRRSA/ESSER), not to exceed the amount appropriated in section 12, chapter 3, Laws of 2021, that was unobligated at the end of fiscal year 2021, is provided solely for allocations local educational agencies subject to the same terms and conditions of section 12, chapter 3, Laws of 2021.

(25) \$17,769,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for the office of the superintendent of public instruction to create and administer a grant program for the purpose of assisting school districts in facilitating a week-long summer reengagement program in schools for students to reengage in learning, physical activity, and social interaction prior to the start of the 2021-22 school year pursuant to section 2001(1)(f)(2), American rescue plan act of 2021, P.L. 117-2. Grants may be used to cover school district expenses for professional development or logistics related to participating in an outdoor school experience.

(a)(i) A school district participating in the program shall open facilities in at least one school in the district for structured activities for students, under staff supervision.

(ii) School facilities to be opened under this program may include, but are not limited to, school libraries, cafeterias, gymnasiums, and playgrounds.

(iii) School districts participating in this program shall prioritize activities or programs that:

(A) Promote students connecting socially with their classmates;

(B) Encourage students to engage in physical activity; and

(C) Support families who have struggled with child care needs.

(b) Grants allocated for the purposes of this subsection must be allocated in proportion to student enrollment.

(c) Nothing in this subsection modifies instructional requirements under RCW 28A.150.220 nor shall any activity or program provided under this section count towards meeting minimum instructional requirements under state law.

(d) The office of the superintendent of public instruction may adopt rules necessary for the effective and efficient implementation of this subsection.

(26) \$18,525,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for the office of the superintendent of public instruction to administer grants to the community learning center program as created in RCW 28A.215.060 for the purpose of supporting afterschool programs pursuant to section 2001(1)(f)(3), American rescue plan act of 2021, P.L. 117-2. The office of the superintendent of public instruction may adopt rules necessary for the effective and efficient implementation of this subsection.

**PART VI  
HIGHER EDUCATION**

NEW SECTION. **Sec. 601.** The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the office of financial management for inclusion in the agency's data warehouse. Uniform reporting procedures shall be established by the office of financial management's office of the state human resources director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4)(a) For employees under the jurisdiction of chapter 41.56 or 41.80 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(b) For each institution of higher education receiving appropriations under sections 605 through 611 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention and as provided in Part IX of this act.

(ii) Institutions may provide salary increases only as permitted under Senate Bill No. 5323 (salaries & wages) from sources other than general fund appropriations and tuition revenues to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under chapter 41.80 RCW. It is the intent of the legislature that salary increases provided under this subsection (4)(b)(ii) not increase state general fund support or impact tuition expenditures by an institution unless the legislature so determines.

(iii) Funding for salary increases provided under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 on or after July 1, 2021, must be excluded from the general fund and tuition salary base when calculating state funding for future general wage or other salary increases on or after July 1, 2021. In order to facilitate this funding policy, each institution shall report to the office of financial management on the details of locally authorized salary increases granted under (b)(ii) of this subsection and RCW 41.76.035 and 28B.52.035 with its 2021-2023 biennium budget submittal. At a minimum, the report must include the total cost of locally authorized increases by fiscal year, a description of the locally authorized provision, and the long-term source of funds that is anticipated to cover the cost.

(5) Within funds appropriated to institutions in sections 605 through 611 of this act, teacher preparation programs shall meet the requirements of RCW 28B.10.710 to incorporate information on the culture, history, and government of American Indian people in this state by integrating the curriculum developed and made available free of charge by the office of the superintendent of public instruction into existing programs or courses and may modify that curriculum in order to incorporate elements that have a regionally specific focus.

(6) Each institution of higher education must include the phone number of a campus, local, state, or national suicide, crisis, or counseling hotline on the back of newly issued student and faculty identification cards.

(7)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant and college bound recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and college bound recipients as well as students on the state need grant unserved waiting list, disaggregated by institution of higher education;

(iv) State need grant recipients and students on the state need grant unserved waiting list grade point averages; and

(v) State need grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

NEW SECTION. **Sec. 602.** (1) Within the amounts appropriated in this act, each institution of higher education shall seek to:

(a) Maintain and to the extent possible increase enrollment opportunities at campuses;

(b) Maintain and to the extent possible increase enrollment opportunities at university centers and other partnership programs that enable students to earn baccalaureate degrees on community college campuses; and

(c) Eliminate and consolidate programs of study for which there is limited student or employer demand, or that are not areas of core academic strength for the institution, particularly when such programs duplicate offerings by other in-state institutions.

(2) For purposes of monitoring and reporting statewide enrollment, the University of Washington and Washington State University shall notify the office of financial management of the number of full-time student equivalent enrollments for each of their campuses.

NEW SECTION. **Sec. 603. PUBLIC BACCALAUREATE INSTITUTIONS**

(1) The state universities, the regional universities, and The Evergreen State College must accept the transfer of college-level courses taken by students under RCW 28A.600.290 or 28A.600.300 if a student seeking a transfer of the college-level courses has been admitted to the state university, the regional university, or The Evergreen State College, and if the college-level courses are recognized as transferrable by the admitting institution of higher education.

(2) Appropriations in sections 606 through 611 of this act are sufficient to implement 2021-23 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW.

(3) Within amounts appropriated to institutions in sections 606 through 611 of this act, institutions shall employ at least one full-time mental health counselor licensed under chapter 18.225 RCW who has experience working with active members of the military or military veterans, to work with student, faculty, and staff veterans, as well as their spouses and dependents, through the institution's veteran resource center.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

**NEW SECTION. Sec. 604. STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

Appropriations in section 605 of this act are sufficient to implement 2021-23 collective bargaining agreements at institutions of higher education negotiated under chapter 41.80 RCW and as set forth in part 9 of this act.

**NEW SECTION. Sec. 605. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2022)..	\$709,062,000
General Fund—State Appropriation (FY 2023)..	\$710,079,000
Community/Technical College Capital Projects	
Account—State Appropriation .....	\$22,436,000
Education Legacy Trust Account—State Appropriation .....	\$158,254,000
Workforce Education Investment Account—State Appropriation.....	\$175,424,000
TOTAL APPROPRIATION.....	\$1,775,255,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2022 and \$33,261,000 of the general fund—state appropriation for fiscal year 2023 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2022 and at least 7,170 full-time equivalent students in fiscal year 2023.

(2) \$5,450,000 of the education legacy trust account—state appropriation is provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$1,610,000 of the general fund—state appropriation for fiscal year 2022, and \$1,610,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the mathematics, engineering, and science achievement program.

(4) \$1,500,000 of the general fund—state appropriation for fiscal year 2022 and \$1,500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(5) \$100,000 of the general fund—state appropriation for fiscal year 2022 and \$100,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

- (a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;
- (b) Enhance information technology to increase business and student accessibility and use of the center's web site; and
- (c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(6) \$20,223,000 of the general fund—state appropriation for fiscal year 2022 and \$21,010,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(7) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(8) \$157,000 of the general fund—state appropriation for fiscal year 2022 and \$157,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Wenatchee Valley college wildfire prevention program.

(9) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(10)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 701 of this act.

(11) \$216,000 of the general fund—state appropriation for fiscal year 2022 and \$216,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the opportunity center for employment and education at North Seattle College.

(12) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(13) \$350,000 of the general fund—state appropriation for fiscal year 2022 and \$350,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

- (a) Medical assisting, 40 students;
- (b) Nursing assistant, 60 students; and
- (c) Registered nursing, 32 students.

(14) \$338,000 of the general fund—state appropriation for fiscal year 2022 and \$338,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state labor education and research center at South Seattle College.

(15) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a

semiconductor and electronics manufacturing branch in Vancouver.

(16) \$425,000 of the general fund—state appropriation for fiscal year 2022 and \$425,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for Seattle Central College's expansion of allied health programs.

(17) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(18) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(19) \$1,500,000 of the general fund—state appropriation for fiscal year 2022, \$1,500,000 of the general fund—state appropriation for fiscal year 2023, and \$59,971,000 of the workforce education investment account—state appropriation are provided solely for statewide implementation of guided pathways at each of the state's community and technical colleges or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(20) \$40,800,000 of the workforce education investment account—state appropriation is provided solely to continue to fund nurse educator salaries.

(21) \$40,000,000 of the workforce education investment account—state appropriation is provided to continue to fund high-demand program faculty salaries, including but not limited to nurse educators, other health-related professions, information technology, computer science, and trades.

(22) \$4,000,000 of the workforce education investment account—state appropriation is provided solely for career launch enrollments, as provided under RCW 28C.30.020.

**NEW SECTION. Sec. 606. FOR THE UNIVERSITY OF WASHINGTON**

General Fund—State Appropriation (FY 2022).....	\$360,226,000
General Fund—State Appropriation (FY 2023).....	\$363,557,000
Aquatic Lands Enhancement Account—State	
Appropriation.....	\$1,595,000
University of Washington Building Account—State	
Appropriation.....	\$1,546,000
Education Legacy Trust Account—State Appropriation	
.....	\$36,294,000
Economic Development Strategic Reserve Account—State	
Appropriation.....	\$3,078,000
Biotoxin Account—State Appropriation.....	\$605,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022) .....	\$263,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023) .....	\$263,000
Accident Account—State Appropriation .....	\$7,767,000
Medical Aid Account—State Appropriation.....	\$7,328,000
Workforce Education Investment Account—State	
Appropriation.....	\$45,760,000
Geoduck Aquaculture Research Account—State	
Appropriation.....	\$14,000
TOTAL APPROPRIATION.....	\$828,296,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$41,974,000 of the general fund—state appropriation for fiscal year 2022 and \$43,606,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the

implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) \$3,062,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(6) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(7) \$1,201,000 of the general fund—state appropriation for fiscal year 2022 and \$1,803,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(8) \$1,000,000 of the general fund—state appropriation for fiscal year 2022 and \$1,000,000 of the general fund—appropriation for fiscal year 2023 are provided solely for the University of Washington's psychiatry integrated care training program.

(9) \$427,000 of the general fund—state appropriation for fiscal year 2022 and \$640,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for child and adolescent psychiatry residency positions that are approved by the accreditation council for graduate medical education, as provided in RCW 28B.20.445.

(10) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Latino center for health.

(11) \$463,000 of the general fund—state appropriation for fiscal year 2022 and \$400,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the climate impacts group in the college of the environment.

(12) \$300,000 of the general fund—state appropriation for fiscal year 2022 and \$300,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

(13) \$21,461,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(14) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support

EIGHTY FIRST DAY, APRIL 1, 2021

services, and other institutional priorities that maintain a quality academic experience for Washington students.

(15) \$8,000,000 of the workforce education investment account—state appropriation is provided solely to maintain degree production in the college of engineering at the Seattle campus.

(16) \$1,000,000 of the workforce education investment account—state appropriation is provided solely to maintain the Washington state academic redshirt program.

(17) \$2,700,000 of the workforce education investment account—state appropriation is provided solely to maintain degree capacity and undergraduate enrollments in engineering, mathematics, and science programs to support the biomedical innovation partnership zone at the Bothell campus.

(18) \$3,268,000 of the workforce education investment account—state appropriation is provided solely to maintain bachelor of science programs in mechanical and civil engineering to support increased student and local employer demand for graduates in these fields at the Tacoma campus.

(19) \$7,345,000 of the general fund—state appropriation for fiscal year 2022 and \$8,855,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(20) \$562,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5272 (liquor & cannabis board fees) to fund the alcohol and drug abuse institute. If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

**NEW SECTION. Sec. 607. FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2022)..	\$240,130,000
General Fund—State Appropriation (FY 2023)..	\$241,349,000
General Fund—Federal Appropriation .....	\$500,000
Washington State University Building Account—State	
Appropriation.....	\$792,000
Education Legacy Trust Account—State Appropriation	
.....	\$33,995,000
Dedicated Marijuana Account—State Appropriation	
(FY 2022) .....	\$138,000
Dedicated Marijuana Account—State Appropriation	
(FY 2023) .....	\$138,000
Workforce Education Investment Account—State	
Appropriation.....	\$29,680,000
TOTAL APPROPRIATION.....	\$546,722,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(3) \$7,000,000 of the general fund—state appropriation for fiscal year 2022, \$7,000,000 of the general fund—state appropriation for fiscal year 2023, and \$22,800,000 of the workforce education investment account—state appropriation are

provided solely for the continued development and operations of a medical school program in Spokane.

(4) \$29,837,000 of the general fund—state appropriation for fiscal year 2022 and \$30,996,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) \$1,154,000 of the general fund—state appropriation for fiscal year 2022 and \$1,154,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(6) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the joint center for deployment and research in earth abundant materials.

(7) \$6,880,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(8) \$1,038,000 of the general fund—state appropriation for fiscal year 2022 and \$1,038,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(9) \$374,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the implementation of Substitute Senate Bill No. 5272 (liquor & cannabis board fees) to fund the alcohol and drug abuse research program. If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

(10) \$500,000 of the general fund—federal appropriation (CRRSA) is provided solely to support farm stress programs in response to the COVID-19 pandemic, as authorized in section 766, division N, consolidated appropriations act, 2021, P.L. 116-260.

**NEW SECTION. Sec. 608. FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022) ....	\$55,750,000
General Fund—State Appropriation (FY 2023) ....	\$55,989,000
Education Legacy Trust Account—State Appropriation	
.....	\$16,838,000
Workforce Education Investment Account—State	
Appropriation .....	\$4,910,000
TOTAL APPROPRIATION .....	\$133,487,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$10,718,000 of the general fund—state appropriation for fiscal year 2022 and \$11,134,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the

implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$50,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(6) \$2,274,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(7) \$2,636,000 of the workforce education investment account—state appropriation is provided solely to maintain a computer engineering degree program in the college of science, technology, engineering, and math.

**NEW SECTION. Sec. 609. FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022).... \$57,157,000  
 General Fund—State Appropriation (FY 2023).... \$57,819,000  
 Central Washington University Capital Projects  
 Account—State Appropriation ..... \$76,000  
 Education Legacy Trust Account—State Appropriation  
 ..... \$19,076,000  
 Workforce Education Investment Account—State  
 Appropriation..... \$4,022,000  
 TOTAL APPROPRIATION..... \$138,150,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$12,080,000 of the general fund—state appropriation for fiscal year 2022 and \$12,550,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$2,236,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$1,050,000 of the workforce education investment account—state appropriation is provided solely to increase the number of certified K-12 teachers.

(7) \$736,000 of the workforce education investment account—state appropriation is provided solely to maintain mental health counseling positions.

**NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2022)....\$29,992,000  
 General Fund—State Appropriation (FY 2023)....\$29,794,000  
 The Evergreen State College Capital Projects  
 Account—State Appropriation..... \$80,000  
 Education Legacy Trust Account—State Appropriation  
 ..... \$5,450,000  
 Workforce Education Investment Account—State  
 Appropriation ..... \$3,906,000  
 TOTAL APPROPRIATION .....\$69,222,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,674,000 of the general fund—state appropriation for fiscal year 2022 and \$3,669,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) \$2,289,000 of the general fund—state appropriation for fiscal year 2022 and \$2,107,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (4):

(a) \$1,294,000 of the amounts in fiscal year 2022 and \$1,294,000 of the amounts in fiscal year 2023 are provided for administration and core operations.

(b) \$995,000 of the amounts in fiscal year 2022 and \$813,000 of the amounts in fiscal year 2023 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2021-23 work plan as necessary to efficiently manage workload.

(5) \$2,636,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$670,000 of the workforce education investment account—state appropriation is provided solely to maintain enrollment capacity in psychology programs.

(7) \$600,000 of the workforce education investment account—state appropriation is provided solely to increase student success by maintaining support for a student precollege immersion program and The Evergreen first-year experience.

**NEW SECTION. Sec. 611. FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2022)....\$80,627,000  
 General Fund—State Appropriation (FY 2023)....\$81,261,000  
 Western Washington University Capital Projects  
 Account—State Appropriation..... \$1,424,000  
 Education Legacy Trust Account—State Appropriation  
 .....\$13,831,000  
 Workforce Education Investment Account—State  
 Appropriation ..... \$5,682,000  
 TOTAL APPROPRIATION .....\$182,825,000

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$16,674,000 of the general fund—state appropriation for fiscal year 2022 and \$17,321,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$2,256,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$3,426,000 of the workforce education investment account—state appropriation is provided solely to maintain access to science, technology, engineering, and mathematics degrees.

**NEW SECTION. Sec. 612. FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2022).....	\$6,707,000
General Fund—State Appropriation (FY 2023).....	\$6,573,000
General Fund—Federal Appropriation.....	\$4,896,000
Workforce Education Investment Account—State Appropriation.....	\$111,000
TOTAL APPROPRIATION.....	\$18,287,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the workforce education investment account—state appropriation is provided solely for the Washington student loan refinancing program as provided in chapter 28B.94 RCW.

(2) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

**NEW SECTION. Sec. 613. FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2022)..	\$263,301,000
General Fund—State Appropriation (FY 2023)..	\$260,824,000
General Fund—Federal Appropriation.....	\$11,986,000
General Fund—Private/Local Appropriation.....	\$300,000
Education Legacy Trust Account—State Appropriation.....	\$85,488,000
Washington Opportunity Pathways Account—State Appropriation.....	\$164,598,000
Aerospace Training Student Loan Account—State	

Appropriation.....	\$212,000
Workforce Education Investment Account—State Appropriation.....	\$299,866,000
Health Professionals Loan Repayment and Scholarship Program Account—State Appropriation .....	\$1,720,000
TOTAL APPROPRIATION .....	\$1,088,295,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,834,000 of the general fund—state appropriation for fiscal year 2022 and \$7,835,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for student financial aid payments under the state work study program, including up to four percent administrative allowance for the state work study program.

(2) \$236,416,000 of the general fund—state appropriation for fiscal year 2022, \$236,416,000 of the general fund—state appropriation for fiscal year 2023, \$276,980,000 of the workforce education investment account—state appropriation, \$69,639,000 of the education legacy trust fund—state appropriation, and \$147,654,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2021-2023 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) \$654,000 of the general fund—state appropriation for fiscal year 2022, \$3,292,000 of the general fund—state appropriation for fiscal year 2023, \$15,849,000 of the education legacy trust account—state appropriation, and \$19,800,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(5) \$2,759,000 of the general fund—state appropriation for fiscal year 2022 and \$2,795,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2022 and 2023 for this purpose.

(6) \$5,000,000 of the general fund—state appropriation for fiscal year 2022 is provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(7) \$3,800,000 of the general fund—state appropriation for fiscal year 2022 and \$3,800,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals

to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2023-2025 fiscal biennium on the basis of these contractual obligations.

(8) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the future teachers conditional scholarship and loan repayment program established in chapter 28B.102 RCW.

**NEW SECTION. Sec. 614. FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund—State Appropriation (FY 2022).....	\$2,294,000
General Fund—State Appropriation (FY 2023).....	\$2,015,000
General Fund—Federal Appropriation .....	\$55,382,000
General Fund—Private/Local Appropriation.....	\$210,000
Workforce Education Investment Account—State Appropriation.....	\$150,000
<b>TOTAL APPROPRIATION.....</b>	<b>\$60,051,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2021-2023 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) \$240,000 of the general fund—state appropriation for fiscal year 2022 and \$240,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs.

(3) \$150,000 of the workforce education investment account—state appropriation is provided solely for staffing costs to support the workforce education investment accountability and oversight board established in RCW 28C.18.200.

**NEW SECTION. Sec. 615. FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2022).....	\$9,081,000
General Fund—State Appropriation (FY 2023).....	\$9,129,000
General Fund—Private/Local Appropriation .....	\$34,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$18,244,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the school to offer to students enrolled in grades six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

**NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2022).....	\$14,602,000
General Fund—State Appropriation (FY 2023).....	\$14,653,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$29,255,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the center to offer students ages three through twenty-one enrolled at Washington School for the Deaf the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

**NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2022).....	\$2,480,000
General Fund—State Appropriation (FY 2023).....	\$2,500,000
General Fund—Federal Appropriation.....	\$2,876,000
General Fund—Private/Local Appropriation .....	\$50,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$7,906,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$750,000 of the general fund—federal appropriation (ARPA) is provided solely for grants to arts organizations for programing and general operating expenses pursuant to section 2021 of the American rescue plan act of 2021, P.L. 117-2.

**NEW SECTION. Sec. 618. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2022).....	\$3,686,000
General Fund—State Appropriation (FY 2023).....	\$3,656,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$7,342,000</b>

**NEW SECTION. Sec. 619. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2022).....	\$2,847,000
General Fund—State Appropriation (FY 2023).....	\$2,921,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$5,768,000</b>

**PART VII**

**SPECIAL APPROPRIATIONS**

**NEW SECTION. Sec. 701. FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY PROJECT OVERSIGHT**

(1) The office of financial management must notify the fiscal committees of the legislature of the receipt of each information technology project application and may not approve a funding request for ten business days from the date of notification.

(2) Allocations and allotments of information technology projects under oversight must be made for discrete stages of projects as determined by the technology budget approved by the office of the chief information officer and office of financial management. Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the chief information officer, will be retained in the account, but

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project. For the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project.

(3)(a) Each project under oversight must have a technology budget. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five fiscal years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project and maintenance and operations costs to include and identify, at least:

(i) Fund sources. If the project is by a central service agency, and funds are driven through the central service model, the technology budget must provide a statewide impact by agency by fund as a worksheet in the technology budget;

(ii) Full time equivalent staffing level to include job classification assumptions;

(iii) Discreet financial budget codes to include at least the appropriation index and program index or budget unit;

(iv) Object and subobject codes of expenditures;

(v) Anticipated deliverables;

(vi) Historical budget and expenditures by fiscal year; and

(vii) Maintenance and operations costs by fiscal year for at least five years on a separate worksheet.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(4)(a) Each project must have an investment plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(v) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(vi) Financial budget coding to include at least discrete financial coding for the project.

(5) Projects under oversight with estimated costs greater than one hundred million dollars from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the chief information officer, except for the one Washington project which must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and human resources. Each subproject must have a technology budget and investment plan as provided in this section.

(6)(a) The office of the chief information officer shall maintain an information technology project dashboard that provides

updated information each fiscal month on projects subject to this section. This includes, at least:

(i) Project changes each fiscal month;

(ii) Noting if the project has a completed market requirements document, when it was completed, and posting it to documents if one is completed;

(iii) Financial status of information technology projects under oversight;

(iv) Coordination with agencies;

(v) Monthly quality assurance reports, if applicable;

(vi) Monthly office of the chief information officer status reports;

(vii) Historical project budget and expenditures through fiscal year 2021;

(viii) Budget and expenditures each fiscal month; and

(ix) Estimated annual maintenance and operations costs by fiscal year.

(b) The dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail to include active projects under the coalition.

(7) If the project affects more than one agency:

(a) A separate technology budget and investment plan must be prepared for each agency; and

(b) The dashboard must contain a statewide project technology budget roll up that includes each affected agency at the subproject level and a summary of all discreet technology budgets rolled up together.

(8) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(c) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(d) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(e) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(9) The office of the chief information officer must evaluate the project at each stage and certify whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(10) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer must report on July 1 and December 1 each calendar year any suspension or termination of a project in the previous six month period to the legislative fiscal committees.

(11) The office of the chief information officer, in consultation with the office of financial management, may identify additional

projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on July 1 and December 1 each calendar year any additional projects to be subjected to this section that were identified in the previous six month period to the legislative fiscal committees.

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2022)	\$1,281,382,000
General Fund—State Appropriation (FY 2023)	\$1,367,274,000
State Building Construction Account—State Appropriation	\$12,323,000
Columbia River Basin Water Supply Development Account—State Appropriation	\$13,000
Watershed Restoration and Enhancement Bond Account—State Appropriation	\$181,000
State Taxable Building Construction Account—State Appropriation	\$467,000
Debt-Limit Reimbursable Bond Retirement Account—State Appropriation	\$511,000
<b>TOTAL APPROPRIATION</b>	<b>\$2,662,151,000</b>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

Nondebt-Limit Reimbursable Bond Retirement Account—State Appropriation	\$57,954,000
<b>TOTAL APPROPRIATION</b>	<b>\$57,954,000</b>

The appropriation in this section is subject to the following conditions and limitations: The general fund appropriations are for expenditure into the nondebt-limit general fund bond retirement account.

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund—State Appropriation (FY 2022)	\$1,400,000
General Fund—State Appropriation (FY 2023)	\$1,400,000
State Building Construction Account—State Appropriation	\$2,466,000
Columbia River Basin Water Supply Development Account—State Appropriation	\$3,000
Watershed Restoration and Enhancement Bond Account—State Appropriation	\$39,000
State Taxable Building Construction Account—State Appropriation	\$94,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,402,000</b>

**NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY FUND**

General Fund—State Appropriation (FY 2022)	\$850,000
General Fund—State Appropriation (FY 2023)	\$850,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,700,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are

for the governor's emergency fund for the critically necessary work of any agency.

**NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EDUCATION TECHNOLOGY REVOLVING ACCOUNT**

General Fund—State Appropriation (FY 2022)	\$9,000,000
General Fund—State Appropriation (FY 2023)	\$9,000,000
<b>TOTAL APPROPRIATION</b>	<b>\$18,000,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

**NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT—O'BRIEN BUILDING IMPROVEMENT**

General Fund—State Appropriation (FY 2022)	\$2,588,000
General Fund—State Appropriation (FY 2023)	\$2,581,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,169,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the enterprise services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the O'Brien building improvement, project number 20081007.

**NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CHERBERG BUILDING REHABILITATION**

General Fund—State Appropriation (FY 2022)	\$556,000
General Fund—State Appropriation (FY 2023)	\$556,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,112,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the enterprise services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the Cherberg building improvements, project number 2002-1-005.

**NEW SECTION. Sec. 709. FOR THE STATE TREASURER—COUNTY PUBLIC HEALTH ASSISTANCE**

General Fund—State Appropriation (FY 2022)	\$36,386,000
General Fund—State Appropriation (FY 2023)	\$36,386,000
<b>TOTAL APPROPRIATION</b>	<b>\$72,772,000</b>

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2022	FY 2023	2021-2023 Biennium
Adams County Integrated Health Services	\$121,213	\$121,213	\$242,426
Asotin County Health District	\$159,890	\$159,890	\$319,780
Benton-Franklin Health District	\$1,614,337	\$1,614,337	\$3,228,674

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

Chelan- Douglas Health District	\$399,63	\$399,63	\$799,26	Okanogan County Public Health	\$169,88	\$169,88	\$339,76
Clallam County Health and Human Services Department	\$291,40	\$291,40	\$582,80	Pacific County Health and Human Services	\$169,07	\$169,07	\$338,15
Clark County Public Health	\$1,767,3	\$1,767,3	\$3,534,6	Tacoma- Pierce County Health Department	\$4,143,1	\$4,143,1	\$8,286,3
Skamania County Community Health	\$111,32	\$111,32	\$222,65	San Juan County Health and Community Services	\$126,56	\$126,56	\$253,13
Columbia County Health District	\$119,99	\$119,99	\$239,98	Skagit County Health Department	\$449,74	\$449,74	\$899,49
Cowlitz County Health and Human Services	\$477,98	\$477,98	\$955,96	Snohomish Health District	\$3,433,2	\$3,433,2	\$6,866,5
Garfield County Health District	\$93,154	\$93,154	\$186,30	Spokane Regional Health District	\$2,877,3	\$2,877,3	\$5,754,6
Grant County Health District	\$297,76	\$297,76	\$595,52	Northeast Tri-County Health District	\$249,30	\$249,30	\$498,60
Grays Harbor Public Health and Social Services	\$335,66	\$335,66	\$671,33	Thurston County Public Health and Social Services	\$1,046,8	\$1,046,8	\$2,093,7
Island County Health Department	\$255,22	\$255,22	\$510,44	Wahkiakum County Health and Human Services	\$93,181	\$93,181	\$186,36
Jefferson County Public Health	\$184,08	\$184,08	\$368,16	Walla Walla County Department of Community Health	\$302,17	\$302,17	\$604,34
Public Health - Seattle & King County	\$12,685,	\$12,685,	\$25,371,	Whatcom County Health Department	\$1,214,3	\$1,214,3	\$2,428,6
Kitsap Public Health District	\$997,47	\$997,47	\$1,994,9	Whitman County Health Department	\$189,35	\$189,35	\$378,71
Kittitas County Public Health	\$198,97	\$198,97	\$397,95	Yakima Health District	\$1,052,4	\$1,052,4	\$2,104,9
Klickitat County Public Health	\$153,78	\$153,78	\$307,56	TOTAL APPROPRIATI ONS	\$36,386,	\$36,386,	\$72,772,
Lewis County Public Health and Social Services	\$263,13	\$263,13	\$526,26		000	000	000
Lincoln County Health Department	\$113,91	\$113,91	\$227,83	<b>NEW SECTION. Sec. 710. FOR THE STATE TREASURER—COUNTY CLERK LEGAL FINANCIAL OBLIGATION GRANTS</b>			
Mason County Public Health and Human Services	\$227,44	\$227,44	\$454,89	General Fund—State Appropriation (FY 2022) ..... \$541,000			
				General Fund—State Appropriation (FY 2023) ..... \$441,000			
				TOTAL APPROPRIATION ..... \$982,000			
				The appropriations in this section are subject to the following conditions and limitations: By October 1st of each fiscal year, the state treasurer shall distribute the appropriations to the following county clerk offices in the amounts designated as grants for the			

collection of legal financial obligations pursuant to RCW 2.56.190:

<b>County Clerk</b>	<b>FY 2022</b>	<b>FY 2023</b>
Adams County Clerk	\$2,103	\$1,714
Asotin County Clerk	\$2,935	\$2,392
Benton County Clerk	\$18,231	\$14,858
Chelan County Clerk	\$7,399	\$6,030
Clallam County Clerk	\$5,832	\$4,753
Clark County Clerk	\$32,635	\$26,597
Columbia County Clerk	\$384	\$313
Cowlitz County Clerk	\$16,923	\$13,792
Douglas County Clerk	\$3,032	\$2,471
Ferry County Clerk	\$422	\$344
Franklin County Clerk	\$5,486	\$4,471
Garfield County Clerk	\$243	\$198
Grant County Clerk	\$10,107	\$8,237
Grays Harbor County Clerk	\$8,659	\$7,057
Island County Clerk	\$3,059	\$2,493
Jefferson County Clerk	\$1,859	\$1,515
King County Court Clerk	\$119,290	\$97,266
Kitsap County Clerk	\$22,242	\$18,127
Kittitas County Clerk	\$3,551	\$2,894
Klickitat County Clerk	\$2,151	\$1,753
Lewis County Clerk	\$10,340	\$8,427
Lincoln County Clerk	\$724	\$590
Mason County Clerk	\$5,146	\$4,194
Okanogan County Clerk	\$3,978	\$3,242
Pacific County Clerk	\$2,411	\$1,965
Pend Oreille County Clerk	\$611	\$498
Pierce County Clerk	\$77,102	\$62,837
San Juan County Clerk	\$605	\$493
Skagit County Clerk	\$11,059	\$9,013
Skamania County Clerk	\$1,151	\$938
Snohomish County Clerk	\$38,143	\$31,086
Spokane County Clerk	\$44,825	\$36,578
Stevens County Clerk	\$2,984	\$2,432
Thurston County Clerk	\$22,204	\$18,096
Wahkiakum County Clerk	\$400	\$326
Walla Walla County Clerk	\$4,935	\$4,022
Whatcom County Clerk	\$20,728	\$16,893
Whitman County Clerk	\$2,048	\$1,669
Yakima County Clerk	\$25,063	\$20,426
<b>TOTAL</b>	<b>\$541,000</b>	<b>\$441,000</b>

**APPROPRIATIONS**

**NEW SECTION. Sec. 711. BELATED CLAIMS**

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 712. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COMMON SCHOOL CONSTRUCTION ACCOUNT**

General Fund—State Appropriation (FY 2022).....	\$600,000
General Fund—State Appropriation (FY 2023).....	\$600,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$1,200,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the common school construction account—state on July 1, 2021, and July 1, 2022, for an interest payment pursuant to RCW 90.38.130.

**NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT—NATURAL RESOURCES REAL PROPERTY REPLACEMENT ACCOUNT**

General Fund—State Appropriation (FY 2022).....	\$300,000
General Fund—State Appropriation (FY 2023).....	\$300,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$600,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the natural resources real property replacement account—state on July 1, 2021, and July 1, 2022, for an interest payment pursuant to RCW 90.38.130.

**NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

General Fund—State Appropriation (FY 2022).....	\$226,000
General Fund—State Appropriation (FY 2023).....	\$226,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$452,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section, or so much thereof as may be necessary, are provided solely for expenditure into the county criminal justice assistance account—state. The treasurer shall make quarterly distributions from the county criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.310 for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

**NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

General Fund—State Appropriation (FY 2022).....	\$133,000
General Fund—State Appropriation (FY 2023).....	\$133,000
<b>TOTAL APPROPRIATION .....</b>	<b>\$266,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section, or so much thereof as may be necessary, are appropriated for expenditure into the municipal criminal justice assistance account. The treasurer shall make quarterly distributions from the municipal criminal justice assistance account of the amounts provided in this section in accordance with RCW 82.14.320 and 82.14.330, for the purposes of reimbursing local jurisdictions for increased costs incurred as a result of the mandatory arrest of repeat offenders pursuant to chapter 35, Laws of 2013 2nd sp. sess. The appropriations and distributions made under this section constitute appropriate reimbursement for costs for any new programs or increased level of services for the purposes of RCW 43.135.060.

**NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME VISITING SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2022).....	\$5,562,000
---	-------------

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

General Fund—State Appropriation (FY 2023)..... \$5,562,000  
TOTAL APPROPRIATION..... \$11,124,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the home visiting services account for the home visiting program.

**NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT**

General Fund—State Appropriation (FY 2022)..... \$951,000  
TOTAL APPROPRIATION..... \$951,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program. Matching funds using the amounts appropriated in this section may not be used to fund new grants that exceed two years in duration.

**NEW SECTION. Sec. 718. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2022).... \$82,800,000  
General Fund—State Appropriation (FY 2023).... \$86,000,000  
TOTAL APPROPRIATION..... \$168,800,000

(3) There is appropriated for contributions to the judicial retirement system:

Pension Funding Stabilization Account—State  
Appropriation..... \$7,100,000  
General Fund—State Appropriation (FY 2023)..... \$6,700,000  
TOTAL APPROPRIATION..... \$13,800,000

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2022)..... \$300,000  
General Fund—State Appropriation (FY 2023)..... \$300,000  
TOTAL APPROPRIATION..... \$600,000

**NEW SECTION. Sec. 719. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:

Volunteer Firefighters' and Reserve Officers'  
Administrative Account—State Appropriation..... \$10,777,000  
TOTAL APPROPRIATION..... \$10,777,000

The appropriation in this section is subject to the following conditions and limitations: The amount provided in this section is the maximum amount that may be expended. In addition the office of financial management must reduce the allotment of the amount provided in this section if allotment of the full appropriation will put the account into deficit.

**NEW SECTION. Sec. 720. FOR THE OFFICE OF FINANCIAL MANAGEMENT—FOUNDATIONAL PUBLIC HEALTH SERVICES**

General Fund—State Appropriation (FY 2022) .... \$12,728,000  
General Fund—State Appropriation (FY 2023) .... \$12,484,000  
Foundational Public Health Services Account—State  
Appropriation ..... \$2,788,000  
TOTAL APPROPRIATION ..... \$28,000,000

The appropriations in this section are subject to the following conditions and limitations: \$12,728,000 of the general fund—state appropriation for fiscal year 2022, \$12,484,000 of the general fund—state appropriation for fiscal year 2023, and \$2,788,000 of the foundational public health services account—state appropriation are appropriated solely for distribution as provided in RCW 43.70.515.

**NEW SECTION. Sec. 721. FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEVELOPMENTAL DISABILITIES COMMUNITY SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2022) .... \$51,000,000  
General Fund—State Appropriation (FY 2023) ..... \$1,000,000  
TOTAL APPROPRIATION ..... \$52,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the developmental disabilities community services account (Dan Thompson memorial community services account) for the purposes identified in RCW 71A.20.170.

**NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT—INDIAN HEALTH IMPROVEMENT REINVESTMENT ACCOUNT**

General Fund—State Appropriation (FY 2022) ..... \$708,000  
General Fund—State Appropriation (FY 2023) ..... \$708,000  
TOTAL APPROPRIATION ..... \$1,416,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Indian health improvement reinvestment account created in RCW 43.71B.040.

**NEW SECTION. Sec. 723. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OUTDOOR EDUCATION ACCOUNT**

General Fund—State Appropriation (FY 2022) ..... \$750,000  
General Fund—State Appropriation (FY 2023) ..... \$750,000  
TOTAL APPROPRIATION ..... \$1,500,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the outdoor education and recreation program account for the purposes identified in RCW 79A.05.351.

**NEW SECTION. Sec. 724. FOR THE OFFICE OF FINANCIAL MANAGEMENT—NORTHEAST WASHINGTON WOLF-LIVESTOCK MANAGEMENT ACCOUNT**

General Fund—State Appropriation (FY 2022) ..... \$376,000  
General Fund—State Appropriation (FY 2023) ..... \$376,000  
TOTAL APPROPRIATION ..... \$752,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the northeast Washington wolf-livestock management account for the deployment of nonlethal wolf deterrence resources as provided in chapter 16.76 RCW.

**NEW SECTION. Sec. 725. FOR THE OFFICE OF FINANCIAL MANAGEMENT—UNIVERSAL COMMUNICATIONS SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2022) ..... \$5,000,000  
General Fund—State Appropriation (FY 2023) ..... \$5,000,000  
TOTAL APPROPRIATION ..... \$10,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely

for expenditure into the universal communications services account created in RCW 80.36.690.

**NEW SECTION. Sec. 726. FOR THE OFFICE OF FINANCIAL MANAGEMENT—MEDICAID FRAUD PENALTY ACCOUNT**

General Fund—State Appropriation (FY 2022)..... \$2,300,000  
 General Fund—State Appropriation (FY 2023)..... \$2,300,000  
 TOTAL APPROPRIATION..... \$4,600,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the medicaid fraud penalty account created in RCW 74.09.215.

**NEW SECTION. Sec. 727. FOR THE OFFICE OF FINANCIAL MANAGEMENT—DISASTER RESPONSE ACCOUNT**

General Fund—State Appropriation (FY 2022).... \$73,300,000  
 TOTAL APPROPRIATION..... \$73,300,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account created in RCW 38.52.105 to ensure the account is not in deficit.

**NEW SECTION. Sec. 728. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SECRETARY OF STATE ARCHIVES AND RECORDS MANAGEMENT**

General Fund—State Appropriation (FY 2022)..... \$166,000  
 General Fund—State Appropriation (FY 2023)..... \$122,000  
 General Fund—Federal Appropriation ..... \$82,000  
 General Fund—Private/Local Appropriation..... \$10,000  
 Other Appropriated Funds ..... \$137,000  
 TOTAL APPROPRIATION..... \$517,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the secretary of state's billing authority for archived and records management. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92C-2021, dated February 11, 2021, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 729. FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE AUDITOR AUDIT SERVICES**

General Fund—State Appropriation (FY 2022)..... (\$185,000)  
 General Fund—State Appropriation (FY 2023)..... (\$199,000)  
 General Fund—Federal Appropriation ..... (\$128,000)  
 General Fund—Private/Local Appropriation..... (\$10,000)  
 Other Appropriated Funds ..... (\$156,000)  
 TOTAL APPROPRIATION..... (\$678,000)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the state auditor's billing authority for state agency auditing services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92D-2021, dated February 11, 2021, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 730. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF THE ATTORNEY GENERAL LEGAL SERVICES**

General Fund—State Appropriation (FY 2022)... (\$4,573,000)  
 General Fund—State Appropriation (FY 2023)... (\$4,591,000)  
 General Fund—Federal Appropriation ..... (\$1,489,000)  
 Other Appropriated Funds ..... (\$7,621,000)  
 General Fund—Private/Local Appropriation..... (\$119,000)  
 TOTAL APPROPRIATION..... (\$18,393,000)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of the attorney general's billing authority for legal services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92E-2021, dated February 11, 2021, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 731. FOR THE OFFICE OF FINANCIAL MANAGEMENT—ADMINISTRATIVE HEARINGS**

General Fund—State Appropriation (FY 2022)..... (\$169,000)  
 General Fund—State Appropriation (FY 2023)..... (\$155,000)  
 General Fund—Federal Appropriation..... (\$304,000)  
 Other Appropriated Funds..... (\$351,000)  
 TOTAL APPROPRIATION ..... (\$979,000)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of administrative hearings' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92G-2021, dated February 11, 2021, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 732. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONSOLIDATED TECHNOLOGY SERVICES CENTRAL SERVICES**

General Fund—State Appropriation (FY 2022) ... (\$3,134,000)  
 General Fund—State Appropriation (FY 2023) ... (\$2,574,000)  
 General Fund—Federal Appropriation..... (\$1,491,000)  
 General Fund—Private/Local Appropriation ..... (\$83,000)  
 Other Appropriated Funds..... (\$2,473,000)  
 TOTAL APPROPRIATION ..... (\$9,755,000)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the consolidated technology services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92J-2021, dated February 11, 2021, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 733. FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEPARTMENT OF ENTERPRISE SERVICES CENTRAL SERVICES**

General Fund—State Appropriation (FY 2022)..... (\$766,000)  
 General Fund—State Appropriation (FY 2023)..... (\$733,000)  
 General Fund—Federal Appropriation..... (\$324,000)  
 General Fund—Private/Local Appropriation ..... (\$17,000)  
 Other Appropriated Funds..... (\$732,000)  
 TOTAL APPROPRIATION ..... (\$2,572,000)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the department of enterprise services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92K-2021, dated February 11, 2021, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 734. FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF FINANCIAL MANAGEMENT CENTRAL SERVICES**

General Fund—State Appropriation (FY 2022)..... (\$996,000)

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

General Fund—State Appropriation (FY 2023).....	(\$931,000)
General Fund—Federal Appropriation .....	(\$452,000)
General Fund—Private/Local Appropriation.....	(\$31,000)
Other Appropriated Funds .....	(\$711,000)
TOTAL APPROPRIATION.....	(\$3,121,000)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of financial management billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92R-2021, dated February 11, 2021, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 735. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SELF-INSURANCE LIABILITY PREMIUM**

General Fund—State Appropriation (FY 2022)....	\$28,543,000
General Fund—State Appropriation (FY 2023)....	\$28,526,000
General Fund—Federal Appropriation.....	\$13,609,000
General Fund—Private/Local Appropriation.....	\$60,000
Other Appropriated Funds .....	\$4,425,000
TOTAL APPROPRIATION.....	\$75,163,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the self-insurance premium liability billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92X-2021, dated February 11, 2021, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 736. FOR THE OFFICE OF FINANCIAL MANAGEMENT—IMPAIRED DRIVING ACCOUNT**

General Fund—State Appropriation (FY 2022).....	\$250,000
General Fund—State Appropriation (FY 2023).....	\$707,000
TOTAL APPROPRIATION.....	\$957,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the impaired driving safety account created in RCW 46.68.260 for local government costs related to Senate Bill No. 5054 (impaired driving). If the bill is not enacted by June 30, 2021, the amounts appropriated in this section shall lapse.

**NEW SECTION. Sec. 737. FOR THE OFFICE OF FINANCIAL MANAGEMENT—TEACHERS' RETIREMENT SYSTEM RATES**

General Fund—State Appropriation (FY 2022)(\$304,480,000)	
General Fund—State Appropriation (FY 2023)(\$397,205,000)	
Washington Opportunity Pathways Account—State	
Appropriation.....	(\$3,777,000)
TOTAL APPROPRIATION.....	(\$705,462,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for adjustments to allocation to reflect the retirement system employer contribution rate changes resulting from Senate Bill No. 5453 (retirement plans 1 & 2). If the bill is not enacted by June 30, 2021, the amounts appropriated in this section shall lapse.

(2) The office of financial management shall reduce allotments for the office of superintendent of public instruction by these amounts. The allotment reductions under this section must be placed in unallotted status and remain unexpended.

**NEW SECTION. Sec. 738. FOR THE OFFICE OF FINANCIAL MANAGEMENT—ASSOCIATION OF WASHINGTON ASSISTANT ATTORNEYS GENERAL/WFSE**

General Fund—State Appropriation (FY 2022).....	\$578,000
General Fund—State Appropriation (FY 2023).....	\$601,000
General Fund—Federal Appropriation.....	\$110,000
Other Appropriated Funds.....	\$7,228,000
TOTAL APPROPRIATION .....	\$8,517,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the association of Washington assistant attorneys general and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated March 25, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

**NEW SECTION. Sec. 739. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON FEDERATION OF STATE EMPLOYEES**

General Fund—State Appropriation (FY 2022) ....	\$40,604,000
General Fund—State Appropriation (FY 2023) ....	\$40,985,000
General Fund—Federal Appropriation.....	\$38,200,000
General Fund—Private/Local Appropriation .....	\$2,341,000
Other Appropriated Funds.....	\$61,716,000
TOTAL APPROPRIATION .....	\$183,846,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington federation of state employees—general government and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated March 25, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

**NEW SECTION. Sec. 740. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WFSE ADMINISTRATIVE LAW JUDGES**

Administrative Hearings Revolving Account—State	
Appropriation .....	\$1,013,000
TOTAL APPROPRIATION .....	\$1,013,000

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington federation of state employees—administrative law judges and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated March 25, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

**NEW SECTION. Sec. 741. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WAFWP**

General Fund—State Appropriation (FY 2022) ....	\$1,136,000
General Fund—State Appropriation (FY 2023) ....	\$1,147,000
General Fund—Federal Appropriation.....	\$1,657,000
General Fund—Private/Local Appropriation .....	\$688,000

Other Appropriated Funds .....	\$1,529,000
TOTAL APPROPRIATION.....	\$6,157,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington association of fish and wildlife professionals and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated March 25, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

**NEW SECTION. Sec. 742. FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON PUBLIC EMPLOYEES ASSOCIATION GENERAL GOVERNMENT**

General Fund—State Appropriation (FY 2022).....	\$4,438,000
General Fund—State Appropriation (FY 2023).....	\$4,470,000
General Fund—Federal Appropriation .....	\$537,000
General Fund—Private/Local Appropriation.....	\$10,000
Other Appropriated Funds .....	\$4,022,000
TOTAL APPROPRIATION.....	\$13,477,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the Washington public employees association—general government and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated March 25, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

**NEW SECTION. Sec. 743. FOR THE OFFICE OF FINANCIAL MANAGEMENT—PTE LOCAL 17**

General Fund—State Appropriation (FY 2022).....	\$8,000
General Fund—State Appropriation (FY 2023).....	\$9,000
TOTAL APPROPRIATION.....	\$17,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for eliminating the furlough days in the agreement reached with the professional and technical employees local 17 and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated March 25, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

**NEW SECTION. Sec. 744. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COALITION OF UNIONS**

General Fund—State Appropriation (FY 2022).....	\$1,750,000
General Fund—State Appropriation (FY 2023).....	\$1,756,000
General Fund—Federal Appropriation .....	\$690,000
General Fund—Private/Local Appropriation.....	\$493,000
Other Appropriated Funds .....	\$3,350,000
TOTAL APPROPRIATION.....	\$8,039,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided solely for

eliminating the furlough days in the agreement reached with the coalition of unions and approved in part IX of this act. Expenditure of the amounts provided for this purpose is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 2021-compensation, dated March 25, 2021, to fund the provisions of this section upon execution of the memorandum of understanding.

**NEW SECTION. Sec. 745. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—RESPONSE**

General Fund—Federal Appropriation (ARPA).....	\$900,000,000
TOTAL APPROPRIATION .....	\$900,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA), received pursuant to section 2401 of the American rescue plan act of 2021, P.L. 117-2, is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely for the statewide response to the COVID-19 pandemic, including diagnostic testing, case investigation and contract tracing, care coordination, outbreak response, data collection and analysis, and other activities required to support the response.

**NEW SECTION. Sec. 746. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—VACCINES**

General Fund—Federal Appropriation (ARPA).....	\$100,000,000
TOTAL APPROPRIATION .....	\$100,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA), received pursuant to section 2301 of the American rescue plan act of 2021, P.L. 117-2, is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely to plan for, prepare, and deploy the COVID-19 vaccine.

**NEW SECTION. Sec. 747. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 PUBLIC HEALTH RESPONSE ACCOUNT—WORKFORCE**

General Fund—Federal Appropriation (ARPA).....	\$100,000,000
TOTAL APPROPRIATION .....	\$100,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (ARPA), received pursuant to section 2501 of the American rescue plan act of 2021, P.L. 117-2, is provided solely for expenditure into the COVID-19 public health response account, from which the department of health may make expenditures from this sum solely to maintain and expand the state's public health workforce in response to the COVID-19 pandemic.

**NEW SECTION. Sec. 748. FOR THE STATE TREASURER—UNEMPLOYMENT COMPENSATION FUND**

Coronavirus State Fiscal Recovery Fund—Federal Appropriation .....	\$1,000,000,000
TOTAL APPROPRIATION .....	\$1,000,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the state's account in the unemployment trust fund.

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions ..... \$9,757,000

General Fund Appropriation for prosecuting attorney distributions ..... \$9,284,000

General Fund Appropriation for boating safety and education distributions..... \$4,000,000

General Fund Appropriation for public utility district excise tax distributions..... \$66,759,000

Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies ..... \$3,303,000

Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distributions ..... \$140,000

Timber Tax Distribution Account Appropriation for distribution to "timber" counties ..... \$73,911,000

County Criminal Justice Assistance Appropriation ..... \$114,428,000

Municipal Criminal Justice Assistance Appropriation ..... \$45,073,000

City-County Assistance Appropriation..... \$39,939,000

Liquor Excise Tax Account Appropriation for liquor excise tax distribution ..... \$76,474,000

Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation..... \$8,612,000

Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians ..... \$5,975,000

Liquor Revolving Account Appropriation for liquor profits distribution ..... \$98,876,000

General Fund Appropriation for other tax distributions ..... \$80,000

General Fund Appropriation for Marijuana Excise Tax distributions ..... \$30,000,000

General Fund Appropriation for Habitat Conservation Program distributions..... \$5,754,000

Puget Sound Taxpayer Accountability Account Appropriation for distribution to counties in amounts not to exceed actual deposits into the account and attributable to those counties' share pursuant to RCW 43.79.520. If a county eligible for distributions under RCW 43.79.520 has not adopted a sales and use tax under RCW 82.14.460 before July 1, 2019, then to prevent these distributions from supplanting existing local funding for vulnerable populations, the distributions are subject to the procedural requirements in this section. Before the county may receive distributions, it must provide a final budget for the distributions, submit the final budget to the department of commerce, and publish the final budget on its web site. To develop this final budget, under RCW 36.40.040 the county must develop and hold hearings on a preliminary budget that is separate from other appropriations ordinances or resolutions, and it must consult stakeholders, including community service organizations, and must consider input received during this process. Before holding a hearing on the preliminary budget, the county must notify local governments in the county that are within the borders of the regional transit authority, and legislators whose districts are within those

borders. The county must then adopt a final budget under RCW 36.40.080 for the distributions that is separate from other appropriations ordinances or resolutions. After the county submits its final budget for the distributions to the department of commerce, the department must notify the state treasurer, who may then make the distributions to the county.....\$33,460,000

**TOTAL APPROPRIATION .....\$625,825,000**

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation..... \$3,125,000

**TOTAL APPROPRIATION ..... \$3,125,000**

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); chapter 215, Laws of 1998 (DUI provisions); and Senate Bill No. 5054 (impaired driving).

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation..... \$2,083,000

**TOTAL APPROPRIATION ..... \$2,083,000**

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2021-2023 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); chapter 215, Laws of 1998 (DUI provisions); and Senate Bill No. 5054 (impaired driving).

**NEW SECTION. Sec. 804. FOR THE STATE TREASURER—TRANSFERS**

Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2022, \$246,000,000 and this amount for fiscal year

2023, \$252,000,000 .....	\$498,000,000
Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2022, \$185,000,000 and this amount for fiscal year 2023, \$192,000,000 ..	\$377,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2022 .....	\$90,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2023 .....	\$90,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the tobacco arbitration payment to the tobacco settlement account, \$11,000,000 for fiscal year 2022 and \$8,000,000 for fiscal year 2023 .....	\$19,000,000
State Treasurer's Service Account: For transfer to the state general fund, \$5,000,000 for fiscal year 2022 and \$5,000,000 for fiscal year 2023 .....	\$10,000,000
General Fund: For transfer to the fair fund under RCW 15.76.115, \$2,000,000 for fiscal year 2022 and \$2,000,000 for fiscal year 2023 .....	\$4,000,000
Financial Services Regulation Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2022 and \$3,500,000 for fiscal year 2023 .....	\$7,000,000
Public Works Assistance Account: For transfer to the statewide broadband account, \$90,000,000 for fiscal year 2022 and \$90,000,000 for fiscal year 2023 .....	\$180,000,000
Marine Resources Stewardship Trust Account: For transfer to the aquatic lands enhancement account, up to \$40,000 for fiscal year 2022 .....	\$40,000
Water Pollution Control Revolving Administration Account: For transfer to the water pollution control revolving account, \$6,000,000 for fiscal year 2022 .....	\$6,000,000
General Fund: For transfer to the home security fund, \$4,500,000 for fiscal year 2022 and \$4,500,000 for fiscal year 2023 .....	\$9,000,000
Gambling Revolving Account: For transfer to the state general fund as repayment of the loan pursuant to chapter 127, Laws of 2020 (sports wagering/compacts), \$6,000,000 for fiscal year 2023 .....	\$6,000,000
School Employees' Insurance Account: For transfer to the state general fund as repayment of the loan pursuant to section 704, chapter 299, Laws of 2018 (operating budget, supplemental), \$16,587,000 for fiscal year 2022 .....	\$16,587,000

#### PART IX

#### MISCELLANEOUS

#### NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS

The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation

shall be reduced by the amount of loan moneys disbursed from the treasury during the 2019-2021 fiscal biennium.

#### NEW SECTION. Sec. 902. EMERGENCY FUND ALLOCATIONS

Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. An appropriation is not necessary to effect such repayment.

#### NEW SECTION. Sec. 903. STATUTORY APPROPRIATIONS

In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and firefighters' retirement system plan 2 and bond retirement and interest, including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94, 39.96, and 39.98 RCW or any proper bond covenant made under law.

#### NEW SECTION. Sec. 904. BOND EXPENSES

In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

#### NEW SECTION. Sec. 905. VOLUNTARY RETIREMENT AND SEPARATION

(1) As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may implement either a voluntary retirement or separation program, or both, that is cost neutral or results in cost savings, including costs to the state pension systems, over a two-year period following the commencement of the program, provided that such a program is approved by the director of financial management. Agencies participating in this authorization may offer voluntary retirement and/or separation incentives and options according to procedures and guidelines established by the office of financial management in consultation with the department of retirement systems. The options may include, but are not limited to, financial incentives for voluntary separation or retirement. An employee does not have a contractual right to a financial incentive offered under this section. The office of financial management and the department of retirement systems may review and monitor incentive offers. Agencies are required to submit a report by the date established by the office of financial management in the guidelines required in this section to the legislature and the office of financial management on the outcome of their approved incentive program. The report should include information on the details of the program, including the incentive payment amount for each participant, the total cost to the state, and the projected or actual net dollar savings over the two-year period.

(2) The department of retirement systems may collect from employers the actuarial cost of any incentive provided under this program, or any other incentive to retire provided by employers to members of the state's pension systems, for deposit in the appropriate pension account.

#### NEW SECTION. Sec. 906. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

collective bargaining agreement in effect on the effective date of this section.

**NEW SECTION. Sec. 907. COLLECTIVE BARGAINING AGREEMENTS**

The following sections represent the results of the 2021-2023 collective bargaining process required under the provisions of chapters 41.80, 41.56, and 74.39A RCW. Provisions of the collective bargaining agreements contained in sections 908 through 939 and 943 through 946 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in Part IX of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**NEW SECTION. Sec. 908. COLLECTIVE BARGAINING AGREEMENT—WFSE**

An agreement has been reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

**NEW SECTION. Sec. 909. COLLECTIVE BARGAINING AGREEMENT—WAFWP**

An agreement has been reached between the governor and the Washington association of fish and wildlife professionals under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

**NEW SECTION. Sec. 910. COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17**

An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

**NEW SECTION. Sec. 911. COLLECTIVE BARGAINING AGREEMENT—SEIU HEALTHCARE 1199NW**

An agreement has been reached between the governor and the service employees international union healthcare 1199nw under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases, but does include 24 furlough days for employees in positions that do not require the position to be backfilled.

**NEW SECTION. Sec. 912. COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS**

An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes 24 furlough days for employees in positions that do not require the position to be backfilled. Funding is also provided for a 2.5 percent wage increase for fiscal year 2022 and a 2.5 percent wage increase for fiscal year 2023 for the department of corrections marine vessel operators.

**NEW SECTION. Sec. 913. COLLECTIVE BARGAINING AGREEMENT—ASSOCIATION OF**

**WASHINGTON ASSISTANT ATTORNEYS GENERAL/WFSE**

An agreement has been reached between the governor and the association of Washington assistant attorneys general/Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which includes some minor modifications but does not include wage increases. In addition, the agreement includes 24 furlough days for designated positions.

**NEW SECTION. Sec. 914. COLLECTIVE BARGAINING AGREEMENT—WFSE ADMINISTRATIVE LAW JUDGES**

An agreement has been reached between the governor and the Washington federation of state employees administrative law judges under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. This is the first agreement since the grant of collective bargaining rights in the 2020 legislative session. Funding is provided to fund the agreement, which includes the implementation of the Washington general government standard progression salary schedule that includes periodic increments that begin July 1, 2022. In addition, the agreement includes 24 furlough days for designated positions.

**NEW SECTION. Sec. 915. COLLECTIVE BARGAINING AGREEMENT—DFW SERGEANTS ASSOCIATION/TEAMSTERS 760**

An agreement has been reached between the governor and the department of fish and wildlife sergeants association/teamsters 760 under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. This is the first stand-alone agreement for this unit since its separation from the coalition of unions under chapter 41.80 RCW provided in the 2020 legislative session. Funding is provided to fund the agreement, which does not include wage increases but does allow the agreement to be reopened to negotiate compensation for fiscal year 2023.

**NEW SECTION. Sec. 916. COLLECTIVE BARGAINING AGREEMENT—FISH AND WILDLIFE ENFORCEMENT OFFICERS GUILD**

An agreement has been reached between the governor and the fish and wildlife enforcement officers guild through an interest arbitration award under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. This is the first stand-alone agreement for this unit since its separation from the coalition of unions under chapter 41.80 RCW provided in the 2020 legislative session. Funding is provided to fund the award, which does not include wage increases but does allow the agreement to be reopened to negotiate base rate of pay for fiscal year 2023. The arbitration award also includes and funding is provided for an education incentive for employees who have obtained an associate's degree (2 percent of base pay) or bachelor's degree (4 percent of base pay), increased opportunities to work on holidays and receive holiday pay, and workers compensation top-off pay equivalent to the LEOFF II supplement. Finally, funding is provided for an increase in the clothing allowance for qualifying employees by \$100 per year per employee.

**NEW SECTION. Sec. 917. COLLECTIVE BARGAINING AGREEMENT—WFSE HIGHER EDUCATION COMMUNITY COLLEGE COALITION**

An agreement has been reached between the governor and the Washington federation of state employees community college coalition under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include wage increases.

**NEW SECTION. Sec. 918. COLLECTIVE BARGAINING AGREEMENT—WPEA HIGHER EDUCATION COMMUNITY COLLEGE COALITION**

An agreement has not been reached between the governor and the Washington public employees association community college coalition under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

**NEW SECTION. Sec. 919. COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION**

An agreement has been reached between the governor and the Washington state patrol troopers association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

**NEW SECTION. Sec. 920. COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS AND CAPTAINS ASSOCIATION**

An agreement has been reached between the governor and the Washington state patrol lieutenants and captains association under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include general wages increases but does provide the ability to request to reopen the compensation article for the purpose of bargaining base rate of pay for fiscal year 2023.

**NEW SECTION. Sec. 921. COLLECTIVE BARGAINING AGREEMENT—WPEA**

An agreement has not been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

**NEW SECTION. Sec. 922. COLLECTIVE BARGAINING AGREEMENT—TEAMSTERS LOCAL 117**

An agreement has not been reached between the governor and the international brotherhood of teamsters local 117 pursuant to chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

**NEW SECTION. Sec. 923. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 925**

An agreement has been reached between the University of Washington and the service employees international union local 925 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

**NEW SECTION. Sec. 924. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 1199 RESEARCH/HALL HEALTH**

An agreement has been reached between the University of Washington and the service employees international union local 1199 research/hall health under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021

collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

**NEW SECTION. Sec. 925. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—TEAMSTERS LOCAL 117 POLICE**

An agreement has been reached between the University of Washington and teamster local 117 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

**NEW SECTION. Sec. 926. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—WFSE POLICE MANAGEMENT**

An agreement has been reached between the University of Washington and the Washington federation of state employees police management under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement. The agreement does not include either a general wage increase or mandatory employee furloughs.

**NEW SECTION. Sec. 927. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—WFSE**

An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. The agreement includes and funding is provided for an extension of the 2019-2021 collective bargaining agreement, and an expansion of the Harborview and University of Washington Medical Center EVS custodians weekend premium. The agreement does not include either a general wage increase or mandatory employee furloughs.

**NEW SECTION. Sec. 928. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—WFSE**

An agreement has been reached between the Washington State University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include changes to compensation or benefits. In addition, the agreement does not include mandatory employee furloughs.

**NEW SECTION. Sec. 929. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—WSU POLICE GUILD BARGAINING UNIT 4**

An agreement has been reached between the Washington State University and the WSU police guild bargaining unit 4 under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include changes to compensation or benefits. In addition, the agreement does not include mandatory employee furloughs.

**NEW SECTION. Sec. 930. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—INTERNATIONAL UNION OF OPERATING ENGINEERS**

An agreement has not been reached between the Washington State University and the international union of operating engineers under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

**NEW SECTION. Sec. 931. COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—WFSE**

An agreement has been reached between Central Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

**NEW SECTION. Sec. 932. COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—PSE**

An agreement has been reached between Central Washington University and the public school employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

**NEW SECTION. Sec. 933. COLLECTIVE BARGAINING AGREEMENT—THE EVERGREEN STATE COLLEGE—WFSE**

An agreement has been reached between The Evergreen State College and the Washington federation of state employees supervisory and nonsupervisory units under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

**NEW SECTION. Sec. 934. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—WFSE**

An agreement has been reached between Western Washington University and the Washington federation of state employees bargaining units A, B, and E under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

**NEW SECTION. Sec. 935. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—PSE**

An agreement has not been reached between Western Washington University and the public school employees bargaining units D and PT under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

**NEW SECTION. Sec. 936. COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY—WFSE**

An agreement has been reached between Eastern Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

**NEW SECTION. Sec. 937. COLLECTIVE BARGAINING AGREEMENT—YAKIMA VALLEY COMMUNITY COLLEGE—WPEA**

An agreement has been reached between Yakima Valley Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Funding is provided to fund the agreement, which does not include either a general wage increase or mandatory employee furloughs.

**NEW SECTION. Sec. 938. COLLECTIVE BARGAINING AGREEMENT—HIGHLINE COMMUNITY COLLEGE—WPEA**

An agreement has not been reached between Highline Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2021-2023 fiscal biennium. Pursuant to RCW 41.80.010(6), funding is provided for fiscal year 2022 to fund the terms of the 2019-2021 agreement and for fiscal year 2023 to fund the terms according to law.

**NEW SECTION. Sec. 939. COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE COALITION—INSURANCE BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the prior agreement, other than provision of gift cards through the wellness program, and are subject to the following conditions and limitations:

The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$988 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed \$1,010 per eligible employee.

The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

**NEW SECTION. Sec. 940. COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE HEALTH CARE COALITION—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$988 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate may not exceed \$1,010 per eligible employee.

**NEW SECTION. Sec. 941. COMPENSATION—SCHOOL EMPLOYEES—INSURANCE BENEFITS**

An agreement was reached for the 2021-2023 biennium between the governor and the school employee coalition under the provisions of chapters 41.56 and 41.59 RCW. Appropriations in this act for allocations to school districts are sufficient to implement the provisions of the 2021-2023 collective bargaining agreement, which maintains the provisions of the prior agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed \$1,000 per eligible employee in July and August 2021. Beginning September 1, 2021, through August 30, 2022, the monthly

employer funding rate shall not exceed \$1,011 per eligible employee. Beginning September 1, 2022, through August 30, 2023, the monthly employer funding rate shall not exceed \$1,033 per eligible employee. Employers will contribute one hundred percent of the retiree remittance defined in section 942(3) of this act, which is included as part of the above monthly employer funding rate.

(2) For the purposes of distributing insurance benefits, certificated staff units as determined in section 504 of this act will be multiplied by 1.02 and classified staff units as determined in section 504 of this act will be multiplied by 1.43.

(3) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the school employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.740. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

(4) The health care authority shall deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

**NEW SECTION. Sec. 942. COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1) The employer monthly funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$988 per eligible employee for fiscal year 2022. For fiscal year 2023, the monthly employer funding rate shall not exceed \$1,010 per eligible employee. These rates assume the use of plan surplus in both fiscal years.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2022 and 2023, the subsidy shall be up to \$183 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) School districts and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$73.70 per month beginning September 1, 2021, and \$81.03 beginning September 1, 2022;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$73.70 each month beginning September 1, 2021, and \$81.03 beginning September 1, 2022, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

**NEW SECTION. Sec. 943. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—WFSE LANGUAGE ACCESS PROVIDERS**

An agreement has been reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for an in-person interpreting rate increase of \$0.12 per hour for each of fiscal year 2022 and fiscal year 2023. In addition, other terms of the agreement that are funded include a continuation of the social service mileage premium.

**NEW SECTION. Sec. 944. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—SEIU LOCAL 775 HOME CARE WORKERS**

An agreement has been reached between the governor and the service employees international union local 775 through an interest arbitration award under the provisions of chapter 74.39A RCW and 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for the arbitration award that includes increases to wages and benefits and certain improvements in the second year of the agreement. Wages are increased approximately 3 percent over the biennium. Health care contributions are increased 5 percent each year of the agreement. Beginning July 1, 2022, individual providers will receive credit on the wage scale for verifiable hours worked for a related home care agency and time and one-half pay for hours worked on two holidays (Independence Day and New Year's Eve).

**NEW SECTION. Sec. 945. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—SEIU LOCAL 925 CHILDCARE WORKERS**

An agreement has been reached between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for an increase in the hourly rate of care provided by family, friends, and neighbor providers (FFNs) in fiscal year 2023 from \$2.65 to \$3.00. The agreement maintains the current subsidy rates for licensed providers for fiscal year 2022 and includes an agreement to bargain over possible adjustments to rates for fiscal year 2023. In addition, the agreement includes and funding is provided to increase the rate paid to providers who reach level 3.5 of the state's early achievers quality rating system by 2 percent, bringing the rate to 15 percent above the base subsidy rate. Lastly, the agreement includes and funding is provided to increase the nonstandard hour care rate from \$80.00 to \$90.00 per child per month.

**NEW SECTION. Sec. 946. COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—ADULT FAMILY HOME COUNCIL**

An agreement has been reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2021-2023 fiscal biennium. Funding is provided for

EIGHTY FIRST DAY, APRIL 1, 2021

a 3 percent increase to the wages and administrative component of the base daily rate adult family home providers receive for CARE classifications A through D beginning July 1, 2021, and a 3 percent increase in E classifications beginning July 1, 2022. The agreement also includes and funds are provided for a one-time, 3 percent increase to the health care and mandatory training components of the rates beginning July 1, 2021.

**NEW SECTION. Sec. 947. INITIATIVE 732 COST-OF-LIVING INCREASES**

General wage increases for state employees covered by Initiative Measure No. 732 are suspended during the 2021-2023 fiscal biennium, as provided in Senate Bill No. 5323 (wage freeze and furloughs).

**NEW SECTION. Sec. 948. COMPENSATION—REVISE PENSION CONTRIBUTION RATES**

The appropriations in this act for school districts and state agencies, including institutions of higher education, are subject to the following conditions and limitations:

(1) Except as provided in subsection (2) of this section, appropriations are adjusted to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board.

(2) Appropriations in part V and in section 737 of this act reflect pension rates adopted by the pension funding council for the teachers' retirement system less the unfunded actuarial accrued liability portion of the rate.

**NEW SECTION. Sec. 949. COMPENSATION**

Compensation funding provided to agencies is adjusted to reflect temporary layoffs and other reductions necessary to operate within the amounts appropriated, as provided in Senate Bill No. 5323 (wage freeze and furloughs). The agency adjustments are offset in sections 738 and 739 of this act to reflect the cancellation of the mandatory furlough days.

**Sec. 950.** 2020 c 127 s 14 (uncodified) is amended to read as follows:

The sum of six million dollars is appropriated from the general fund—state for the fiscal year ending June 30, 2020, and is provided solely for expenditure into the gambling revolving account. The gambling commission may expend from the gambling revolving account from moneys attributable to the appropriation in this section solely for enforcement actions in the illicit market for sports wagering and for implementation of this act. The appropriation in this section constitutes a loan from the general fund to the gambling revolving account that must be repaid with net interest by June 30, ~~((2021))~~ 2023.

**Sec. 951.** RCW 28B.115.070 and 2019 c 415 s 954, 2019 c 406 s 72, and 2019 c 302 s 6 are each reenacted and amended to read as follows:

(1) After June 1, 1992, the department, in consultation with the office and the department of social and health services, shall:

~~((+))~~ (a) Determine eligible credentialed health care professions for the purposes of the health professional loan repayment and scholarship program and the behavioral health loan repayment program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or insufficient availability of a credentialed profession so as to jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan

repayments until they are no longer eligible or until their service obligation has been completed;

~~((2))~~ (b) Determine health professional shortage areas for each of the eligible credentialed health care professions; and

~~((3))~~ (c) Determine underserved behavioral health areas for each of the eligible credentialed health care professions.

(2) For the 2017-2019 ~~((and))~~, 2019-2021, and 2021-2023 fiscal biennia, consideration for eligibility shall also be given to registered nursing students who have been accepted into an eligible nursing education program and have declared an intention to teach nursing upon completion of the nursing education program.

(3) For the 2019-2021 fiscal biennium, eligibility for loan repayment shall also be given to chiropractors.

**Sec. 952.** RCW 28C.04.535 and 2019 c 415 s 955 are each amended to read as follows:

Except for the 2018-19, 2019-20, ~~((and))~~ 2020-21, 2021-22, and 2022-23 school years, the Washington award for vocational excellence shall be granted annually. It is the intent of the legislature to continue the policy of not granting the Washington award for vocational excellence in the 2019-20 ~~((and))~~, 2020-21, 2021-22, and 2022-23 school years. The workforce training and education coordinating board shall notify the students receiving the award, their vocational instructors, local chambers of commerce, the legislators of their respective districts, and the governor, after final selections have been made. The workforce training and education coordinating board, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the selected students. Awards shall be presented in public ceremonies at times and places determined by the workforce training and education coordinating board in cooperation with the office of the governor.

**Sec. 953.** RCW 41.06.280 and 2019 c 415 s 957 are each amended to read as follows:

(1) There is hereby created a fund within the state treasury, designated as the "personnel service fund," to be used by the office of financial management as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the office of financial management with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.500 and 41.06.530. All revenues, net of expenditures, previously derived from services provided by the department of enterprise services under RCW 41.06.080 must be transferred to the enterprise services account.

(2) The director shall fix the terms and charges for services rendered by the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a monthly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a monthly basis to the state treasurer and deposited in the personnel service fund.

(3) Moneys from the personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management.

(4) During the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ biennia, the office of financial management may use the personnel service fund to administer an employee transit pass program. The office of financial management must bill state agencies for the total cost of administering the program and payments received from agencies must be deposited in the personnel service fund.

(5) During the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ biennia, the office of financial management may use the personnel service fund to administer an employee flexible spending arrangement. The office of financial management must bill state agencies for the total cost of administering the program and payments received from agencies must be deposited in the personnel service fund.

**Sec. 954.** RCW 41.45.230 and 2019 c 415 s 959 are each amended to read as follows:

The pension funding stabilization account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for payment of state government employer contributions for members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system, and during the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ biennia for the judicial retirement system. The account may not be used to pay for any new benefit or for any benefit increase that takes effect after July 1, 2005. An increase that is provided in accordance with a formula that is in existence on July 1, 2005, is not considered a benefit increase for this purpose. Moneys in the account shall be for the exclusive use of the specified retirement systems and may be invested by the state treasurer pursuant to RCW 43.84.080. For purposes of RCW 43.135.034, expenditures from the pension funding stabilization account shall not be considered a state program cost shift from the state general fund to another account.

**Sec. 955.** RCW 43.08.190 and 2019 c 415 s 962 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund." Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79A.040(4)(c). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate for all funds and accounts; except that the state treasurer may negotiate a different allocation rate with any state agency that has independent authority over funds not statutorily required to be held in the state treasury or in the custody of the state treasurer. In no event shall the rate be less than the actual costs incurred by the state treasurer's office. If no rate is separately negotiated, the default rate for any funds held shall be the rate set for funds held pursuant to statute.

During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of money in the state treasurer's service fund to the state

general fund. It is the intent of the legislature that this policy will be continued in subsequent biennia. During the 2021-2023 fiscal biennium, the legislature may direct the state treasurer to make transfers of money in the state treasurer's service fund to the state general fund. It is the intent of the legislature that this policy will be continued in the 2023-2025 fiscal biennium.

**Sec. 956.** RCW 43.09.475 and 2019 c 415 s 963 are each amended to read as follows:

The performance audits of government account is hereby created in the custody of the state treasurer. Revenue identified in RCW 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money in the account shall be used to fund the performance audits and follow-up performance audits under RCW 43.09.470 and shall be expended by the state auditor in accordance with chapter 1, Laws of 2006. Only the state auditor or the state auditor's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2017-2019 ~~((and))~~, 2019-2021, and 2021-2023 fiscal biennia, the performance audits of government account may be appropriated for the joint legislative audit and review committee, the legislative evaluation and accountability program committee, the office of financial management, the superintendent of public instruction, the department of fish and wildlife, and audits of school districts. In addition, during the 2017-2019 ~~((and))~~, 2019-2021, and 2021-2023 fiscal biennia the account may be used to fund the office of financial management's contract for the compliance audit of the state auditor and audit activities at the department of revenue.

**Sec. 957.** RCW 43.79.195 and 2020 c 2 s 2 are each amended to read as follows:

(1) The workforce education investment account is created in the state treasury. All revenues from the workforce investment surcharge created in RCW 82.04.299 and those revenues as specified under RCW 82.04.290(2)(c) must be deposited directly into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for higher education programs, higher education operations, higher education compensation, and state-funded student aid programs. For the 2019-2021 ~~((biennium))~~ and 2021-2023 fiscal biennia, expenditures from the account may be used for kindergarten through twelfth grade if used for career connected learning as provided for in chapter 406, Laws of 2019.

(2) Expenditures from the workforce education investment account must be used to supplement, not supplant, other federal, state, and local funding for higher education.

**Sec. 958.** RCW 43.101.200 and 2019 c 415 s 969 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as otherwise provided in this chapter, the commission shall provide the aforementioned training together

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the 2017-2019 ~~((and))~~, 2019-2021, and 2021-2023 fiscal biennia when the employing, county, city, or state law enforcement agency shall reimburse the commission for twenty-five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

**Sec. 959.** RCW 43.101.22 and 2020 c 119 s 14 are each amended to read as follows:

(1) The corrections personnel of the state and all counties and municipal corporations initially employed on or after January 1, 1982, shall engage in basic corrections training which complies with standards adopted by the commission. The standards adopted must provide for basic corrections training of at least ten weeks in length for any corrections officers subject to the certification requirement under RCW 43.101.096 who are hired on or after July 1, 2021, or on an earlier date set by the commission. The training shall be successfully completed during the first six months of employment of the personnel, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(2) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for noncommuting attendees, except during the 2017-2019 ~~((and))~~, 2019-2021, and 2021-2023 fiscal biennia, when the employing county, municipal corporation, or state agency shall reimburse the commission for twenty-five percent of the cost of training its personnel.

(3)(a) Subsections (1) and (2) of this section do not apply to the Washington state department of corrections prisons division. The Washington state department of corrections is responsible for identifying training standards, designing curricula and programs, and providing the training for those corrections personnel employed by it. In doing so, the secretary of the department of corrections shall consult with staff development experts and correctional professionals both inside and outside of the agency, to include soliciting input from labor organizations.

(b) The commission and the department of corrections share the responsibility of developing and defining training standards and providing training for community corrections officers employed within the community corrections division of the department of corrections.

**Sec. 960.** RCW 43.155.050 and 2019 c 415 s 972 and 2019 c 413 s 7033 are each reenacted and amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and grants and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated or transferred to the water pollution control revolving fund and the drinking water assistance account to provide for state match requirements under federal law. Not more than twenty percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans and grants, emergency loans and grants, or loans and grants for capital facility planning under

this chapter. Not more than ten percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated as grants for preconstruction, emergency, capital facility planning, and construction projects. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may appropriate moneys from the account for activities related to rural economic development, the growth management act, the aviation revitalization loan program, the community economic revitalization board broadband program, and the voluntary stewardship program. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the education legacy trust account. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia. If chapter 365, Laws of 2019 (Second Substitute Senate Bill No. 5511, broadband service) is enacted by June 30, 2019, then during the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the statewide broadband account. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the public works assistance account for activities related to the voluntary stewardship program, rural economic development, the growth management act, and statewide broadband.

**Sec. 961.** RCW 43.185C.060 and 2020 c 357 s 915 are each amended to read as follows:

(1) The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter.

(2) The department must distinguish allotments from the account made to carry out the activities in RCW 43.330.167, 43.330.700 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through 43.185C.320, and 36.22.179(1)(b).

(3) The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent reviews conducted thereafter are due February 1st of each even-numbered year.

(4) During the 2019-2021 and 2021-2023 fiscal ~~((biennium))~~ biennia, expenditures from the account may also be used for shelter capacity grants.

**Sec. 962.** RCW 43.320.110 and 2019 c 415 s 973 are each amended to read as follows:

(1) There is created in the custody of the state treasurer a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except as provided in subsection (2) of this section.

(2) The division of securities shall deposit thirteen percent of all moneys received, except as provided in RCW 43.320.115 and subsection (3) of this section, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department.

(3) The division of securities shall deposit one hundred percent of all moneys received that are attributable to increases in fees implemented by rule pursuant to RCW 21.20.340(15).

(4) Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

(5) During the 2017-2019 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund. During the 2017-2019 ~~and 2021-2023~~ fiscal ~~(biennium))~~ biennia, moneys from the financial services regulation fund may be appropriated for the family prosperity account program at the department of commerce and for the operations of the department of revenue.

(6)(a) Beginning in the 2020-2021 fiscal year, the state treasurer shall annually transfer from the fund to the student loan advocate account created in RCW 28B.77.008, the greater of one hundred seventy-five thousand dollars or twenty percent of the annual assessment derived from student education loan servicing.

(b) The department must provide information to the state treasurer regarding the amount of the annual assessment derived from student education loan servicing.

(7) The director's obligations or duties under chapter 62, Laws of 2018 are subject to section 21, chapter 62, Laws of 2018.

(8) During the 2019-2021 fiscal biennium, moneys in the financial services regulation fund may be appropriated for the operations of the department of revenue. It is the intent of the legislature to continue this policy in subsequent biennia.

(9) During the 2019-2021 ~~and 2021-2023~~ fiscal ~~(biennium))~~ biennia, the legislature may direct the state treasurer to make transfers of moneys in the financial services regulation ~~((account fund))~~ fund to the general fund.

**Sec. 963.** RCW 43.330.250 and 2019 c 415 s 974 are each amended to read as follows:

(1) The economic development strategic reserve account is created in the state treasury to be used only for the purposes of this section.

(2) Only the governor, with the recommendation of the director of the department of commerce, may authorize expenditures from the account.

(3) During the 2009-2011 and 2011-2013 fiscal biennia, moneys in the account may also be transferred into the state general fund.

(4) Expenditures from the account may be made to prevent closure of a business or facility, to prevent relocation of a business or facility in the state to a location outside the state, or to recruit a business or facility to the state. Expenditures may be authorized for:

- (a) Workforce development;
- (b) Public infrastructure needed to support or sustain the operations of the business or facility;
- (c) Other lawfully provided assistance including, but not limited to, technical assistance, environmental analysis, relocation assistance, and planning assistance. Funding may be provided for such assistance only when it is in the public interest and may only be provided under a contractual arrangement ensuring that the state will receive appropriate consideration, such as an assurance of job creation or retention; and
- (d) The joint center for aerospace technology innovation.

(5) The funds shall not be expended from the account unless:

(a) The circumstances are such that time does not permit the director of the department of commerce or the business or facility to secure funding from other state sources;

(b) The business or facility produces or will produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(c) The business or facility does not require continuing state support;

(d) The expenditure will result in new jobs, job retention, or higher incomes for citizens of the state;

(e) The expenditure will not supplant private investment; and

(f) The expenditure is accompanied by private investment.

(6) No more than three million dollars per year may be expended from the account for the purpose of assisting an individual business or facility pursuant to the authority specified in this section.

(7) If the account balance in the strategic reserve account exceeds fifteen million dollars at any time, the amount in excess of fifteen million dollars shall be transferred to the education construction account.

(8) During the 2017-2019 ~~((and)),~~ 2019-2021, ~~and 2021-2023~~ fiscal biennia, the legislature may appropriate moneys from the account to fund programs and grants at the department of commerce. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

**Sec. 964.** RCW 69.50.540 and 2020 c 357 s 916 and 2020 c 236 s 4 are each reenacted and amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as provided in this subsection:

(a) One hundred twenty-five thousand dollars to the health care authority to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Fifty thousand dollars to the health care authority for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the board for administration of this chapter as appropriated in the omnibus appropriations act;

(ii) One million three hundred twenty-three thousand dollars for fiscal year 2020 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health;

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(iii) Two million four hundred fifty-three thousand dollars for fiscal year 2020 and two million seven hundred ninety-three thousand dollars for fiscal year 2021 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2021-2023 fiscal biennium; and

(iv) Ninety-eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of marijuana product testing laboratories;

(e) Four hundred sixty-five thousand dollars for fiscal year 2020 and four hundred sixty-four thousand dollars for fiscal year 2021 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;

(f) One hundred eighty-nine thousand dollars for fiscal year 2020 to the department of health for rule making regarding compassionate care renewals;

(g) Eight hundred eight thousand dollars for fiscal year 2020 and eight hundred eight thousand dollars for fiscal year 2021 to the department of health for the administration of the marijuana authorization database;

(h) Six hundred thirty-five thousand dollars for fiscal year 2020 and six hundred thirty-five thousand dollars for fiscal year 2021 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana;

(i) One million one hundred thousand dollars annually to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under RCW 43.330.540; ~~((and))~~

(j) One million one hundred thousand dollars for fiscal year 2021 to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses);

(k) \$619,000 for fiscal year 2022 and \$619,000 for fiscal year 2023 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana;

(l) \$271,000 for fiscal year 2022 and \$272,000 for fiscal year 2023 to the department of ecology for implementation and accreditation of marijuana product testing laboratories; and

(m) \$808,000 for fiscal year 2022 and \$808,000 for fiscal year 2023 to the department of health for the administration of the marijuana authorization database; and

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the health care authority for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be

directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For each fiscal year, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(B) The Washington poison control center.

(ii) For each fiscal year, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For each fiscal year, except for the 2017-2019 and 2019-2021 fiscal biennia, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For each fiscal year, except for the 2017-2019 and 2019-2021 fiscal biennia, the legislature must appropriate a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For each fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not

appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018, 2019, 2020, ~~(and)~~ 2021, 2022, and 2023, and twenty million dollars per fiscal year thereafter. It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than fifteen million dollars per fiscal year.

**Sec. 965.** RCW 70A.305.180 and 2020 c 20 s 1319 are each amended to read as follows:

(1) The model toxics control operating account is hereby created in the state treasury.

(2) Moneys in the model toxics control operating account must be used only to carry out the purposes of this chapter, including but not limited to the following:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70A.300 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70A.205 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs and plans, including local solid waste financial assistance, in accordance with chapters 70A.405, 70A.205, 70A.214, 70A.224, and 70A.300 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70A.135 RCW;

(j) A public participation program;

(k) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70A.300.260;

(l) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(m) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(n) Air quality programs and actions for reducing public exposure to toxic air pollution; and

(o) Petroleum-based plastic or expanded polystyrene foam debris clean-up activities in fresh or marine waters.

(3) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in model toxics control operating account may be spent only after appropriation by statute.

(4) One percent of the moneys collected under RCW 82.21.030 must be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the model toxics control operating account.

(5) The department must adopt rules for grant or loan issuance and performance.

(6) During the 2021-2023 fiscal biennium, the state treasurer shall transfer \$1,529,000 from the model toxics control operating account to the flood control assistance account.

**Sec. 966.** RCW 79.64.040 and 2019 c 415 s 984 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights-of-way issued by the department and affecting state lands and aquatic lands, except as provided in RCW 79.64.130, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsection (5) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second-class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second-class tide and shore lands and the beds of navigable waters.

(4) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(5) During the 2015-2017, 2017-2019, ~~(and)~~ 2019-2021, and 2021-2023 fiscal biennia, the board may increase the twenty-five percent limitation up to thirty-two percent.

**Sec. 967.** RCW 79.64.110 and 2019 c 415 s 985 and 2019 c 309 s 1 are each reenacted and amended to read as follows:

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(1) Any moneys derived from the lease of state forestlands or from the sale of valuable materials, oils, gases, coal, minerals, or fossils from those lands, except as provided in RCW 79.64.130, or the appraised value of these resources when transferred to a public agency under RCW 79.22.060, except as provided in RCW 79.22.060(4), must be distributed as follows:

(a) For state forestlands acquired through RCW 79.22.040 or by exchange for lands acquired through RCW 79.22.040:

(i) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board, must be returned to the forest development account created in RCW 79.64.100. During the 2017-2019 (~~and~~), 2019-2021, and 2021-2023 fiscal biennia, the board may increase the twenty-five percent limitation up to twenty-seven percent.

(ii) Any balance remaining must be paid to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board. Payments made under this subsection are to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment. However, in order to test county flexibility in distributing state forestland revenue, a county may in its discretion pay, distribute, and prorate payments made under this subsection of moneys derived from state forestlands acquired by exchange between July 28, 2019, and June 30, 2020, for lands acquired through RCW 79.22.040, within the same county, in the same manner as general taxes are paid and distributed during the year of payment for the former state forestlands that were subject to the exchange.

(iii) Any balance remaining, paid to a county with a population of less than sixteen thousand, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(iv) With regard to moneys remaining under this subsection (1)(a), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date.

(b) For state forestlands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(i) Fifty percent shall be placed in the forest development account.

(ii) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board, and according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 (1) and (2) and the levy rate for any maintenance and operation special school levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various other funds

in the same manner as general taxes are paid and distributed during the year of payment.

(2) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

**Sec. 968.** RCW 79.105.150 and 2019 c 415 s 986 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2017-2019 (~~and~~), 2019-2021, and 2021-2023 fiscal biennia, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, hatcheries, the Puget Sound toxic sampling program and steelhead mortality research at the department of fish and wildlife, the knotweed program at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification, the Puget SoundCorps program, and support of the marine resource advisory council and the Washington coastal marine advisory council. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture. During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the aquatic lands enhancement account to the marine resources stewardship trust account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) Any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 969. RCW 86.26.007 and 2019 c 415 s 991 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account. Each biennium thereafter, except for the 2021-2023 biennium, the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account. During the 2021-2023 biennium, the state treasurer shall transfer \$1,529,000 from the model toxics control operating account to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may appropriate moneys from the account for the purposes specified under chapter 90.94 RCW.

NEW SECTION. Sec. 970. A new section is added to chapter 43.79 RCW to read as follows:

The elementary and secondary school emergency relief III account is created in the state treasury. Revenues to the account consist of federal funding from the elementary and secondary school emergency relief fund created by section 2001, the American rescue plan act of 2021, P.L. 117-2. Expenditures from the account may only be used for the authorized purposes of the elementary and secondary school emergency relief fund. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 971. A new section is added to chapter 43.79 RCW to read as follows:

The coronavirus state fiscal recovery account is created in the state treasury. Revenues to the account consist of federal funding from the coronavirus state fiscal recovery fund created by section 9901, the American rescue plan act of 2021, P.L. 117-2. Moneys in the account may be spent only after appropriation.

**PART X  
GENERAL GOVERNMENT  
SUPPLEMENTAL**

Sec. 1001. 2020 c 357 s 101 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General Fund—State	Appropriation	(FY 2020)
.....	.....	.....
		<u>\$40,403,000</u>
		<u>\$40,378,000</u>
General Fund—State	Appropriation	(FY 2021)
.....	.....	.....
		<u>(\$44,256,000)</u>
		<u>\$41,565,000</u>
Pension Funding Stabilization Account—State	Appropriation.....	\$4,266,000
TOTAL APPROPRIATION.....		<u>(\$88,925,000)</u>
		<u>\$86,209,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(2) \$5,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5316 (state fiscal management). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

Sec. 1002. 2020 c 357 s 102 (uncodified) is amended to read as follows:

**FOR THE SENATE**

General Fund—State	Appropriation	(FY 2020)
.....	.....	.....
		<u>(\$28,736,000)</u>

General Fund—State	Appropriation	(FY 2021)
.....	.....	.....
		<u>\$28,711,000</u>
		<u>(\$33,869,000)</u>
		<u>\$30,466,000</u>
Pension Funding Stabilization Account—State	Appropriation.....	\$2,932,000
TOTAL APPROPRIATION.....		<u>(\$65,537,000)</u>
		<u>\$62,109,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2018 (harassment/legislature). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(2) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a human resource officer consistent with the implementation of the senate's appropriate workplace conduct policy.

(3) \$5,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5316 (state fiscal management). If the bill is not enacted by June 30, 2021, the amount provided in this subsection shall lapse.

Sec. 1003. 2020 c 357 s 103 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Performance Audits of Government Account—State	Appropriation.....	.....
		<u>(\$9,844,000)</u>
		<u>\$9,240,000</u>
TOTAL APPROPRIATION.....		<u>(\$9,844,000)</u>
		<u>\$9,240,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2019-2021 work plan as necessary to efficiently manage workload.

(2) \$266,000 of the performance audit of governments account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1216 (school safety & well-being). ~~((If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.))~~

(3) \$17,000 of the performance audits of government account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5025 (self-help housing development and taxes). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(4)(a) \$342,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a performance audit of the department of health's ambulatory surgical facility regulatory program. The study must explore:

(i) A comparison of state survey requirements and process and the centers for medicare and medicaid services survey requirements and process;

(ii) The licensing fees required of ambulatory surgical facilities as they relate to actual department of health costs for regulating the facilities;

(iii) Payments received by the department of health from the centers for medicare and medicaid services for surveys conducted on behalf of the centers for medicare and medicaid services; and

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(iv) Staffing for the survey program, including any need for an increase or reduction of staff.

(b) The audit must be completed and provided to the legislature by January 1, 2021.

(5) \$100,000 of the performance audits of government account—state appropriation is provided solely for the joint legislative audit and review committee to conduct a performance audit of the health care authority's budget structure, including its chart of accounts. The study must:

(a) Include a comparison of other state medicaid agency budget structures of similar size; and

(b) Be completed and provided to the legislature by September 1, 2021.

Sec. 1004. 2020 c 357 s 104 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Performance Audits of Government Account—State	
Appropriation.....	<del>(\$4,585,000)</del>
	<u>\$4,538,000</u>
TOTAL APPROPRIATION.....	<del>(\$4,585,000)</del>
	<u>\$4,538,000</u>

Sec. 1005. 2020 c 357 s 105 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund—State Appropriation (FY 2020)....	\$12,086,000
General Fund—State Appropriation (FY 2021)	<del>(\$13,946,000)</del>
.....	<u>\$13,721,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$822,000
TOTAL APPROPRIATION.....	<del>(\$26,854,000)</del>
	<u>\$26,629,000</u>

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to internet service, for the district offices of members of the house of representatives and the senate.

Sec. 1006. 2020 c 357 s 106 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE STATE ACTUARY**

General Fund—State Appropriation (FY 2020).....	\$333,000
General Fund—State Appropriation (FY 2021)....	<del>(\$347,000)</del>
	<u>\$344,000</u>
State Health Care Authority Administrative Account—	
State Appropriation.....	<del>(\$471,000)</del>
	<u>\$470,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$28,000
Department of Retirement Systems Expense Account—	
State Appropriation.....	<del>(\$5,721,000)</del>
	<u>\$5,652,000</u>
TOTAL APPROPRIATION.....	<del>(\$6,900,000)</del>
	<u>\$6,827,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$35,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a benchmark analysis of the value of public employee benefits and how those benefits compare to other employers.

(2) During the 2020 legislative interim, the select committee on pension policy shall study the consistency of administrative practices under the portability provisions of chapter 41.54 RCW.

In conducting this study, the select committee on pension policy shall:

(a) Convene a study group including representatives of the department of retirement systems, the office of the state actuary, the state institutions of higher education, and the cities of Seattle, Tacoma, and Spokane. The purpose of this study group is to facilitate the sharing of information and data needed for the select committee on pension policy to conduct the analysis and draft its report;

(b) Review and compare written policies of each of the entities in (a) of this subsection enacted pursuant to carrying out dual membership provisions under chapter 41.54 RCW, as well as any participant data needed to make reasonable comparisons of administrative practices;

(c) Identify differences in administrative practices, and consider the implications for making those practices consistent between entities; and

(d) Report any findings to the appropriate committees of the legislature by December 15, 2020.

Sec. 1007. 2020 c 357 s 107 (uncodified) is amended to read as follows:

**FOR THE STATUTE LAW COMMITTEE**

General Fund—State Appropriation (FY 2020) .....	\$5,000,000
General Fund—State Appropriation (FY 2021) <del>(\$5,520,000)</del>	
	<u>\$5,417,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$566,000
TOTAL APPROPRIATION .....	<del>(\$11,086,000)</del>
	<u>\$10,983,000</u>

Sec. 1008. 2020 c 357 s 108 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES**

General Fund—State Appropriation (FY 2020) .....	\$4,213,000
General Fund—State Appropriation (FY 2021) <del>(\$4,694,000)</del>	
	<u>\$4,608,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$436,000
TOTAL APPROPRIATION .....	<del>(\$9,343,000)</del>
	<u>\$9,257,000</u>

Sec. 1009. 2020 c 357 s 113 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund—State Appropriation (FY 2020) .....	\$64,580,000
General Fund—State Appropriation (FY 2021) .....	<del>(\$72,151,000)</del>
	<u>\$70,745,000</u>
General Fund—Federal Appropriation.....	\$2,203,000
General Fund—Private/Local Appropriation .....	\$681,000
Judicial Stabilization Trust Account—State	
Appropriation .....	\$6,692,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$4,572,000
Judicial Information Systems Account—State	
Appropriation .....	\$63,233,000
TOTAL APPROPRIATION .....	<del>(\$214,112,000)</del>
	<u>\$212,706,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) \$1,399,000 of the general fund—state appropriation for fiscal year 2020 and \$1,399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$7,000,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2019-21 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than forty-five days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than sixty days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) \$96,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(5) \$66,000 of the general fund—state appropriation for fiscal year 2020 and \$66,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for DNA testing for alleged fathers in dependency and termination of parental rights cases.

(6) \$237,000 of the general fund—state appropriation for fiscal year 2020 and \$1,923,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the expansion of the state interpreter reimbursement program.

(7) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$360,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of public guardianship for guardianship fees, initial assessments, average annual legal fees, and for less restrictive options to support decision-making.

(8) \$1,094,000 of the general fund—state appropriation for fiscal year 2020 and \$1,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(9) \$25,808,000 of the judicial information systems account—state appropriation is provided solely for judicial branch information technology projects. Expenditures from the judicial information systems account shall not exceed available resources.

Judicial branch information technology project prioritization shall be determined by the judicial information system committee.

(10) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$2,077,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5604 (uniform guardianship, etc.). ~~((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))~~

(11) \$68,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5149 (monitoring w/victim notif.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(12) \$298,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Senate Bill No. 5450 (adding superior court judges). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(13) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Engrossed Second Substitute Senate Bill No. 5720 (involuntary treatment act). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(14) \$207,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the development and implementation of a statewide online training system for court staff and judicial officers.

(15) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6268 (abusive litigation/partners). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(16) \$5,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6641 (sex offender treatment avail). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(17) \$333,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative office of the courts to implement a statewide text notification system. The court date notification texting services must provide subscribers with criminal court date notifications and reminders by short message service or text message that includes but is not limited to the court date, session changes, and a court date reminder in advance of the scheduled court date.

(18) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse counties affected by extraordinary judicial costs arising from a long-term leave of absence by a superior court judge in the Asotin-Columbia-Garfield tri-county judicial district. An affected county may apply to the office for reimbursement for the reasonable costs of expenses incurred since April 24, 2019, for: Travel, lodging, and subsistence of visiting elected judges holding court in the tri-county district under RCW 2.08.140; the state and local shares of pro tempore judge compensation in the tri-county district under RCW 2.08.180; the state and local shares of pro tempore judge compensation under RCW 2.08.180 for a county that has provided a visiting elected judge; and similar county-borne extraordinary expenses that arise directly from the leave of absence. Where appropriate, the office must apportion reimbursement among the district's counties in accordance with RCW 2.08.110.

~~((29))~~ (19) \$666,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Second

EIGHTY FIRST DAY, APRIL 1, 2021

Substitute House Bill No. 2467 (firearm background checks). ((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(21)) (20) \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2277 (youth solitary confinement). ((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(22) \$1,214,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2793 (vacating criminal records). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(23)) (21) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative office of the courts to develop a domestic violence risk assessment instrument that:

(a) Uses information from relevant court records and prior offenses to predict the likelihood of a domestic violence incident; and

(b) Determines whether law enforcement risk data and domestic violence supplemental forms are useful in determining reoffense.

Sec. 1010. 2020 c 357 s 115 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2020).... \$20,949,000

General Fund—State Appropriation (FY 2021)

.....(((\$22,951,000))

\$22,851,000

Judicial Stabilization Trust Account—State  
Appropriation..... \$1,464,000

Pension Funding Stabilization Account—State  
Appropriation..... \$44,000

TOTAL APPROPRIATION.....(((\$45,408,000))

\$45,308,000

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2020 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2021 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) \$759,000 of the general fund—state appropriation for fiscal year 2020 and \$2,275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office to continue implementation of the civil justice reinvestment plan.

(3) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$105,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the children's representation study authorized in chapter 20, Laws of 2017 3rd sp. sess. The report of initial findings to the legislature must be submitted by December 31, 2020.

(4) The office of civil legal aid shall enter into an interagency agreement with the department of children, youth, and families to facilitate the use of federal title IV-E reimbursement for child representation services.

(5) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the international families justice coalition to expand private capacity to provide legal services for indigent foreign nationals in

contested domestic relations and family law cases. Amounts provided in this section may not be expended for direct private legal representation of clients in domestic relations and family law cases.

(6) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5651 (kinship care legal aid). ((If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.))

(7) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for closing compensation differentials between volunteer legal aid programs and the northwest justice project.

(8) \$1,205,000 of the general fund—state appropriation for fiscal year 2020 and \$1,881,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase resulting from a collective bargaining agreement between the northwest justice project and its staff union.

(9) \$307,500 of the general fund—state appropriation for fiscal year 2020 and \$317,500 of the general fund—state appropriation for fiscal year 2021 are provided solely for a research-based controlled comparative study of the differences in outcomes for tenants facing eviction who receive legal representation and tenants facing eviction without legal representation in unlawful detainer cases filed under the residential landlord tenant act. Funding must be used to underwrite both the research and the costs of legal representation provided to tenants associated with the study. Researchers will identify four counties to study. A preliminary report must be submitted to the appropriate committees of the legislature by January 31, 2021, and a final report on the study, which includes findings on demographics and outcomes, must be submitted to the appropriate committees of the legislature by June 30, 2021.

(10) \$126,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for expenditures made to address fiscal year 2019 caseload driven shortfalls in the children's representation program and the children's representation study.

(11) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$193,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to wind down the children's representation study authorized in section 28, chapter 20, Laws of 2017 3rd sp.s.

(12) \$492,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to establish a statewide reentry legal aid project. The office of civil legal aid shall enlist support from the statewide reentry council to identify an appropriate nonprofit entity to establish and operate the statewide reentry legal aid project, establish initial priority areas of focus, and determine client service objectives, benchmarks, and intended outcomes. The office of civil legal aid and the statewide reentry council shall provide the relevant legislative committees with an initial status report by December 2021.

(13) \$165,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the automation, deployment, and hosting of an automated family law document assembly system provided for in chapter 299, Laws of 2018.

(14) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of civil legal aid to provide funding to King county organizations that provide legal services. Of this amount:

(a) \$13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a nonprofit organization to

develop an updated kinship legal services guide based on continuing changes in laws and practices.

(b) \$12,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a bar association to operate a kinship legal services program that trains kinship caregivers about recent enacted guardianship laws.

**Sec. 1011.** 2020 c 357 s 116 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2020).....	\$9,858,000
General Fund—State Appropriation (FY 2021)	<del>(\$10,454,000)</del>
	<u>\$8,463,000</u>
Economic Development Strategic Reserve Account—State	
Appropriation.....	\$7,000,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$674,000
TOTAL APPROPRIATION.....	<del>(\$27,986,000)</del>
	<u>\$25,995,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$703,000 of the general fund—state appropriation for fiscal year 2020 and \$803,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the education ombuds.

(2) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access).

(3) \$311,000 of the general fund—state appropriation for fiscal year 2020 and \$301,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5356 (LGBTQ commission).

(4) \$397,000 of the general fund state—appropriation for fiscal year 2020 ~~((and \$353,000 of the general fund state appropriation for fiscal year 2021 are))~~ is provided solely for the office to contract with a neutral third party to establish a process for local, state, tribal, and federal leaders and stakeholders to address issues associated with the possible breaching or removal of the four lower Snake river dams in order to recover the Chinook salmon populations that serve as a vital food source for southern resident orcas. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(5) \$110,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for the office of regulatory innovations and assistance to convene agencies and stakeholders to develop a small business bill of rights. Of this amount, a report must be submitted to appropriate legislative policy and fiscal committees by November 1, 2019, to include:

(a) Recommendations of rights and protections for small business owners when interacting with state agencies, boards, commissions, or other entities with regulatory authority over small businesses; and

(b) Recommendations on communication plans that state regulators should consider when communicating these rights and protections to small business owners in advance or at the time of any audit, inspection, interview, site visit, or similar oversight or enforcement activity.

(6) \$966,000 of the general fund—state appropriation in fiscal year 2020 is provided solely for executive protection unit costs.

(7) \$15,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the clemency and pardons board to expedite the review of applications where the petitioner indicates an urgent need for the pardon or commutation,

including, but not limited to, a pending deportation order or deportation proceeding.

(8) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the education ombuds, in consultation with the office of the superintendent of public instruction and the Washington state office of equity, to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children. The office of education ombuds shall submit a report with recommendations to the governor and the appropriate committees in the legislature by September 1, 2020.

**Sec. 1012.** 2020 c 357 s 117 (uncodified) is amended to read as follows:

**FOR THE LIEUTENANT GOVERNOR**

General Fund—State Appropriation (FY 2020).....	\$1,313,000
General Fund—State Appropriation (FY 2021) <del>(\$1,545,000)</del>	<u>\$1,553,000</u>
General Fund—Private/Local Appropriation .....	\$90,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$54,000
TOTAL APPROPRIATION .....	<del>(\$3,002,000)</del>
	<u>\$3,010,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$180,000 of the general fund—state appropriation for fiscal year 2020 and \$179,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continuation of the complete Washington program and to add new pathways, such as the healthcare industry, to the program.

(2) \$195,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington world fellows program.

**Sec. 1013.** 2020 c 357 s 118 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund—State Appropriation (FY 2020).....	\$5,532,000
General Fund—State Appropriation (FY 2021) <del>(\$5,456,000)</del>	<u>\$5,344,000</u>
Public Disclosure Transparency Account—State	
Appropriation .....	\$714,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$260,000
TOTAL APPROPRIATION .....	<del>(\$11,962,000)</del>
	<u>\$11,850,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,000 of the public disclosure transparency account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5861 (legislature/code of conduct).

(2) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$83,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to develop a training course for individuals acting as treasurers or deputy treasurers for candidates pursuant to RCW 42.17A.210. Out of this amount:

(a) The course must provide, at a minimum, a comprehensive overview of:

(i) The responsibilities of treasurers and deputy treasurers;

(ii) The reporting requirements necessary for candidate compliance with chapter 42.17A RCW, including triggers and deadlines for reporting;

(iii) Candidate campaign contribution limits and restrictions under chapter 42.17A RCW;

(iv) The use of the commission's electronic filing system;

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(v) The consequences for violation of chapter 42.17A RCW; and

(vi) Any other subjects or topics the commission deems necessary for encouraging effective compliance with chapter 42.17A RCW.

(b) The commission must make the course available to all interested individuals no later than September 1, 2019. The course must be provided in a format able to be used both in person and remotely via the internet.

(3) \$140,000 of the public disclosure transparency account—state appropriation is provided solely for staff for business analysis and project management of information technology projects.

(4) No moneys may be expended from the appropriations in this section to establish an electronic directory, archive, or other compilation of political advertising unless explicitly authorized by the legislature.

Sec. 1014. 2020 c 357 s 119 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2020)....	\$34,997,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$19,562,000)</del>
	<u>\$19,449,000</u>
General Fund—Federal Appropriation .....	<del>(\$8,098,000)</del>
	<u>\$8,046,000</u>
Public Records Efficiency, Preservation, and Access	
Account—State Appropriation .....	<del>(\$9,677,000)</del>
	<u>\$9,619,000</u>
Charitable Organization Education Account—State	
Appropriation.....	\$900,000
Washington State Library Operations Account—State	
Appropriation.....	<del>(\$11,516,000)</del>
	<u>\$11,426,000</u>
Local Government Archives Account—State	
Appropriation.....	<del>(\$11,027,000)</del>
	<u>\$9,742,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$960,000
Election Account—State Appropriation .....	\$1,800,000
Election Account—Federal Appropriation .....	\$13,687,000
TOTAL APPROPRIATION.....	<del>(\$112,224,000)</del>
	<u>\$110,626,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,801,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$2,932,000 of the general fund—state appropriation for fiscal year 2020 and \$3,011,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2019-2021 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$13,600,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for operation of the presidential primary election, including reimbursement to counties for the state's share of presidential primary election costs.

(5) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for humanities Washington speaker's bureau community conversations to expand programming in underserved areas of the state.

(6) \$2,295,000 of the general fund—state appropriation for fiscal year 2020 and \$2,526,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5063 (ballots, prepaid postage).

(7) \$1,227,000 of the local government archives account—state appropriation and \$28,000 of the public records efficiency, preservation, and access account—state appropriation are provided solely to implement Engrossed Substitute House Bill No. 1667 (public records request administration).

(8) \$114,000 public records efficiency, preservation, and access account—state appropriation and \$114,000 local government archives account—state appropriation are provided solely for digital archives functionality and is subject to the conditions, limitations, and review provided in section 701 of this act.

(9) \$198,000 of the general fund—state appropriation for fiscal year 2020, \$198,000 of the general fund—state appropriation for fiscal year 2021, and \$500,000 of the election account—federal appropriation are provided solely for election security improvements.

(10) \$82,000 of the general fund—state appropriation for fiscal year 2020 and \$77,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, beginning July 31, 2020, to legislative policy and fiscal committees. The annual report must include reasons for ballot rejection and an analysis of the ways ballots are received,

counted, and rejected that can be used by policymakers to better understand election administration.

(11) \$500,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for civic engagement. The secretary of state and county auditors will collaborate to increase voter participation and educate voters about improvements to state election laws that will impact the 2019 and 2020 elections.

(12) \$1,800,000 of the election account—state appropriation for fiscal year 2021 and \$8,800,000 of the election account—federal appropriation for fiscal year 2021 are provided solely to enhance election technology and make election security improvements. The office of the secretary of state will provide one-time grant funding to county auditors for election security improvements. Election security improvements may include but are not limited to installation of multi-factor authentication, emergency generators, vulnerability scanners, facility access control enhancements, and alarm systems. Funding will be prioritized based on demonstrated need.

(13) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$520,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for dedicated staffing for maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and the triage and customer service to system users.

(14) \$300,000 of the public records efficiency, preservation, and access account—state appropriation is provided solely for additional project staffing to pack, catalog, and move the states archival collection in preparation for the move to the new library archives building that will be located in Tumwater.

(15) \$674,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Senate Bill No. 6313 (young voters). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(16) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for general election costs for Substitute Senate Joint Resolution No. 8212 (investment of LTC funds). If the resolution is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the secretary of state to support the capacity for the retention and transition of historical and archived records from the national archives and records administration located at Sandpoint. The secretary of state may explore options, including building storage and access capacity by working with universities, tribes, and museums that have engaged with the Smithsonian institution.

**Sec. 1015.** 2020 c 357 s 120 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2020).....	\$380,000
General Fund—State Appropriation (FY 2021)....( <del>(\$420,000)</del> )	<u>\$406,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$28,000
TOTAL APPROPRIATION.....( <del>(\$828,000)</del> )	<u>\$814,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal

issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$33,000 of the general fund—state appropriation for fiscal year 2020 and \$22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women).

(3) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's office of Indian affairs for a task force to evaluate and propose a plan for tribal extradition in Washington.

**Sec. 1016.** 2020 c 357 s 121 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2020).....	\$332,000
General Fund—State Appropriation (FY 2021) ... ( <del>(\$425,000)</del> )	<u>\$413,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$26,000
TOTAL APPROPRIATION.....( <del>(\$783,000)</del> )	<u>\$771,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies).

**Sec. 1017.** 2020 c 357 s 122 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER**

State Treasurer's Service Account—State	
Appropriation.....	( <del>(\$20,045,000)</del> )
	<u>\$19,704,000</u>
TOTAL APPROPRIATION.....	( <del>(\$20,045,000)</del> )
	<u>\$19,704,000</u>

**Sec. 1018.** 2020 c 357 s 124 (uncodified) is amended to read as follows:

**FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund—State Appropriation (FY 2020).....	\$238,000
General Fund—State Appropriation (FY 2021) ... ( <del>(\$270,000)</del> )	<u>\$266,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$30,000
TOTAL APPROPRIATION.....	( <del>(\$538,000)</del> )
	<u>\$534,000</u>

**Sec. 1019.** 2020 c 357 s 125 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2020)....	\$15,564,000
General Fund—State Appropriation (FY 2021)	( <del>(\$16,531,000)</del> )
	<u>\$16,085,000</u>
General Fund—Federal Appropriation.....	\$17,801,000
Public Service Revolving Account—State Appropriation	( <del>(\$4,228,000)</del> )
	<u>\$4,214,000</u>
New Motor Vehicle Arbitration Account—State	
Appropriation.....	( <del>(\$1,693,000)</del> )
	<u>\$1,690,000</u>

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

Medicaid Fraud Penalty Account—State Appropriation	.....(( <u>\$5,584,000</u> ))	
		<u>\$5,471,000</u>
Child Rescue Fund—State Appropriation	.....(( <u>\$500,000</u> ))	
		<u>\$80,000</u>
Legal Services Revolving Account—State Appropriation	.....(( <u>\$291,952,000</u> ))	
		<u>\$283,127,000</u>
Local Government Archives Account—State Appropriation	.....(( <u>\$356,000</u> ))	
		<u>\$681,000</u>
<del>((Local Government Archives Account—Local</del>	<del>.....</del>	<del>\$330,000))</del>
Pension Funding Stabilization Account—State Appropriation	.....	\$1,602,000
Tobacco Prevention and Control Account—State Appropriation	.....	\$273,000
TOTAL APPROPRIATION	.....(( <u>\$356,414,000</u> ))	
		<u>\$346,588,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$58,000 of the general fund—state appropriation for fiscal year 2020 and \$58,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault kits).

(5) \$63,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1399 (paid family and medical leave).

(6) \$44,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1224 (rx drug cost transparency).

(7) \$79,000 of the legal services revolving account—state appropriation is provided solely for implementation of House Bill No. 2052 (marijuana product testing).

(8) \$330,000 of the local government archives account—local appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1667 (public records request admin).

(9) \$161,000 of the general fund—state appropriation for fiscal year 2020 and \$161,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the civil rights unit to

provide additional services in defense and protection of civil and constitutional rights for people in Washington.

(10) \$88,000 of the general fund—state appropriation for fiscal year 2020, \$85,000 of the general fund—state appropriation for fiscal year 2021, and \$344,000 of the legal services revolving account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5297 (assistant AG bargaining).

(11) \$700,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(12) \$592,000 of the public service revolving account—state appropriation and \$47,000 of the legal services revolving account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(13) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a work group to study and institute a statewide program for receiving reports and other information for the public regarding potential self-harm, potential harm, or criminal acts including but not limited to sexual abuse, assault, or rape. Out of this amount:

(a) The work group must review the aspects of similar programs in Arizona, Michigan, Colorado, Idaho, Nevada, Oregon, Utah, Wisconsin, and Wyoming; and must incorporate the most applicable aspects of those programs to the program proposal;

(b) The program proposal must include a plan to implement a twenty-four hour hotline or app for receiving such reports and information; and

(c) The program proposal and recommendations must be submitted to legislative fiscal committees by July 31, 2020.

(14) \$75,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the attorney general to develop an implementation plan to collect and disseminate data on the use of force by public law enforcement agencies and private security services.

(a) The plan must identify how to effectively collect data on the occasions of justifiable homicide or uses of deadly force by a public officer, peace officer, or person aiding under RCW 9A.16.040 by all general authority Washington law enforcement agencies and the department of corrections. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of tort claims filed and moneys paid in use of force cases;

(ii) The number of incidents in which peace officers discharged firearms at citizens;

(iii) The demographic characteristics of the officers and citizens involved in each incident, including sex, age, race, and ethnicity;

(iv) The agency or agencies employing the involved officers and location of each incident;

(v) The particular weapon or weapons used by peace officers and citizens; and

(vi) The injuries, if any, suffered by officers and citizens.

(b) The implementation plan must also identify how to effectively collect data on the occasions of the use of force requiring the discharge of a firearm by any private security guard employed by any private security company licensed under chapter 18.170 RCW. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

(i) The number of incidents in which security guards discharged firearms at citizens;

(ii) The demographic characteristics of the security guards and citizens involved in each incident, including sex, age, race, and ethnicity;

(iii) The company employing the involved security guards and the location of each incident;

(iv) The particular weapon or weapons used by security guards and citizens; and

(v) The injuries, if any, suffered by security guards and citizens.

(c) The attorney general must compile reports received pursuant to this subsection and make public the data collected.

(d) The department of licensing, department of corrections, Washington state patrol, and criminal justice training commission must assist the attorney general as necessary to complete the implementation plan.

(15) \$4,220,000 of the general fund—federal appropriation and \$1,407,000 of the medicaid fraud penalty account—state appropriation are provided solely for additional staffing and program operations in the medicaid fraud control division.

(16) \$8,392,000 of the legal services revolving account—state appropriation is provided solely for child welfare and permanency staff.

(17) \$141,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws).

(18) \$751,000 of the general fund—state appropriation for fiscal year 2021, \$82,000 of the general fund—federal appropriation, \$32,000 of the public service revolving account—state appropriation, \$27,000 of the medicaid fraud penalty account—state appropriation, \$4,529,000 of the legal services revolving account—state appropriation, and \$8,000 of the local government archives account—state appropriation are provided solely for the collective bargaining agreement referenced in section 902 of this act.

(19) \$600,000 of the general fund—state appropriation for fiscal year 2020 and \$616,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(20) \$605,000 of the legal services revolving fund—state appropriation is provided solely for defending challenges to chapter 354, Laws of 2019 that set vapor pressure limits for in-state receipt of crude oil by rail.

(21) \$1,069,000 of the legal services revolving fund—state appropriation is provided solely for the office to compel the United States department of energy to meet Hanford cleanup deadlines.

(22) \$1,563,000 of the legal services revolving fund—state appropriation for fiscal year 2021 is provided solely to defend the state in the *Wolf vs State Board for Community and Technical Colleges* case.

(23) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6158 (model sexual assault protocols). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(24) \$192,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2467 (firearm background checks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(25) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute

House Bill No. 2511 (domestic workers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(26) \$244,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2638 (sports wagering/compacts). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(27) \$35,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(28) \$394,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for two additional investigators and a data consultant for the homicide investigation tracking system (HITS).

**Sec. 1020.** 2020 c 357 s 126 (uncodified) is amended to read as follows:

**FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY 2020) ..... \$2,040,000  
General Fund—State Appropriation (FY 2021) (~~(\$2,063,000)~~)  
\$1,965,000

Pension Funding Stabilization Account—State  
Appropriation ..... \$168,000  
TOTAL APPROPRIATION ..... (~~(\$4,271,000)~~)  
\$4,173,000

The appropriations in this section are subject to the following conditions and limitations: \$43,000 of the general fund—state appropriation for fiscal year 2020 and \$27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the caseload forecast council to provide information, data analysis, and other necessary assistance upon the request of the task force established in section 952 of this act.

**Sec. 1021.** 2020 c 357 s 127 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

General Fund—State Appropriation (FY 2020) .... \$96,462,000  
General Fund—State Appropriation (FY 2021)  
..... (~~(\$146,437,000)~~)  
\$143,059,000

General Fund—Federal Appropriation ..... (~~(\$327,896,000)~~)  
\$327,810,000

General Fund—Private/Local Appropriation .... (~~(\$9,112,000)~~)  
\$9,098,000

Public Works Assistance Account—State Appropriation  
..... (~~(\$8,212,000)~~)  
\$8,177,000

Lead Paint Account—State Appropriation ..... (~~(\$251,000)~~)  
\$110,000

Building Code Council Account—State Appropriation  
..... \$16,000

Liquor Excise Tax Account—State Appropriation  
..... (~~(\$1,291,000)~~)  
\$1,289,000

Home Security Fund Account—State Appropriation  
..... (~~(\$120,425,000)~~)  
\$87,411,000

(Energy Freedom Account—State Appropriation ..... \$5,000)

Affordable Housing for All Account—State  
Appropriation ..... (~~(\$13,895,000)~~)  
\$12,198,000

Financial Fraud and Identity Theft Crimes  
Investigation and Prosecution Account—State  
Appropriation ..... \$2,325,000  
Low-Income Weatherization and Structural

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

Rehabilitation Assistance Account—State	
Appropriation.....	<u>(\$1,399,000)</u>
	<u>\$699,000</u>
Statewide Tourism Marketing Account—State	
Appropriation.....	\$3,028,000
Community and Economic Development Fee Account—State	
Appropriation.....	<u>(\$4,200,000)</u>
	<u>\$4,104,000</u>
Growth Management Planning and Environmental Review	
Fund—State Appropriation.....	\$5,800,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$1,616,000
Liquor Revolving Account—State Appropriation..	\$5,918,000
Washington Housing Trust Account—State Appropriation	
.....	<u>(\$67,947,000)</u>
	<u>\$67,586,000</u>
Prostitution Prevention and Intervention Account—	
State Appropriation.....	\$26,000
Public Facility Construction Loan Revolving Account—	
State Appropriation.....	<u>(\$1,076,000)</u>
	<u>\$1,071,000</u>
Model Toxics Control Stormwater Account—State	
Appropriation.....	\$150,000
<del>(Dedicated Marijuana Account—State</del>	
<del>Appropriation (FY 2021).....</del>	<del>\$1,100,000)</del>
Andy Hill Cancer Research Endowment Fund Match	
Transfer Account—State Appropriation.....	<u>(\$7,454,000)</u>
	<u>\$14,335,000</u>
Community Preservation and Development Authority	
Account—State Appropriation .....	\$1,000,000
TOTAL APPROPRIATION.....	<u>(\$827,041,000)</u>
	<u>\$793,288,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.
- (2) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.
- (3) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the retired senior volunteer program.
- (4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.
- (5) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.
- (6) \$3,304,000 of the general fund—state appropriation for fiscal year 2020 and \$3,304,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for

associate development organizations. During the 2019-2021 biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(7) \$5,907,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(9) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(10) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the northwest agriculture business center.

(11) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(12) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(13) \$643,000 of the general fund—state appropriation for fiscal year 2020 and \$643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(14) \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(15) \$2,000,000 of the home security fund—state appropriation is provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(16) \$1,980,000 of the general fund—state appropriation for fiscal year 2020 and \$1,980,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent

supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(17) \$557,000 of the general fund—state appropriation for fiscal year 2020 and \$557,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to design and administer the achieving a better life experience program.

(18) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(19) \$1,070,000 of the general fund—state appropriation for fiscal year 2020 and \$1,070,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(20) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(21) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(22)(a) \$3,500,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

- (i) Is dedicated as permanent supportive housing units;
- (ii) Is occupied by low-income households with incomes at or below thirty percent of the area median income; and
- (iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(23)(a) \$2,091,000 of the general fund—state appropriation for fiscal year 2020, \$3,159,000 of the general fund—state appropriation for fiscal year 2021, and \$7,000,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

- (i) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

- (ii) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

- (iii) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection:

- (i) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to build infrastructure and services to support a continuum of interventions including but not limited to prevention, crisis response, and long-term housing in reducing youth homelessness in four identified communities as part of the anchor community initiative; and

- (ii) \$91,000 of the general fund—state appropriation for fiscal year 2020 and \$1,159,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of eighteen. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages eighteen to twenty-four.

(24) \$36,650,000 of the general fund—state appropriation for fiscal year 2020 and \$51,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the essential needs and housing support program.

(25) \$1,436,000 of the general fund—state appropriation for fiscal year 2020 and \$1,436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; and (g) military and defense. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(26) \$1,237,000 of the liquor excise tax account—state appropriation is provided solely for the department to provide fiscal note assistance to local governments, including increasing staff expertise in multiple subject matter areas, including but not limited to criminal justice, taxes, election impacts, transportation and land use, and providing training and staff preparation prior to legislative session.

(27) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral health facilities.

(28) \$198,000 of the general fund—state appropriation for fiscal year 2020 and \$198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(29)(a) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(30)(a) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—local appropriation are provided solely for the department to contract with a consultant to study the current and ongoing impacts of the SeaTac international airport. The general fund—state funding provided in this subsection serves as a state match and may not be spent unless \$150,000 of local matching funds is transferred to the department. The department must seek feedback on project scoping and consultant selection from the cities listed in (b) of this subsection.

(b) The study must include, but not be limited to:

(i) The impacts that the current and ongoing airport operations have on quality of life associated with air traffic noise, public health, traffic, congestion, and parking in residential areas, pedestrian access to and around the airport, public safety and crime within the cities, effects on residential and nonresidential property values, and economic development opportunities, in the cities of SeaTac, Burien, Des Moines, Tukwila, Federal Way, Normandy Park, and other impacted neighborhoods; and

(ii) Options and recommendations for mitigating any negative impacts identified through the analysis.

(c) The department must collect data and relevant information from various sources including the port of Seattle, listed cities and communities, and other studies.

(d) The study must be delivered to the legislature by June 1, 2020.

(31) Within amounts appropriated in this section, the office of homeless youth prevention and protection must make recommendations to the appropriate committees of the legislature by October 31, 2019, regarding rights that all unaccompanied homeless youth and young adults should have for appropriate care and treatment in licensed and unlicensed residential runaway and homeless youth programs.

(32) \$787,000 of the general fund—state appropriation for fiscal year 2020 and \$399,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group).

(33) \$144,000 of the general fund—state appropriation for fiscal year 2020 and \$144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization with offices located in the cities of Maple Valley, Enumclaw, and Auburn to provide street outreach and connect homeless young adults ages eighteen through twenty-four to services in south King county.

(34) \$218,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1444 (appliance efficiency).

(35) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction).

(36) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with the city of Federal Way to support after-school recreational and educational programs.

(37) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to convene a work group regarding the development of Washington's green economy based on the state's competitive advantages. The work group must focus on developing economic, education, business, and investment opportunities in energy, water, and agriculture. The work group must consist of at least one representative from the department, the department of natural resources, the department of agriculture, the Washington state department of transportation, a four-year research university, a technical college, the private sector, an economic development council, a city government, a county government, a tribal government, a non-government organization, a statewide environmental advocacy organization, and up to two energy utility providers. The work group must:

(a) Develop an inventory of higher education resources including research, development, and workforce training to foster green economic development in energy, water, and agriculture;

(b) Identify investment opportunities in higher education research, development, and workforce training to enhance and accelerate green economic development;

(c) Make recommendations for green economic development investment opportunities and how state government may serve as a clearing house, or economic center, to support private investments and build the green economy in Washington to serve national and global markets;

(d) Identify opportunities for integrating technology in energy, water, natural resources, and agriculture, and create resource efficiencies including water and energy conservation and smart grid technologies;

(e) Recommend policies at the state and local government level to promote and accelerate development of the green economy in Washington state;

(f) Submit an interim report with the work group recommendations to the appropriate legislative committees by December 1, 2019; and

(g) Submit a final report with the work group recommendations to the appropriate legislative committees by June 30, 2020.

(38) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization focused on supporting pregnant women and single mothers who are homeless or at risk of being homeless throughout Pierce county. The grant must be used for providing classes relating to financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

(39) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide capacity-building grants through the Latino community fund for educational programs and human services support for children and families in rural and underserved communities.

(40) \$400,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the city of Bothell to complete the canyon park regional growth center subarea plan.

(41) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington statewide reentry council for operational staff support, travel, and administrative costs.

(42) \$964,000 of the general fund—state appropriation for fiscal year 2020 and \$1,045,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency).

(43) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 16, Laws of 2017 3rd sp. sess. (E2SSB 5254).

(44) General fund—federal appropriations provided in this section assume continued receipt of the federal Byrne justice assistance grant for state and local government drug and gang task forces.

(45) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization for an initiative to advance affordable housing projects and education centers on public or tax-exempt land in Washington state. The department must award the grant to an organization with an office located in a city with a population of more than six hundred thousand that partners in equitable, transit-oriented development. The grant must be used to:

(a) Produce an inventory of potentially developable public or tax-exempt properties;

(b) Analyze the suitability of properties for affordable housing, early learning centers, or community space;

(c) Organize community partners and build capacity to develop sites, as well as coordinate negotiations among partners and public owners;

(d) Facilitate collaboration and co-development between affordable housing, early learning centers, or community space;

(e) Catalyze the redevelopment of ten sites to create approximately fifteen hundred affordable homes; and

(f) Subcontract with the University of Washington to facilitate public, private, and non-profit partnerships to create a regional vision and strategy for building affordable housing at a scale to meet the need.

(46) \$500,000 of the general fund—state appropriation for fiscal 2021 is provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be collocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(47) \$800,000 of the general fund—state appropriation for fiscal year 2020 and \$800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant for a criminal justice diversion center pilot program in Spokane county.

(a) Spokane county must report collected data from the pilot program to the department. The report must contain, at a minimum:

(i) An analysis of the arrests and bookings for individuals served in the pilot program;

(ii) An analysis of the connections to behavioral health services made for individuals who were served by the pilot program;

(iii) An analysis of the impacts on housing stability for individuals served by the pilot program; and

(iv) The number of individuals served by the pilot program who were connected to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

(b) No more than fifty percent of the funding provided in this subsection may be used for planning and predevelopment activities related to site readiness and other startup expenses incurred before the pilot program becomes operational.

(48)(a) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for one or more better health through housing pilot project. The department must contract with one or more accountable communities of health to work with hospitals and permanent supportive housing providers in their respective accountable community of health regions to plan for and implement the better health through housing pilot project. The accountable communities of health must have established partnerships with permanent supportive housing providers, hospitals, and community health centers.

(b) The pilot project must prioritize providing permanent supportive housing assistance to people who:

(i) Are homeless or are at imminent risk of homelessness;

(ii) Have complex physical health or behavioral health conditions; and

(iii) Have a medically necessary condition, risk of death, negative health outcomes, avoidable emergency department utilization, or avoidable hospitalization without the provision of permanent supportive housing, as determined by a vulnerability assessment tool.

(c) Permanent supportive housing assistance may include rental assistance, permanent supportive housing service funding, or permanent supportive housing operations and maintenance funding. The pilot program shall work with permanent supportive housing providers to determine the best permanent supportive housing assistance local investment strategy to expedite the

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

availability of permanent supportive housing for people eligible to receive assistance through the pilot project.

(d) Within the amounts provided in this subsection, the department must contract with the Washington state department of social and health services division of research and data analysis to design and conduct a study to evaluate the impact of the better health through housing pilot project or projects. The division shall submit a final study report to the governor and appropriate committees of the legislature by June 30, 2021. The study objectives must include:

(i) Baseline data collection of the physical health conditions, behavioral health conditions, housing status, and health care utilization of people who receive permanent supportive housing assistance through the pilot project;

(ii) The impact on physical health and behavioral health outcomes of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance; and

(iii) The impact on health care costs and health care utilization of people who receive permanent supportive housing assistance through the pilot project as compared to people with similar backgrounds who did not receive permanent supportive housing assistance.

(e) A reasonable amount of the amounts provided in this subsection may be used to pay for costs to administer the pilot contracts and housing assistance.

(f) Amounts provided in this subsection do not include funding provided under title XIX or title XXI of the federal social security act, funding from the general fund—federal appropriation, or funding from the general fund—local appropriation for transformation through accountable communities of health, as described in initiative one of the medicaid transformation demonstration waiver under healthier Washington.

(g) The accountable communities of health must annually report the progress and impact of the better health through housing pilot project or projects to the joint select committee on health care oversight by December 1st of each year.

(49) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract for the promotion of leadership development, community building, and other services for the Native American community in south King county.

(50)(a) \$12,000 of the general fund—state appropriation for fiscal year 2020 and \$38,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide to Chelan county to collaborate with the department of fish and wildlife and the Stemilt partnership on the following activities:

(i) Identifying and evaluating possible land exchanges in the Stemilt basin that provide mutual benefits to outdoor recreation and the mission of a public agency; and

(ii) Completing independent appraisals of all properties that may be included in a possible land exchange by January 1, 2021.

(b) \$20,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the department of fish and wildlife to complete technical studies, assessments, environmental review, and due diligence for lands included in any potential exchange and for project review for near-and long-term facility replacement and expansion of the mission ridge ski and board resort.

(c) The department must require the department of fish and wildlife, in collaboration with Chelan county, to submit recommendations for potential land exchange and supporting

appraisals and environmental analysis to the Chelan county board of commissioners and the appropriate committees of the legislature by June 1, 2021.

(51) \$500,000 of the general fund—state appropriation for fiscal year 2020, \$1,500,000 of the general fund—state appropriation for fiscal year 2021 and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(52) \$1,275,000 of the general fund—state appropriation for fiscal year 2020 and \$1,227,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(53) \$47,000 of the general fund—state appropriation for fiscal year 2020 and \$47,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5223 (electrical net metering).

(54) \$81,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5324 (homeless student support).

(55) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(56) \$264,000 of the general fund—state appropriation for fiscal year 2020 and \$676,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5511 (broadband service). Within the amounts provided in this subsection, the department must translate survey materials used to gather information on broadband access into a minimum of three languages and include demographic data in the report associated with the bill.

(57) \$272,000 of the general fund—state appropriation for fiscal year 2020 and \$272,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the lead based paint enforcement activities within the department.

(58) \$250,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a one-time grant to the port of Port Angeles for a stormwater management project to protect ancient tribal burial sites and to maintain water quality.

(59) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to municipalities using a labor program model designed for providing jobs to individuals experiencing homelessness to lead to full-time employment and stable housing.

(60) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of the

recommendations by the joint transportation committee's Washington state air cargo movement study to support an air cargo marketing program and assistance program. The department must coordinate promotion activities at domestic and international trade shows, air cargo events, and other activities that support the promotion, marketing, and sales efforts of the air cargo industry.

(61) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators on smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than seven hundred thousand and serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

(62) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with:

- (a) The department of corrections to support offender betterment projects; and
- (b) The department of social and health services to provide access and visitation services.

(63) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to promote public education around wildfires to public school students of all ages and to expand outreach on issues related to forest health and fire suppression. The grant recipient shall sponsor projects including, but not limited to, a multi-media traveling presentation.

(64) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to help reduce crime and violence in neighborhoods and school communities. The grant recipient must promote safe streets and community engagement in the city of Tacoma through neighborhood organizing, law enforcement-community partnerships, neighborhood watch programs, youth mobilization, and business engagement.

(65) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to increase the financial stability of low income Washingtonians through participation in children's education savings accounts, earned income tax credits, and the Washington retirement marketplace. The grant recipient must be a statewide association of local asset building coalitions that promotes policies and programs in Washington to assist low-and-moderate income residents build, maintain, and preserve assets through investments in education, homeownership, personal savings and entrepreneurship.

(66) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization to catalyze a market for mass timber and promote forest health, workforce development, and updates to building codes. The grant recipient must have at least twenty-five years of experience in land acquisition and program

management to conserve farmland, create jobs, revitalize small towns, reduce wildfires, and reduce greenhouse emissions.

(67) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to assist people with limited incomes in nonmetro areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(68) \$270,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to a nonprofit organization within the city of Tacoma for social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture through the arts, and overcoming barriers to social, political, economic, and cultural community development. Of the amounts provided in this subsection, \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to provide a public policy fellowship program that offers training in grassroots organizing, leadership development, civic engagement, and policy engagement focused on Latino and indigenous community members.

(69) \$5,800,000 of the growth management planning and environmental review fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1923 (urban residential building). Of the amounts provided in this subsection:

- (a) \$5,000,000 is provided solely for grants to cities for costs associated with the bill;
- (b) \$500,000 is provided solely for administration costs to the department; and
- (c) \$300,000 is provided solely for a grant to the Washington real estate research center.

(70) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to produce a proposal and recommendations for establishing an industrial waste coordination program by December 1, 2019.

(71) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a comprehensive analysis of statewide emissions reduction strategies. This technical analysis must: (a) Identify specific strategies that are likely to be most effective in achieving necessary emissions reductions for key energy uses and customer segments; and (b) be performed by one or more expert consultants, with administrative and policy support provided by the department.

(72) (~~(\$7,454,000)~~) \$15,096,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(73) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to law enforcement agencies to implement group violence intervention strategies in areas with high rates of gun violence. Grant funding will be awarded to two sites, with priority given to Yakima county and south King county. The sites must be located in areas with high rates of gun violence, include collaboration with the local leaders and community members, use data to identify the individuals most at risk to perpetrate gun violence for interventions, and include a component that connects individuals to services. Priority is given to sites meeting these criteria who also can demonstrate leveraging existing local or federal resources.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(74) \$80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to facilitate research on nontraditional workers across the regulatory continuum, including convening cross-agency partners. The purpose of the research is to recommend policies and practices regarding the state's worker and small business programs, address changes in the labor market, and continue work initiated by the independent contractor employment study funded in section 127(47), chapter 299, Laws of 2018. The department must submit a report of its findings to the governor by November 1, 2020.

(75) \$1,343,000 of the financial fraud and identity theft crimes investigation and prosecution account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6074 (financial fraud/theft crimes). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(76) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the operations of the long-term care ombudsman program.

(77) \$607,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to a statewide nonprofit resource center to assist current and prospective homeowners, and homeowners at risk of foreclosure. Funding must be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, foreclosure prevention hotlines, low-income legal services, mediation, and other activities that promote homeownership.

(78) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to nonprofit organizations that primarily serve communities of color and poor rural communities in community planning, technical assistance, and predevelopment as part of the development of capital assets and programs that help reduce poverty and build stronger and more sustainable communities. The funds will be used to further the goal of equitable development of all Washington communities.

~~((80))~~ (79) \$391,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

~~((82))~~ (80) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

~~((83))~~ (81) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the formation of a healthy energy workers board. The board must conduct an unmet health care needs assessment for Hanford workers and develop recommendations on how these health care needs can be met. The board must also review studies on how to prevent worker exposure, summarize existing results and recommendations, develop key indicators of progress in meeting unmet health care needs, and catalogue the health surveillance systems in use at the Hanford site. The workers board must submit a report to the legislature by June 1, 2021, documenting recommendations on meeting health care needs, progress on meeting key indicators, and, if necessary, recommendations for the establishment of new health surveillance systems at Hanford.

~~((84))~~ (82) \$23,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for curriculum development and training sessions for a veteran's certified peer

counseling pilot program in Lewis county delivered in partnership with a Lewis county veterans museum.

~~((85) \$60,000,000)~~ (83) \$27,000,000 of the home security fund—state appropriation is provided solely for increasing local temporary shelter capacity. The amount provided in this subsection is subject to the following conditions and limitations:

(a) A city or county applying for grant funding shall submit a sheltering proposal that aligns with its local homeless housing plan under RCW 43.185C.050. This proposal must include at a minimum:

(i) A strategy for outreach to bring currently unsheltered individuals into shelter;

(ii) Strategies for connecting sheltered individuals to services including but not limited to: Behavioral health, chemical dependency, education or workforce training, employment services, and permanent supportive housing services;

(iii) An estimate on average length of stay;

(iv) An estimate of the percentage of persons sheltered who will exit to permanent housing destinations and an estimate of those that are expected to return to homelessness;

(v) An assessment of existing shelter capacity in the jurisdiction, and the net increase in shelter capacity that will be funded with the state grant; and

(vi) Other appropriate measures as determined by the department.

(b) The department shall not reimburse more than \$56 per day per net additional person sheltered above the baseline of shelter occupancy prior to award of the funding. Eligible uses of funds include shelter operations, shelter maintenance, shelter rent, loan repayment, case management, navigation to other services, efforts to address potential impacts of shelters on surrounding neighborhoods, capital improvements and construction, and outreach directly related to bringing unsheltered people into shelter. The department shall coordinate with local governments to encourage cost-sharing through local matching funds.

(c) The department shall not reimburse more than \$10,000 per shelter bed prior to occupancy, for costs associated with creating additional shelter capacity or improving existing shelters to improve occupancy rates and successful outcomes. Eligible costs prior to occupancy include acquisition, construction, equipment, staff costs, and other costs directly related to creating additional shelter capacity.

(d) For the purposes of this subsection "shelter" means any facility, the primary purpose of which is to provide space for homeless in general or for specific populations of homeless. The shelter must: Be structurally sound to protect occupants from the elements and not pose any threat to health or safety, have means of natural or mechanical ventilation, and be accessible to persons with disabilities, and the site must have hygiene facilities, which must be accessible but do not need to be in the structure.

(e) It is the intent of the legislature that grant funding for eligible sheltering costs be made available to applicants who have maintained or decreased shelter capacity due to social distancing or other health and safety measures taken in response to the COVID-19 pandemic and this subsection (83) must be implemented consistent with that intention.

~~((86))~~ (84) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 6430 (industrial waste program). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse. Of the amount provided in this subsection, \$250,000 of the general fund—state appropriation is provided solely for industrial waste coordination grants.

~~((88))~~ (85) \$421,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of

Engrossed Substitute Senate Bill No. 6288 (office of firearm violence). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((89))~~ (86)(a) \$15,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to support the operation, maintenance, and service costs of permanent supportive housing projects or permanent supportive housing units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding where the projects or units:

- (i) Are dedicated as permanent supportive housing units;
- (ii) Are occupied by low-income households with incomes at or below thirty percent of the area median income; and
- (iii) Require a supplement to rental income to cover ongoing property operating, maintenance, and service expenses.

(b) The department may use a maximum of five percent of the appropriations in this subsection to administer the grant program.

~~((90))~~ (87) \$1,007,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to administer a transitional housing pilot program for nondependent homeless youth. In developing the pilot program, the department will work with the adolescent unit within the department of children, youth, and families, which is focused on cross-system challenges impacting youth, including homelessness.

~~((91))~~ (88) \$420,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6495 (housing & essential needs). The amount provided in this subsection is provided solely for essential needs and housing support assistance to individuals newly eligible for housing and essential needs support under Substitute Senate Bill No. 6495. If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((92))~~ (89) \$10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to make recommendations on a sustainable, transparent, and reactive funding model for the operation of the long-term care ombuds program.

- (a) The department must recommend a plan that:
- (i) Serves all residents in long term care equally;
  - (ii) Is reactive to changes in service costs; and
  - (iii) Is reactive to changes in number of residents and types of facilities served.

(b) The department shall convene not more than three stakeholder meetings that includes representatives from the department of social and health services, the department of commerce, the department of health, the office of financial management, the office of the governor, the long-term care ombuds program, representatives of long term care facilities, representatives for the area agencies on aging, and other stakeholders as appropriate. The department must submit a report with recommendations to the governor and the appropriate fiscal and policy committees of the legislature by December 1, 2020.

~~((93))~~ (90) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises. By June 1, 2021, the department must transmit a report to the economic development committees of the legislature providing the following information, metrics, and private investment resulting from the department's engagement with international markets:

(a) An overview of the international markets in which the department has established representation and activities and contracts funded with amounts provided in this subsection;

(b) Additional funding invested in Washington companies;

(c) The number of jobs created in Washington; and

(d) The number of partnerships established and maintained by the department with international governments, businesses, and organizations.

~~((94))~~ (91) \$80,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicaid issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of one million or more and one county east of the crest of the Cascade mountain range with a population of five hundred thousand or more.

~~((95))~~ (92) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis.

~~((96))~~ (93) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of commerce to co-lead a prevention workgroup with the department of children, youth, and families. The workgroup shall focus on preventing youth and young adult homelessness and other related negative outcomes. The workgroup shall consist of members representing the department of social and health services, the employment security department, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the interagency workgroup on youth homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement or justice system involvement.

(a) The workgroup must develop a preliminary strategic plan to be submitted to the appropriate committees of the legislature by December 31, 2020 that details:

(i) How existing efforts in this area are coordinated;

(ii) The demographics of youth involved in homelessness and other related negative outcomes;

(iii) Recommendations on promising interventions and policy improvements; and

(iv) Detail and descriptions of current prevention funding streams.

(b) The department of commerce shall solicit private funding to support this workgroup. It is the intent of the legislature that this study be supported by a minimum of a one-to-one match with private funds.

~~((98))~~ (94) \$1,500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support activities and planning that helps communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

~~((100))~~ (95) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization formed in 2018 that provides a shared housing and

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

living environment for pregnant women, single mothers, and their children who are homeless or at risk of being homeless throughout Pierce county. The nonprofit organization must have persons in executive leadership who have experienced family homelessness. The grant must be used for providing classes at the shared housing location on topics such as financial literacy, renter rights and responsibilities, parenting, and physical and behavioral health.

~~((102))~~ (96) \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to Clallam county to conduct an assessment of the needs of the county's homeless population. The assessment must include an analysis of the impacts of substance abuse treatment at the county's substance abuse treatment facilities on the county's homeless population. The assessment must also provide recommendations for improvements of the county's local homeless housing program. Funding provided in this subsection may also be used to implement recommendations from the assessment or to provide shelter, services, and relocation assistance for homeless individuals.

~~((103))~~ (97) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of homeless youth prevention and protection programs to create a centralized diversion fund to serve homeless or at-risk youth and young adults, including those who are unsheltered, exiting inpatient programs, or in school. Funding provided in this subsection may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

~~((104))~~ (98) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit located in King county that serves homeless and at-risk youth and young adults. The grant must be used for a pre-apprenticeship program for youth and young adults experiencing homelessness to prepare and obtain employment in the construction trades by building affordable housing and to earn a high school diploma or equivalent, college credits, or industry certifications.

~~((105))~~ (99) \$175,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with a nongovernment organization whose primary focus is the economic development of the city of Federal Way. The contract must be for economic development activities with a focus on business expansion, retention, and attraction, job creation, and workforce development in the south Puget Sound.

~~((106))~~ (100) \$5,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a pilot program to address the immediate housing needs of low or extremely low-income elderly or disabled adults receiving federal supplemental security, federal social security disability, or federal social security retirement income who have an immediate housing need and live in King, Snohomish, Thurston, Kitsap, Pierce, or Clark counties.

~~((107))~~ (101) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the King county drainage district number 5 for extraordinary audit costs and to perform deferred maintenance on drainage ditches located within the district.

~~((108))~~ (102) \$150,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not

limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

~~((109))~~ (103) \$750,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to the south King fire and rescue fire protection district located in King county to purchase a maritime emergency response vessel.

~~((110))~~ (104) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a nonprofit to provide technical assistance to manufactured home community resident organizations who wish to convert the park in which they reside to resident ownership, pursuant to RCW 59.22.039.

~~((111))~~ (105) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2342 (comprehensive plan updates). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((113))~~ (106) \$1,100,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((114))~~ (107) \$297,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit provider of sexual assault services located in Renton. The grant must be used for information technology system improvements.

~~((115))~~ (108) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

~~((116))~~ (109) \$1,000,000 of the community preservation and development authority account—state/operating appropriation is provided solely for the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060.

~~((117))~~ (110)(a) ~~(\$40,000,000)~~ \$2,349,000 of the Washington housing trust account—state appropriation is provided solely for production and preservation of affordable housing.

(b) In evaluating projects in this subsection, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(c) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

~~((118))~~ (111)(a) ~~(\$10,000,000)~~ \$210,000 of the Washington housing trust account—state appropriation is provided solely for the preservation of affordable multifamily housing at risk of losing affordability due to expiration of use restrictions that otherwise require affordability including, but not limited to, United States department of agriculture funded multifamily housing.

(b) Within the amount provided in this subsection, the department must implement necessary procedures no later than July 1, 2020, to enable rapid commitment of funds on a first-come, first-served basis to qualifying project proposals that satisfy the goal of long-term preservation of Washington's affordable multifamily housing stock, particularly in rural areas of the state.

(c) The department must adhere to the following award terms and procedures for the rapid response program created under (b) of this subsection:

(i) The funding is not subject to the ninety-day application periods in RCW 43.185.070 or 43.185A.050.

(ii) Awards must be in the form of a recoverable grant with a forty-year low income housing covenant on the land.

(iii) If a capital needs assessment is required, the department must work with the applicant to ensure that this does not create an unnecessary impediment to rapidly accessing these funds.

(iv) Awards may be used for acquisition or for acquisition and rehabilitation of properties to preserve the affordable housing units beyond existing use restrictions and keep them in Washington's housing portfolio.

(v) No single award may exceed \$2,500,000, although the department must consider waivers of this award cap if an applicant demonstrates sufficient need.

(vi) The award limit in (c)(v) of this subsection may only be applied to the use of awards provided under this subsection. The amount awarded under this subsection may not be calculated in award limitations for other housing trust fund awards.

(vii) If the department receives simultaneous applications for funding under this program, proposals that reach the greatest public benefit, as defined by the department, must be prioritized. For purposes of this subsection, "greatest public benefit" includes, but is not limited to:

(A) The greatest number of units that will be preserved;

(B) Whether the project has federally funded rental assistance tied to it;

(C) The scarcity of the affordable housing applied for compared to the number of available affordable housing units in the same geographic location; and

(D) The program's established funding priorities under RCW 43.185.070(5).

(d) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

~~((119))~~ (112)(a) \$5,000,000 of the Washington housing trust account—state appropriation is provided solely for housing preservation grants or loans to be awarded competitively.

(b) The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment to be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

(c) To allocate preservation funds, the department must review applications and evaluate projects based on the following criteria:

(i) The age of the property, with priority given to buildings that are more than fifteen years old;

(ii) The population served, with priority given to projects with at least fifty percent of the housing units being occupied by families and individuals at or below fifty percent area median income;

(iii) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;

(iv) The potential for additional years added to the affordability period of the property; and

(v) Other criteria that the department considers necessary to achieve the purpose of this program.

(d) The appropriations in this subsection are subject to the reporting requirements in section 1029 (3) and (4), chapter 413, Laws of 2019.

~~((120))~~ (113) \$500,000 of the general fund—state appropriation for fiscal year ~~((2020-2021))~~ 2021 is provided

solely for the department of commerce to contract with a nonprofit organization to establish and operate a center for child care retention and expansion. The nonprofit organization must be a Bellingham, Washington-based nonprofit community action agency with fifty years of experience serving homeless and low-income families and individuals.

(a) Funding provided in this subsection may be used for, but is not limited to, the following purposes:

(i) Creating a rapid response team trained to help child care businesses whose continuity of operations is threatened;

(ii) Developing business model prototypes for new child care settings; and

(iii) Assisting existing or new child care businesses in assessing readiness for expansion or acquisition.

(b) Of the amounts provided in this subsection:

(i) \$120,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for staffing at the center for child care; and

(ii) \$380,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the nonprofit organization to distribute grants to third party child care providers and nongovernmental organizations. Nonprofit entities applying for funding as a statewide network must:

(A) Have an existing infrastructure or network of academic, innovation, and mentoring program grant-eligible entities;

(B) Provide after-school and summer programs with youth development services; and

(C) Provide proven and tested recreational, educational, and character-building programs for children ages six to eighteen years of age.

**Sec. 1022.** 2020 c 357 s 128 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2020).....	\$874,000
General Fund—State Appropriation (FY 2021) ...	<del>(\$914,000))</del>
	<u>\$892,000</u>

Pension Funding Stabilization Account—State	
Appropriation .....	\$102,000
Lottery Administrative Account—State Appropriation	\$50,000
TOTAL APPROPRIATION .....	<del>(\$1,940,000))</del>
	<u>\$1,918,000</u>

**Sec. 1023.** 2020 c 357 s 129 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2020)....	\$29,306,000
General Fund—State Appropriation (FY 2021)	<del>(\$13,799,000))</del>
	<u>\$12,859,000</u>

General Fund—Federal Appropriation.....	<del>(\$33,013,000))</del>
	<u>\$32,828,000</u>

General Fund—Private/Local Appropriation ....	<del>(\$5,526,000))</del>
	<u>\$5,513,000</u>

Economic Development Strategic Reserve Account—State	
Appropriation .....	<del>(\$330,000))</del>
	<u>\$317,000</u>

Personnel Service Account—State	
Appropriation .....	<del>(\$35,360,000))</del>
	<u>\$35,144,000</u>

Higher Education Personnel Services Account—State	
Appropriation .....	\$1,497,000

Statewide Information Technology System Development	
Maintenance and Operations Revolving Account—	
State Appropriation .....	\$32,921,000

Office of Financial Management Central Service	
Account—State Appropriation.....	<del>(\$21,118,000))</del>

	<u>\$20,543,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$2,446,000
Performance Audits of Government Account—State	
Appropriation.....	(( <del>\$678,000</del> ))
	<u>\$650,000</u>
TOTAL APPROPRIATION.....	(( <del>\$175,994,000</del> ))
	<u>\$174,024,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

- (i) The number of state need grant and college bound recipients;
- (ii) The number of students on the unserved waiting list of the state need grant;
- (iii) Persistence and completion rates of state need grant recipients and college bound recipients as well as students on the state need grant unserved waiting list, disaggregated by institution of higher education;
- (iv) State need grant recipients and students on the state need grant unserved waiting list grade point averages; and
- (v) State need grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(c) The education data center shall enter data sharing agreements with the joint legislative audit and review committee and the Washington state institute for public policy to ensure that legislatively directed research assignments regarding state financial aid programs may be completed in a timely manner.

(2)(a) \$29,623,000 of the statewide information technology system development revolving account—state appropriation is provided solely for the one Washington program agency financial reporting system replacement, phase 1A core financials. Of the amounts provided in this subsection:

(i) \$7,082,000 of the statewide information technology system development revolving account—state appropriation is provided solely for organizational enterprise resource planning, organizational change management, and procurement contracts in fiscal year 2020.

(ii) \$459,000 of the statewide information technology system development revolving account—state appropriation is provided solely for staff in fiscal year 2020.

(iii) \$1,000,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2020.

(iv) \$1,366,000 of the statewide information technology system development revolving account—state appropriation is provided solely for program staff in fiscal year 2021.

(v) \$442,000 of the statewide information technology system development revolving account—state appropriation is provided solely for dedicated integration development staffing in fiscal year 2021. This staff will work to expand the states integration layer.

(vi) \$140,000 of the statewide information technology system development revolving account—state appropriation is provided

solely for a dedicated statewide accounting consultant in fiscal year 2021. This staff will work with state agencies to standardize workflow and work with the systems integrator to configure the agency financial reporting system replacement. The staff will also update applicable state administrative and accounting manual chapters to document new standardized workflows.

(vii) \$19,576,000 of the statewide information technology system development revolving account—state appropriation is provided solely for other contractual services or project staffing in fiscal year 2021.

(b) Beginning September 30, 2019, the office of financial management shall provide written quarterly reports on the one Washington program to the legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent for the prior quarter and what the ensuing quarter budget will be by fiscal month. The written report must also include:

- (i) A list of quantifiable deliverables accomplished and the expenditures by deliverable by fiscal month;
- (ii) A report on the contract full time equivalent charged and paid to each vendor by fiscal month; and
- (iii) A report identifying each state agency that received change management vendor work from the information technology pool by fiscal month.

(c) Prior to spending any funds, the director of the office of financial management must agree to the spending and sign off on the spending.

(d) This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(e) Financial reporting for the agency change management funding must be coded and charged discretely in the agency financial reporting system each fiscal month so that it can be differentiated from the noninformation technology pool change management budget and costs.

(3) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(4) \$12,741,000 of the personnel service account—state appropriation in this section is provided solely for administration of orca pass benefits included in the 2019-2021 collective bargaining agreements and provided to nonrepresented employees as identified in section 996 of this act. The office of financial management must bill each agency for that agency's proportionate share of the cost of orca passes. The payment from each agency must be deposited in to the personnel service account and used to purchase orca passes. The office of financial management may consult with the Washington state department of transportation in the administration of these benefits.

(5) \$12,485,000 of the personnel service fund appropriation is provided solely for the administration of a flexible spending arrangement (FSA) plan. Agencies shall pay their proportional cost for the program as determined by the office of financial management. Total amounts billed by the office of financial management for this purpose may not exceed the amount provided in this subsection. The office of financial management may, through interagency agreement, delegate administration of the program to the health care authority.

(6) \$1,536,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5741 (all payer claims

database), and is subject to the conditions, limitations, and review provided in section 701 of this act.

(7) \$157,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Substitute House Bill No. 1949 (firearm background checks).

(8) Within amounts appropriated in this section, funding is provided to implement Second Substitute House Bill No. 1497 (foundational public health).

(9) \$110,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of financial management to determine annual primary care medical expenditures in Washington, by insurance carrier, in total and as a percentage of total medical expenditure. Where feasible, this determination must also be broken down by relevant characteristics such as whether expenditures were for in-patient or out-patient care, physical or mental health, by type of provider, and by payment mechanism.

(a) The determination must be made in consultation with statewide primary care provider organizations using the state's all payer claims database and other existing data.

(b) For purposes of this section:

(i) "Primary care" means family medicine, general internal medicine, and general pediatrics.

(ii) "Primary care provider" means a physician, naturopath, nurse practitioner, physician assistant, or other health professional licensed or certified in Washington state whose clinical practice is in the area of primary care.

(iii) "Primary care medical expenditures" means payments to reimburse the cost of physical and mental health care provided by a primary care provider, excluding prescription drugs, vision care, and dental care, whether paid on a fee-for-service basis or as a part of a capitated rate or other type of payment mechanism.

(iv) "Total medical expenditure" means payments to reimburse the cost of all health care and prescription drugs, excluding vision care and dental care, whether paid on a fee-for-service basis or as part of a capitated rate or other type of payment mechanism.

(c) By December 1, 2019, the office of financial management shall report its findings to the legislature, including an explanation of its methodology and any limits or gaps in existing data which affected its determination.

(10) \$1,200,000 of the office of financial management central services—state appropriation is provided solely for the education research and data center to set up a data enclave and to work on complex data sets. This is subject to the conditions, limitations and review requirements of section 701 of this act. The data enclave for customer access must include twenty-five users, to include one user from each of the following entities:

(a) The house;

(b) The senate;

(c) The legislative evaluation and accountability program committee;

(d) The joint legislative audit and review committee; and

(e) The Washington state institute for public policy.

(11) \$250,000 of the office of financial management central service—state appropriation is provided solely for a dedicated budget staff for the work associated with the information technology cost pool projects. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account;

(b) Amount by project of funding approved to date and for the last fiscal month;

(c) Amount by agency of funding approved to date and for the last fiscal month;

(d) Total amount approved to date and for the last fiscal month;

(e) Amount of expenditure on each project by the agency to date and for the last fiscal month;

(f) A projection for the information technology pool account by fiscal month through the 2019-2021 fiscal biennium close, and as a calculation of amount spent to date as a percentage of total appropriation;

(g) A projection of each project by fiscal month through the 2019-2021 fiscal biennium close, and a calculation of amount spent to date as a percentage of total project cost; and

(h) A list of agencies and projects that have not yet been approved for funding by the office of financial management.

(12) \$15,000,000 of the general fund—state appropriation for fiscal year 2020, \$159,000 of the general fund—state appropriation for fiscal year 2021, and \$5,000,000 of the general fund—private/local appropriation are provided solely for the office of financial management to prepare for the 2020 census. No funds provided under this subsection may be used for political purposes. The office must:

(a) Complete outreach and a communication campaign that reaches the state's hardest to count residents;

(b) Perform frequent outreach to the hard-to-count population both in person through community messengers and through various media avenues;

(c) Establish deliverable-based outreach contracts with nonprofit organizations and local and tribal contracts;

(d) Consider the recommendations of the statewide complete count committee;

(e) Prepare documents in multiple languages to promote census participation;

(f) Provide technical assistance with the electronic census forms; and

(g) Hold in reserve \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—private/local appropriation, until January 1, 2020, for contracting with community based organizations with historical access to and credibility with hard-to-count people to support outreach to the hardest to count and last-mile efforts.

(13) Within existing resources and in consultation with the office of the superintendent of public instruction, the office of financial management shall review and report on the pupil transportation funding system for K-12 education. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by August 1, 2020. This report shall include review of the following:

(a) The formula components and modeling approach in RCW 28A.160.192;

(b) The data used in the analysis for completeness, validity, and appropriateness;

(c) The timing requirements and whether they could be changed;

(d) The STARS model for appropriateness, functionality, and alignment with statute; and

(e) The capacity and resources of the office of the superintendent of public instruction to produce the transportation analysis.

(14) \$192,000 of the general fund—state appropriation for fiscal year 2020 (~~and \$288,000 of the general fund—state appropriation for fiscal year 2021 are~~) is provided solely for the office of financial management to contract for project management and fiscal modeling to support collaborations with the office of the superintendent of public instruction and department of children, youth, and families to complete a report with options and recommendations for administrative efficiencies and long-term strategies which align and integrate high-quality early learning programs administered by both agencies. The

EIGHTY FIRST DAY, APRIL 1, 2021

report is due to the governor and the appropriate committees of the legislature by September 1, 2020.

~~((46))~~ (15) The office shall consult with agencies of the state, including but not limited to the department of natural resources, state parks and recreation commission, department of fish and wildlife, conservation commission, Puget Sound partnership, recreation and conservation office, and department of ecology, to prioritize actions and investments that mitigate the effects of climate change and strengthen the resiliency of communities and the natural environment. The recommended prioritization list shall be submitted to the governor and the legislature by November 1, 2020, to be considered for funding from the climate resiliency account created in section 924 of this act.

~~((48))~~ (16) \$40,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of financial management to review and report on vendor rates for services provided to low-income individuals at the department of children, youth, and families, the department of corrections, and the department of social and health services. The report must be submitted to the governor and the appropriate committees of the legislature by December 1, 2020, and must include review of, at least:

- (a) The current rates for services by vendor;
- (b) A history of increases to the rates since fiscal year 2010 by vendor;
- (c) A comparison of how the vendor increases and rates compare to inflation; and
- (d) A summary of the billing methodology for the vendor rates.

~~((20))~~ (17) \$350,000 of the general fund—state appropriation for fiscal year 2021, and \$350,000 of the general fund—federal appropriation are provided solely to contract with one or more research or actuarial entities to examine the delivery of behavioral and physical health care services for which the health care authority contracts with a risk-bearing fiscal intermediary, excluding any contracts for employee benefit programs. A report must be provided to the legislature no later than September 1, 2021, and must include:

- (a) A description of the types of payment methods currently used by risk-bearing fiscal intermediaries to establish provider payments. The report must identify, and, to the extent practicable, quantify, instances of case payment rates, broad encounter rates, value-based purchasing, subcapitation, or similar methodologies;
- (b) Options available to the legislature and the governor to ensure that risk-bearing fiscal intermediaries meet standards for quality and access to care; and
- (c) Options available to the legislature and the governor to modify payment rates to providers that offer services under medicaid managed care. To the extent practicable, for each option the report must discuss the potential implications to federal funding and client access to care for both state-funded and private pay patients and identify whether the option could be restricted to particular types of service, provider specializations, client characteristics, care settings, geographic areas, or other relevant, identified demographic criteria.

~~((24))~~ (18) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the education research and data center to expand its higher education finance report on the education research and data center web site to include budget, expenditure, and revenue data for institutions of higher education. The budget, expenditure, and revenue data must be by fund for each institution and for all appropriated, nonappropriated, and nonallotted funds, including the source and use of tuition and fee revenue. Expenditure data must include program and activity information. Revenue data must include source of funds.

~~((22))~~ (19) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided on a one-time basis solely for the office to work with a correctional facility located in Des Moines, Washington serving the confinement needs of multiple member cities and a number of contract agencies to study and review the most cost effective delivery options for providing medication assisted treatment to individuals located in local jails and state correctional facilities. The office shall provide a report to the legislature and the appropriate fiscal committees of the legislature by November 10, 2020, which includes recommendations for and the costs associated with providing safe, effective treatment and coordination of care. The study and report must include identification of alternative revenue sources.

~~((23))~~ (20) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the education research and data center to conduct a statewide study of opportunity youth. The center shall provide a report of its findings to the appropriate committees of the legislature by December 31, 2020. The study must include:

- (a) The number of people in Washington between the ages of sixteen and twenty-nine who have enrolled in Washington schools or participated in the Washington workforce between 2015 and 2019 before completely opting out, including:
  - (i) The rate of young people without a high school diploma or a high school equivalency certificate who are disconnected from high school;
  - (ii) The rate of young people with a high school diploma, but without a postsecondary credential, who are disconnected from postsecondary education and may or may not be working;
  - (iii) The rate of young people with a postsecondary credential, but not enrolled in postsecondary education, who are disconnected from the Washington workforce; and
  - (iv) The rate of young people disconnected from the Washington workforce and not enrolled in Washington schools.

(b) The education levels for each of the following age bands: 16-18, 19-21, 22-24, 25-29. The education levels include:

- (i) No diploma;
- (ii) High school diploma or high school equivalency certificate;
- (iii) Some higher education but no degree;
- (iv) Associates degree;
- (v) Bachelor's degree;
- (vi) Graduate degree or higher; and
- (vii) Degree (associates or higher).

(c) The employment levels for each of the following age bands: 16-18, 19-21, 22-24, 25-29. The employment levels include:

- (i) Not employed;
- (ii) Part-time; and
- (iii) Full-time.

(d) Disaggregation of data to the extent possible by race, gender, native or foreign born, income above or below 200 percent of the poverty line, average salary, and job industry.

**Sec. 1024.** 2020 c 357 s 130 (uncodified) is amended to read as follows:

<b>FOR THE OFFICE OF ADMINISTRATIVE HEARINGS</b>	
Administrative Hearings Revolving Account—State	
Appropriation .....	<del>((47,550,000))</del>
	\$46,936,000
TOTAL APPROPRIATION .....	<del>((47,550,000))</del>
	\$46,936,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$173,000 of the administrative hearing revolving account—state appropriation is provided solely for the implementation of chapter 13, Laws of 2019 (SHB 1399).

(2) \$46,000 of the administrative hearings revolving account—state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1645 (parental improvement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 1025.** 2020 c 357 s 131 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account—State Appropriation .....	<del>(\$29,858,000)</del>
	<u>\$29,458,000</u>
TOTAL APPROPRIATION .....	<del>(\$29,858,000)</del>
	<u>\$29,458,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

**Sec. 1026.** 2020 c 357 s 132 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2020).....	\$438,000
General Fund—State Appropriation (FY 2021)....	<del>(\$465,000)</del>
	<u>\$454,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$26,000
TOTAL APPROPRIATION .....	<del>(\$929,000)</del>
	<u>\$918,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies).

**Sec. 1027.** 2020 c 357 s 133 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2020).....	\$321,000
General Fund—State Appropriation (FY 2021)....	<del>(\$408,000)</del>
	<u>\$394,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$26,000
TOTAL APPROPRIATION .....	<del>(\$755,000)</del>
	<u>\$741,000</u>

**Sec. 1028.** 2020 c 357 s 134 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

Department of Retirement Systems Expense Account— State Appropriation.....	<del>(\$61,964,000)</del>
	<u>\$61,308,000</u>
TOTAL APPROPRIATION .....	<del>(\$61,964,000)</del>
	<u>\$61,308,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$166,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1661 (higher education retirement). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(2) \$106,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs

associated with implementation of Senate Bill No. 5350 (optional life annuity).

(3) \$139,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of Engrossed Substitute House Bill No. 1308 or Senate Bill No. 5360 (retirement system defaults).

(4) \$44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with implementation of House Bill No. 1408 (survivorship benefit options).

(5) \$53,000 of the department of retirement systems—state appropriation is provided solely for implementation of Senate Bill No. 6417 (survivor option change). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(6) \$48,000 of the department of retirement systems—state appropriation is provided solely for implementation of Engrossed House Bill No. 1390 (public employees retirement systems). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) \$44,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with House Bill No. 2189 (PSERS/comp restoration work). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(8) \$144,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation of (~~chapter 259~~ ~~[chapter 295])~~ chapter 295, Laws of 2019 (E2SHB 1139).

(9) \$38,000 of the department of retirement systems—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with Substitute House Bill No. 2544 (definition of veteran). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 1029.** 2020 c 357 s 135 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2020) ..	\$150,901,000
General Fund—State Appropriation (FY 2021)	<del>(\$153,625,000)</del>
	<u>\$148,105,000</u>
Timber Tax Distribution Account—State Appropriation .....	<del>(\$7,368,000)</del>
	<u>\$7,289,000</u>
Business License Account—State Appropriation .....	<del>(\$20,666,000)</del>
	<u>\$20,534,000</u>
Waste Reduction, Recycling, and Litter Control Account—State Appropriation.....	\$168,000
Model Toxics Control Operating Account—State Appropriation .....	<del>(\$119,000)</del>
	<u>\$118,000</u>
Financial Services Regulation Account—State Appropriation .....	\$5,000,000
Pension Funding Stabilization Account—State Appropriation .....	\$13,486,000
TOTAL APPROPRIATION .....	<del>(\$351,333,000)</del>
	<u>\$345,601,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$142,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute House Bill No. 1059 (B&O return filing due date).

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(2)(a) \$4,268,000 of the general fund—state appropriation for fiscal year 2020 and \$3,238,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement 2019 revenue legislation.

(b) Within the amounts provided in this subsection, sufficient funding is provided for the department to implement section 11 of Engrossed Substitute Senate Bill No. 5183 (manufactured/mobile homes).

(c)(i) Of the amounts provided in this subsection, \$711,000 of the general fund—state appropriation for fiscal year 2020 and \$1,327,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to facilitate a tax structure work group, initially created within chapter 1, Laws of 2017 3rd sp. sess. (SSB 5883) and hereby reauthorized.

(ii) In addition to the membership as set forth in chapter 1, Laws of 2017 3rd sp. sess., the tax structure work group is expanded to include voting members as follows:

(A) The president of the senate must appoint two members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives must appoint two members from each of the two largest caucuses of the house of representatives; and

(C) The governor must appoint one member who represents the office of the governor.

(iii) The work group must include the following nonvoting members:

(A) One representative of the department;

(B) One representative of the association of Washington cities; and

(C) One representative of the Washington state association of counties.

(iv) All voting members of the work group must indicate, in writing, their interest in serving on the tax structure work group and provide a statement of understanding that the commitment to serve on the tax structure work group is through December 31, 2024. Elected officials not reelected to their respective offices may be relieved of their responsibilities on the tax structure work group. Vacancies on the tax structure work group must be filled within sixty days of notice of the vacancy. The work group must choose a chair or cochair from among its legislative membership. The chair is, or cochair is, responsible for convening the meetings of the work group no less than quarterly each year. Recommendations and other decisions of the work group may be approved by a simple majority vote. All work group members may have a representative attend meetings of the tax structure work group in lieu of the member, but voting by proxy is not permitted. Staff support for the work group must be provided by the department. The department may engage one or more outside consultants to assist in providing support for the work group. Members of the work group must serve without compensation but may be reimbursed for travel expenses under RCW 44.04.120, 43.03.050, and 43.03.060.

(v) The duties of the work group are to:

(A) By December 1, 2019, convene no less than one meeting to elect a chair, or cochair, and conduct other business of the work group;

(B) By December 31, 2020, the department and technical advisory group must prepare a summary report of their preliminary findings and alternatives described in (c)(vii) of this subsection;

(C) By May 1, 2021, the work group must:

(I) Hold no less than one meeting in Olympia to review the preliminary findings described in (c)(vii) of this subsection. At least one meeting must engage stakeholder groups, as described in (c)(vi)(A) of this subsection;

(II) Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings described in (c)(vii) of this subsection;

(III) Present the summary report described in (c)(vii) of this subsection in compliance with RCW 43.01.036 to the appropriate committees of the legislature;

(IV) Be available to deliver a presentation to the appropriate committees of the legislature including the elements described in (c)(vi)(B) of this subsection; and

(V) Finalize the logistics of the engagement strategies described in (c)(v)(D) of this subsection; and

(D) After the conclusion of the 2021 legislative session, the work group must:

(I) Hold no less than five public meetings in geographically dispersed areas of the state;

(II) Present the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure at the public meetings;

(III) Provide an opportunity at the public meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state's current tax structure presented by the work group;

(IV) Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: Small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;

(V) Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts;

(VI) Inform local elected officials about the public meetings that occur within and near their communities; and

(VII) Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature. This report may be submitted as an appendix or update to the summary report described in (c)(vii) of this subsection.

(vi)(A) The stakeholder groups referenced by (c)(v)(C)(I) of this subsection must include, at a minimum, organizations and individuals representing the following:

(I) Small, start-up, or low-margin business owners and employees or associations expressly dedicated to representing these businesses, or both; and

(II) Individual taxpayers with income at or below one hundred percent of area median income in their county of residence or organizations expressly dedicated to representing low-income and middle-income taxpayers, or both;

(B) The presentation referenced in (c)(v)(C)(IV) of this subsection must include the following elements:

(I) The findings and alternatives included in the summary report described in (c)(vii) of this subsection; and

(II) The preliminary plan to engage taxpayers directly in a robust conversation about the state's tax structure including, presenting the findings described in (c)(vii) of this subsection and alternatives to the state's current tax structure, and collecting feedback to inform development of recommendations.

(vii) The duties of the department, with assistance of one or more technical advisory groups, are to:

(A) With respect to the final report of findings and alternatives submitted by the Washington state tax structure study committee

to the legislature under section 138, chapter 7, Laws of 2001 2nd sp. sess.:

(I) Update the data and research that informed the recommendations and other analysis contained in the final report;

(II) Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017-2019 fiscal biennium if the state had implemented the alternatives on January 1, 2003;

(III) Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council;

(IV) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities, for (c)(vii)(A)(II) and (III) of this subsection; and

(V) Estimate how much revenue would have been generated in the 2017-2019 fiscal biennium, if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before the effective date of this section;

(B) With respect to the recommendations in the final report of the 2018 tax structure work group:

(I) Conduct economic modeling or comparable analysis of replacing the business and occupation tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by business and occupation taxes during the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate how much revenue would have been generated for the 2017-2019 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003;

(C) To analyze our economic competitiveness with border states:

(I) Estimate the revenues that would have been generated during the 2017-2019 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017-2019 fiscal biennium as reported by the economic and revenue forecast council; and

(II) Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities for (c)(vii)(C)(I) of this subsection;

(D) To analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017-2019 fiscal biennium and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;

(E) To the degree it is practicable, conduct tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;

(F) To the degree it is practicable, present findings and alternatives by geographic area, in addition to statewide; and

(G) Conduct other analysis as directed by the work group.

(3) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of

Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(4) Within existing resources, the department must compile a report on the annual amount of state retail sales tax collected under chapter 82.08 RCW on sales occurring at area fairs and county fairs as described in RCW 15.76.120. The report must be submitted to the appropriate committees of the legislature by December 1, 2019.

(5) \$4,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to implement 2020 revenue legislation.

(6) \$47,000 of the business license account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6632 (business licensing services). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(7) By January 1, 2021, and by January 1st of each year thereafter, the department must notify the fiscal committees of the legislature of the amount of taxes collected on qualified transactions and paid to each compacting tribe in the prior fiscal year under Substitute Senate Bill No. 6601 or Substitute House Bill No. 2803 (Indian tribes compact/taxes).

(8) Within amounts appropriated in this section, the department shall update the document titled "Washington Action Plan - FAA Policy Concerning Airport Revenue" to reflect changes to Washington tax code regarding hazardous substances. The department, in consultation with the aviation division of the Washington state department of transportation, shall develop and recommend a methodology to segregate and track actual amounts collected from the hazardous substance tax under chapter 82.21 RCW and the petroleum products tax under chapter 82.23A RCW as imposed on aviation fuel. The department must submit a report, including the recommended methodology, to the fiscal committees of the legislature by January 11, 2021.

(9) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to evaluate long-term funding options to support the operations of the Pioneer Square-International District community preservation and development authority established in RCW 43.167.060. The department must provide a report to the governor and appropriate committees of the legislature by June 30, 2021, with recommendations for funding options including but not limited to an impact fee on tickets sold for events held in major public facilities located adjacent to the geographic area established by the authority. In developing its recommendations, the department must consult with the authority, King county, the city of Seattle, and the owners and operators of major public facilities projects located adjacent to the geographic area established by the authority.

**Sec. 1030.** 2020 c 357 s 136 (uncodified) is amended to read as follows:

**FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2020) .....	\$2,543,000
General Fund—State Appropriation (FY 2021) ( <del>(\$2,598,000)</del> )	<u>\$2,509,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$162,000
TOTAL APPROPRIATION .....	<del>(\$5,303,000)</del>
	<u>\$5,214,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the board to continue maintaining its legacy case management software and conduct a feasibility study to determine how best to update or replace the case management software.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

**Sec. 1031.** 2020 c 357 s 137 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

General Fund—State Appropriation (FY 2020).....	\$109,000
General Fund—State Appropriation (FY 2021).....	\$760,000
Minority and Women's Business Enterprises Account—	
State Appropriation.....	<del>(\$5,352,000)</del>
	<u>\$5,272,000</u>
TOTAL APPROPRIATION.....	<del>(\$6,221,000)</del>
	<u>\$6,141,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of minority and women's business enterprises to enter into an interagency agreement with the Washington state department of transportation for the department to write a surety bonding program report. This report is due to the governor by December 1, 2020.

**Sec. 1032.** 2020 c 357 s 139 (uncodified) is amended to read as follows:

**FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account—State	
Appropriation.....	<del>(\$60,101,000)</del>
	<u>\$56,504,000</u>
TOTAL APPROPRIATION.....	<del>(\$60,101,000)</del>
	<u>\$56,504,000</u>

**Sec. 1033.** 2020 c 357 s 140 (uncodified) is amended to read as follows:

**FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2020).....	\$355,000
General Fund—State Appropriation (FY 2021)....	<del>(\$566,000)</del>
	<u>\$378,000</u>
General Fund—Federal Appropriation .....	<del>(\$3,035,000)</del>
	<u>\$3,018,000</u>
General Fund—Private/Local Appropriation.....	\$75,000
Dedicated Marijuana Account—State Appropriation	
(FY 2020) .....	\$11,649,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021) .....	<del>(\$12,148,000)</del>
	<u>\$10,846,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$80,000
Liquor Revolving Account—State Appropriation	
.....	<del>(\$74,902,000)</del>
	<u>\$71,919,000</u>
TOTAL APPROPRIATION.....	<del>(\$102,810,000)</del>
	<u>\$98,320,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) The traceability system is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) \$70,000 of the liquor revolving account—state appropriation is provided solely to implement chapter 61, Laws of 2019 (SHB 1034) (restaurant/soju endorsement).

(4) \$23,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$23,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute House Bill No. 1794 (marijuana business agreements).

(5) \$722,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$591,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5318 (marijuana license compliance).

(6) \$350,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$350,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the board to hire additional staff for cannabis enforcement and licensing activities.

(7) \$100,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely for the board to convene a work group to determine the feasibility of and make recommendations for varying the marijuana excise tax rate based on product potency. The work group must submit a report of its findings to the appropriate committees of the legislature by December 1, 2019.

(8) \$71,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5006 (sale of wine by microbrewery). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(9) \$178,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5549 (distillery marketing and sales). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(10) \$56,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6392 (local wine industry license). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(11) \$42,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6206 (marijuana compliance certification). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(12) \$65,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2826 (marijuana vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(13) \$348,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2870 (marijuana retail licenses). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(14) \$172,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6254 (vapor products). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(15) \$30,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 is provided solely for the board to convene a task force on marijuana odor with members as provided in this subsection.

(a) The governor shall appoint seven members, who must include a representative from the following:

- (i) The state liquor and cannabis board;
- (ii) The department of ecology;
- (iii) The department of health;
- (iv) The Washington state department of agriculture;
- (v) A state association of counties;
- (vi) A state association of cities; and

(vii) A representative from the recreational marijuana community or a marijuana producer, processor, or retailer licensed by the state liquor and cannabis board.

(b) The task force shall choose its chair from among its membership. The state liquor and cannabis board shall convene the initial meeting of the task force.

(c) The task force shall review the following issues: The available and most appropriate ways or methods to mitigate, mask, conceal, or otherwise address marijuana odors and emissions and the potentially harmful impact of marijuana odors and emissions on people who live, work, or are located in close proximity to a marijuana production or processing facility, including but not limited to: (a) Filtering systems; (b) natural odor masking mechanisms or odor concealing mechanisms; (c) zoning and land use controls and regulations; and (d) changes to state laws and regulations including, but not limited to, laws and regulations related to nuisance and public health.

(d) Staff support for the task force must be provided by the board.

(e) Members of the task force are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(f) The task force must report its findings and recommendations to the governor and the majority and minority leaders of the two largest caucuses of the house of representatives and the senate by (~~December 31, 2020~~) June 30, 2021.

**Sec. 1034.** 2020 c 357 s 141 (uncodified) is amended to read as follows:

**FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund—State Appropriation (FY 2020).....	\$173,000
General Fund—State Appropriation (FY 2021).....	\$123,000
General Fund—Private/Local Appropriation...( <del>\$16,642,000</del> )	
	<u>\$16,594,000</u>
Public Service Revolving Account—State Appropriation	
.....( <del>\$42,054,000</del> )	
	<u>\$41,459,000</u>
Public Service Revolving Account—Federal	
Appropriation.....	\$230,000
Pipeline Safety Account—State Appropriation .( <del>\$4,571,000</del> )	
	<u>\$2,544,000</u>
Pipeline Safety Account—Federal Appropriation	
.....( <del>\$4,163,000</del> )	
	<u>\$4,134,000</u>
TOTAL APPROPRIATION.....( <del>\$65,956,000</del> )	
	<u>\$65,257,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$330,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Third Substitute House Bill No. 1257 (energy efficiency).

(3) \$95,000 of the public service revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1512 (transportation electrification).

(4) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the commission to convene a

work group on preventing underground utility damage. The work group is subject to the following requirements:

(a) The utilities and transportation commission shall contract with an independent facilitator for the work group to facilitate and moderate meetings, provide objective facilitation and negotiation between work group members, ensure participants receive information and guidance so that they respond in a timely manner, and synthesize agreements and points under negotiation.

(b) The work group shall discuss topics such as, but not limited to: How facility operators and excavators schedule meeting times and places; new requirements for marking locatable underground facilities; a definition of "noninvasive methods"; the procedures that must take place when an excavator discovers (and may or may not damage) an underground facility; positive response procedures; utility identification procedures for newly constructed and replacement underground facilities; the membership composition of the dig law safety committee; liability for damage occurring from an excavation when either the excavator or the facility operator fails to comply with the statutory requirements relating to notice requirements or utility marking requirements; and ensuring consistency with the pipeline and hazardous materials safety administration towards a uniform national standard.

(c) The work group shall include, but is not limited to, members representing cities, counties, public and private utility companies, construction and excavator communities, water-sewer districts, and other government entities with underground facilities.

(d) The work group shall meet a minimum of four times and produce a report with recommendations to the governor and legislature by December 1, 2019.

(5) \$123,000 of the general fund—state appropriation for fiscal year 2020, \$123,000 of the general fund—state appropriation for fiscal year 2021, and \$814,000 of the public services revolving account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(6) \$14,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions).

(7) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5511 (broadband service).

(8) \$580,000 of the public service revolving account—state appropriation and \$15,000 of the pipeline safety account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2518 (natural gas transmission). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

**Sec. 1035.** 2020 c 357 s 142 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2020)....	\$10,101,000
General Fund—State Appropriation (FY 2021)	
.....( <del>\$11,403,000</del> )	
	<u>\$10,946,000</u>
General Fund—Federal Appropriation.....	( <del>\$119,228,000</del> )
	<u>\$118,866,000</u>
Enhanced 911 Account—State Appropriation	( <del>\$43,746,000</del> )
	<u>\$43,688,000</u>
Disaster Response Account—State Appropriation	
.....( <del>\$49,998,000</del> )	
	<u>\$49,922,000</u>
Disaster Response Account—Federal Appropriation	
.....( <del>\$134,058,000</del> )	
	<u>\$134,048,000</u>

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

Military Department Rent and Lease Account—State	
Appropriation.....	\$1,066,000
Military Department Active State Service Account—	
State Appropriation.....	\$400,000
Oil Spill Prevention Account—State Appropriation	
.....	\$1,040,000
Worker and Community Right to Know Fund—State	
Appropriation.....	<del>(\$1,849,000)</del>
	<u>\$1,814,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$1,244,000
TOTAL APPROPRIATION.....	<del>(\$374,133,000)</del>
	<u>\$373,135,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2019-2021 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$625,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$625,000 of the general fund state appropriation for fiscal year 2021 are))~~ is provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(5) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(6) \$100,000 of the enhanced 911 account—state appropriation is provided solely for the department, in collaboration with a representative group of counties, public service answering points, and first responder organizations, to submit a report on the 911 system to the appropriate legislative committees by October 1, 2020. The report must include:

(a) The actual cost per fiscal year for the state, including all political subdivisions, to operate and maintain the 911 system including, but not limited to, the ESInet, call handling equipment, personnel costs, facility costs, contractual costs, administrative costs, and legal fees.

(b) The difference between the actual state and local costs and current state and local 911 funding.

(c) Potential cost-savings and efficiencies through the consolidation of equipment, regionalization of services or merging of facilities, positive and negative impacts on the public, legal or contractual restrictions, and appropriate actions to alleviate these constraints.

(7) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5012 (governmental continuity).

(8) \$659,000 of the general fund—state appropriation for fiscal year 2020 and \$2,087,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the

department to procure and install thirty-nine all-hazard alert broadcast sirens to increase inundation zone coverage to alert individuals of an impending tsunami or other disaster.

(9) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure and install seismic monitoring stations and global navigation satellite systems that integrate with the early warning system known as ShakeAlert.

(10) \$120,000 of the general fund—state appropriation for fiscal year 2020 and \$120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to support an education and public outreach program in advance of the new early earthquake warning system known as ShakeAlert.

(11) \$80,000 of the general fund—state appropriation for fiscal year 2020 and \$23,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing Substitute Senate Bill No. 5106 (natural disaster mitigation).

(12) \$200,000 of the military department rental and lease account—state appropriation is provided solely for maintenance staffing.

(13) \$251,000 of the military department rental and lease account—state appropriation is provided solely for the maintenance and operation, including equipment replacement, of the communications infrastructure at camp Murray.

**Sec. 1036.** 2020 c 357 s 143 (uncodified) is amended to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund—State Appropriation (FY 2020) .....	\$2,237,000
General Fund—State Appropriation (FY 2021) <del>(\$2,291,000)</del>	
	<u>\$2,238,000</u>
Personnel Service Account—State Appropriation	
.....	<del>(\$4,343,000)</del>
	<u>\$4,291,000</u>
Higher Education Personnel Services Account—State	
Appropriation.....	<del>(\$1,412,000)</del>
	<u>\$1,394,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$228,000
TOTAL APPROPRIATION .....	<del>(\$10,511,000)</del>
	<u>\$10,388,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$122,000 of the general fund—state appropriation for fiscal year 2020 and \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the administrative costs associated with implementation of Substitute House Bill No. 1575 (collective bargaining/dues).

(2) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5022 (granting interest arbitration to certain higher education uniformed personnel).

(3) \$56,000 of the personnel service account—state appropriation is provided solely for the administrative costs associated with ongoing implementation and administrative costs associated with Substitute House Bill No. 2017 (admin. law judge bargaining). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 1037.** 2020 c 357 s 144 (uncodified) is amended to read as follows:

<b>FOR THE BOARD OF ACCOUNTANCY</b>	
Certified Public Accountants' Account—State	
Appropriation.....	<del>(\$3,833,000)</del>
	<u>\$3,786,000</u>

TOTAL APPROPRIATION.....(~~(\$3,833,000)~~)  
\$3,786,000

**Sec. 1038.** 2020 c 357 s 145 (uncodified) is amended to read as follows:

**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers'  
Administrative Account—State Appropriation..(~~(\$1,121,000)~~)  
\$1,118,000

TOTAL APPROPRIATION.....(~~(\$1,121,000)~~)  
\$1,118,000

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for legal and consultation fees and services necessary for the board for volunteer firefighters' and reserve officers to address issues related to plan qualification with the federal internal revenue service. The board shall report on the measures taken, and the results to that point, to the appropriate legislative fiscal committees by December 15, 2020.

**Sec. 1039.** 2020 c 357 s 147 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2020)..... \$4,810,000  
General Fund—State Appropriation (FY 2021).(~~(\$6,324,000)~~)  
\$6,254,000

General Fund—Private/Local Appropriation..... \$102,000

Building Code Council Account—State Appropriation  
.....(~~(\$1,966,000)~~)  
\$1,945,000

TOTAL APPROPRIATION.....(~~(\$13,202,000)~~)  
\$13,111,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,343,000 of the general fund—state appropriation for fiscal year 2020 and \$4,354,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the payment of facilities and services charges to include campus rent, utilities, parking, and contracts, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2020 and 2021 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2020 and \$1,300,000 in fiscal year 2021.

(5) \$100,000 of the general fund—state appropriation in fiscal year 2020 and \$100,000 of the general fund—state appropriation in fiscal year 2021 is provided solely for the agency to procure cyber incident insurance on behalf of forty-three small to medium sized agencies that are currently without this coverage.

(6)(a) During the 2019-2021 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) \$10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to query and inventory all state agency use and amounts of glyphosate. Within amounts provided, the department must offer to pay to state agencies the difference in costs for using alternatives for vegetation control. A report to the appropriate committees of the legislature on the findings of the query and inventory must be made by December 31, 2019.

(8)(a) \$45,000 of the general fund—state appropriation for fiscal year 2020 (~~and \$70,000 of the general fund—state appropriation for fiscal year 2021 are~~) is provided solely for a legislative work group to study and make recommendations on a monument on the capitol campus to honor residents who died in the global war in terror. The department of enterprise services must staff the work group, which shall be composed of:

(i) One member from each of the four major caucuses of the legislature;

(ii) The director of the department of veterans affairs or his or her designee;

(iii) The director of the Washington state parks and recreation commission or his or her designee;

(iv) The director of the department of enterprise services or his or her designee;

(v) The director of the Washington state military department or his or her designee;

(vi) The secretary of state or his or her designee;

(vii) The state archivist or his or her designee;

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(viii) A representative of the capitol campus design advisory committee that is not the secretary of state or a legislative member already designated to be part of the work group; and

(ix) Two representatives from veterans organizations appointed by the governor.

(b) The work group shall choose two cochairs from among its legislative membership. The legislative membership shall convene the initial meeting of the work group before November 1, 2019.

(c) The work group shall:

(i) Conduct a study of the feasibility of establishing a new memorial on the capitol campus to honor fallen service members from the global war on terrorism;

(ii) Provide the names of the recommended individuals to be honored at the memorial;

(iii) Recommend locations where the memorial could be constructed on the capitol campus and provide any permit requirements or other restrictions that may exist for each location;

(iv) Provide potential draft designs that could be used for the memorial;

(v) Provide information regarding the anticipated funding needed for:

(A) The design, construction, and placement of the memorial;

(B) Any permits that may be required;

(C) Anticipated ongoing maintenance cost for the memorial based on potential materials used and historical maintenance of other memorials on campus; and

(D) An unveiling ceremony or other expenses that may be necessary for the memorial;

(vi) Make recommendations regarding the funding sources that may be available, which may include solicitation of private funds or a method for obtaining the necessary funds; and

(vii) Make recommendations regarding an agency, committee, or commission to coordinate the design, construction, and placement of a memorial on the capitol campus.

(d) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses in accordance with chapter 43.03 RCW.

(e) The work group shall submit a report of its recommendations to the appropriate committees of the legislature in accordance with RCW 43.01.036 by June 30, 2021.

(9)(a) Within existing resources, beginning October 31, 2019, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislature by October 31st of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, the contract term start and end dates, the contract dollar amount in total, contract dollar amount by state fiscal year to include contract spending projections for each ensuing state fiscal year through the contract term, and type of service delivered. The list of contracts must be provided electronically in excel and sortable by all fields.

(b) In determining the type of service delivered, groupings must include agreed upon items by the department, the office of the chief information officer, senate fiscal staff, and house fiscal staff. This grouping criteria must be agreed upon by August 31, 2019.

(10) The department must use any new resources provided for civic education solely for the free-to-schools civic education program.

(11) Within existing resources, the department must study the increase in tort claims filed generally and with a specific focus on the increase in tort claims filed and payouts made against the department of children, youth, and families. The study must include an assessment of the source of the payouts, such as jury awards, court judgments, mediation, and arbitration awards. The department should determine the root cause for these increases and develop recommendations on how to reduce the number of tort claims filed and payouts made. The department must coordinate its work with the department of children, youth, and families and the office of the attorney general. A report must be provided to the office of financial management and the appropriate committees of the legislature by November 1, 2020.

(12) In collaboration with the office of the governor, the department will add a diversity, equity, and inclusion training module to the learning management system by June 30, 2021.

(13) \$447,000 of the building code council account—state appropriation is provided solely for an economic study, additional staffing for the council, and to upgrade the web site. Upgrading the web site is subject to the conditions, limitations, and review provided in section 701 of this act.

**Sec. 1040.** 2020 c 357 s 148 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund—State Appropriation (FY 2020).....	\$2,133,000
General Fund—State Appropriation (FY 2021) ( <del>(\$2,328,000)</del> )	<u>\$2,286,000</u>
General Fund—Federal Appropriation.....	( <del>(\$2,300,000)</del> )
	<u>\$2,284,000</u>
General Fund—Private/Local Appropriation .....	\$14,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$136,000
TOTAL APPROPRIATION .....	( <del>(\$6,911,000)</del> )
	<u>\$6,853,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$103,000 of the general fund—state appropriation for fiscal year 2020 and \$103,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

**Sec. 1041.** 2020 c 357 s 149 (uncodified) is amended to read as follows:

**FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2020).....	\$188,000
General Fund—State Appropriation (FY 2021).....	\$188,000
Consolidated Technology Services Revolving Account—	
State Appropriation .....	( <del>(\$29,522,000)</del> )
	<u>\$29,238,000</u>
TOTAL APPROPRIATION .....	( <del>(\$29,898,000)</del> )
	<u>\$29,614,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,468,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:

(a) \$1,663,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide

critical support to agency IT projects that are subject to the provisions of section 701 of this act. The staff will:

(i) Provide master level project management guidance to agency IT stakeholders;

(ii) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least quarterly, beginning July 1, 2020; and

(iii) Beginning December 31, 2019, provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects.

(b)(i) \$250,000 of the consolidated technology services revolving account—state appropriation is provided solely to ensure that the state has a more nimble, extensible information technology dashboard. Dashboard elements must include at the minimum:

(A) Start date of the project;

(B) End date of the project when the project will close out and implementation will occur;

(C) Term of the project in fiscal years across all biennia to reflect the start of the project through the end of the project;

(D) Total project cost from start date through end date in total dollars, and a subtotal of near general fund outlook;

(E) Estimated annual fiscal year cost for maintenance and operations after implementation and close out;

(F) Actual spend by fiscal year and in total for fiscal years that are closed; and

(G) Date a feasibility study was completed.

(ii) The office of the chief information officer may recommend additional elements be included but must have agreement with legislative fiscal committees and the office of financial management prior to including the additional elements.

(c) The agency must ensure timely posting of project data on the information technology dashboard for at least each project funded in the budget to include, at a minimum, posting on the new dashboard:

(i) The budget funded level by project for each project within thirty calendar days of the budget being signed into law;

(ii) The project historical expenditures through fiscal year 2019, by June 30, 2020, for all projects that started prior to July 1, 2019; and

(iii) Whether each project has completed a feasibility study, by June 30, 2020.

(2) \$13,001,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security. Of this amount:

(a) \$800,000 of the consolidated technology services revolving account—state appropriation is provided solely for the computer emergency readiness to review security designs of computer systems and to complete security evaluations of state agency systems and applications to identify vulnerabilities and opportunities for system hardening.

(b) \$768,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to decrypt network traffic to identify and evaluate network traffic for malicious activity and threats, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(c) \$608,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of cyber security to complete cyber security designs for new platforms, databases, and applications.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(5) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(6) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(7) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(8) \$750,000 of the consolidated technology services revolving account—state appropriation is provided for the office to conduct a statewide cloud computing readiness assessment to prepare for the migration of core services to cloud services, including ways it can leverage cloud computing to reduce costs. The assessment must:

(a) Inventory state agency assets, associated service contracts, and other relevant information;

(b) Identify impacts to state agency staffing resulting from the migration to cloud computing including:

(i) Skill gaps between current on-premises computing practices and how cloud services are procured, secured, administered, maintained, and developed; and

(ii) Necessary retraining and ongoing training and development to ensure state agency staff maintain the skills necessary to effectively maintain information security and understand changes to enterprise architectures;

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(c) Identify additional resources needed by the agency to enable sufficient cloud migration support to state agencies; and

(d) Be submitted as a report, by June 30, 2020, to the governor and the appropriate committees of the legislature that summarizes statewide cloud migration readiness and makes recommendations for migration goals.

(9) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(10) \$4,303,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

Sec. 1042. 2020 c 357 s 150 (uncodified) is amended to read as follows:

**FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Professional Engineers' Account—State Appropriation	(( <del>\$5,534,000</del> ))
	<u>\$5,494,000</u>
TOTAL APPROPRIATION.....	(( <del>\$5,534,000</del> ))
	<u>\$5,494,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) ((~~\$4,172,000~~)) \$4,014,000 of the professional engineers' account—state appropriation is provided solely for implementation of House Bill No. 1176 (businesses and professions).

(2) \$1,480,000 of the professional engineers' account—state appropriation is provided solely for the business and technology modernization project pursuant to an interagency agreement with the department of licensing and is subject to the conditions, limitations, and review provided in section 701 of this act.

**PART XI  
HUMAN SERVICES  
SUPPLEMENTAL**

Sec. 1101. 2020 c 357 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(8)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2020))~~ 2021, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ~~((2020))~~ 2021 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ~~((2020))~~ 2021 in response to the COVID-19 pandemic or caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(c) The department may not transfer appropriations from any other program or subprogram to the mental health program. Within the mental health program, the department may transfer

appropriations that are provided solely for a specified purpose as needed to fund actual expenditures through the end of fiscal year ~~((2020))~~ 2021.

(d) The department may not transfer appropriations for the developmental disabilities program to any other program or subprograms of the department of social and health services.

**Sec. 1102.** 2020 c 357 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

(1) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020) ..\$423,815,000

General Fund—State Appropriation (FY 2021)

..... ~~(((\$440,131,000))~~

\$434,855,000

General Fund—Federal Appropriation..... ~~(((\$119,930,000))~~

\$122,550,000

General Fund—Private/Local Appropriation .. ~~(((\$26,965,000))~~

\$21,758,000

Pension Funding Stabilization Account—State

Appropriation .....\$33,300,000

TOTAL APPROPRIATION ..... ~~(((\$1,044,141,000))~~

\$1,036,278,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund—state appropriation for fiscal year 2020 and \$310,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (1)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$19,000 of the general fund—state appropriation for fiscal year 2020 and \$19,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas. The city must submit a proposal to the department for a community policing program for eastern state hospital and adjacent areas by September 30, 2019.

(e) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(f) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to track

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2019 and December 1, 2020.

(g) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. The department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness of the tool; (D) identification of interventions and strategies that can be effective in reducing future criminal justice involvement of high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to contracted managed care organizations and behavioral health entities.

(ii) The model for civil and forensic state hospital bed need must be developed and updated in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The department must submit a report to the legislature by October 1, 2019, with an update of the model and the estimated civil and forensic state hospital bed need by November 1, 2020, and each November 1st thereafter through the end of fiscal year 2027. The department must continue to update the model on a calendar quarterly basis and

provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(h) \$2,097,000 of the general fund—state appropriation for fiscal year 2020 and \$3,084,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(i) \$6,450,000 of the general fund—state appropriation for fiscal year 2020 and \$7,147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 and further increase the number of staff providing competency evaluation services. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase the number of forensic evaluators pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(j) \$56,441,000 of the general fund—state appropriation for fiscal year 2020, \$63,159,000 of the general fund—state appropriation for fiscal year 2021, and \$2,127,000 of the general fund—federal appropriation are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). These amounts must be used to maintain increases that began in fiscal year 2016 and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need. During the 2019-2021 fiscal biennium, the department must use a portion of these amounts to increase forensic bed capacity at the state hospitals pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(k) \$86,601,000 of the general fund—state appropriation for fiscal year 2020 and \$86,705,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees.

(i) The staffing tool must be designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to update, in collaboration with the office of financial management's labor

relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities and that is informed by a review of the Oregon state hospital staffing model.

(ii) Within these amounts, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services. By December 1, 2019, the department and hospital staffing committees must submit a report to the office of financial management and the appropriate committees of the legislature that includes the following: (A) Progress in implementing the acuity based staffing tool; (B) a comparison of average monthly staffing expenditures to budgeted staffing levels and to the recommended state hospital staffing plan by function and at the ward level; and (C) metrics and facility performance for the use of overtime and extra duty pay, patient length of stay, discharge management, active treatment planning, medication administration, patient and staff aggression, and staff recruitment and retention. The department must use information gathered from implementation of the clinical staffing tool and the hospital-wide staffing model to provide budget oversight and accountability and inform and prioritize future budget requests for staffing at the state hospitals.

(iii) The department must submit calendar quarterly reports to the office of financial management and the appropriate committees of the legislature that include monitoring of monthly spending, staffing levels, overtime and use of locums compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include an update from the hospital staffing committees.

(iv) Monthly staffing levels and related expenditures at the state hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within thirty days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within thirty days of granting such authorizations and identify the reason and time frame for the extension.

(l) \$11,285,000 of the general fund—state appropriation for fiscal year 2020 and \$10,581,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to implement strategies to improve patient and staff safety at eastern and western state hospitals. These amounts must be used for implementing a new intensive care model program at western state hospital. Remaining amounts may be used for enclosure of nursing stations, increasing the number of security guards, and provision of training on patient and staff safety. The department must provide implementation reports to the office of financial management and the appropriate committees of the legislature as follows:

(i) A report must be submitted by December 1, 2019, which includes a description of the intensive care model being implemented, a profile of the types of patients being served at the program, the staffing model being used for the program, and preliminary information on outcomes associated with the program. The outcomes section should include tracking data on facility wide metrics related to patient and staff safety as well as individual outcomes related to the patients served on the unit.

(ii) A report must be submitted by December 1, 2020, which provides an update on the implementation of the intensive care model, any changes that have occurred, and updated information on the outcomes associated with implementation of the program.

(m) ~~(\$4,262,000)~~ \$2,658,000 of the general fund—state appropriation for fiscal year 2021 ~~(and \$2,144,000 of the general fund—federal appropriation are)~~ is provided solely to open a new unit at the child study treatment center which shall serve up to eighteen children.

(n) \$2,593,000 of the general fund—state appropriation for fiscal year 2020 and \$2,593,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Laswhay* settlement agreement.

~~((p))~~ (o) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal and quality of care measure broken out by hospital and including but not limited to (i) monthly FTE expenditures compared to allotments; (ii) monthly dollar expenditures compared to allotments; (iii) monthly FTE expenditures per ten thousand patient bed days; (iv) monthly dollar expenditures per ten thousand patient bed days; (v) percentage of FTE expenditures for overtime; (vi) average length of stay by category of patient; (vii) average monthly civil wait list; (viii) average monthly forensic wait list; (ix) rate of staff assaults per 10,000 bed days; (x) rate of patient assaults per 10,000 bed days; (xi) average number of days to release after a patient has been determined to be clinically ready for discharge; and (xii) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by November 1, 2020, and provide annual updates thereafter.

~~((q))~~ (p) \$1,660,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to repair, replace, or upgrade failing infrastructure at western and eastern state hospitals.

~~((r))~~ (q) \$1,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(2) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020).....	\$5,812,000
General Fund—State Appropriation (FY 2021) <del>((5,736,000))</del>	<u>\$5,828,000</u>
General Fund—Federal Appropriation.....	<del>((315,000))</del>
	<u>\$309,000</u>
TOTAL APPROPRIATION .....	<del>((11,863,000))</del>
	<u>\$11,949,000</u>

**Sec. 1103.** 2020 c 357 s 203 (uncodified) is amended to read as follows:

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

(1)(a) The appropriations to the department of social and health services in this section must be expended for the programs and in the amounts specified in this section. However, after May 1, ~~((2020))~~ 2021, unless prohibited by this act, the department may transfer appropriations for fiscal year ~~((2020))~~ 2021 among programs and subprograms of this section after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ~~((2020))~~ 2021 in response to the COVID-19 pandemic or caseload forecasts and utilization assumptions in the developmental disabilities program, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

**(2) COMMUNITY SERVICES**

General Fund—State Appropriation (FY 2020)..	\$732,559,000
General Fund—State Appropriation (FY 2021)	
.....	<del>((810,256,000))</del>
	<u>\$759,136,000</u>
General Fund—Federal Appropriation .....	<del>((1,579,826,000))</del>
	<u>\$1,687,272,000</u>
General Fund—Private/Local Appropriation.....	\$4,024,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$6,364,000
Developmental Disability Community Trust Account—	
State Appropriation.....	\$1,000,000
TOTAL APPROPRIATION.....	<del>((3,134,029,000))</del>
	<u>\$3,190,355,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2020 and \$225 per bed beginning in fiscal year 2021. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of

\$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2020 and \$116 per bed beginning in fiscal year 2021.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2020 and \$359 per bed beginning in fiscal year 2021.

(c) \$7,527,000 of the general fund—state appropriation for fiscal year 2020, \$16,092,000 of the general fund—state appropriation for fiscal year 2021, and \$29,989,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(d) \$1,058,000 of the general fund—state appropriation for fiscal year 2020, \$2,245,000 of the general fund—state appropriation for fiscal year 2021, and \$4,203,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(g) \$1,705,000 of the general fund—state appropriation for fiscal year 2020, \$1,688,000 of the general fund—state appropriation for fiscal year 2021, and \$1,465,000 of the general fund—federal appropriation are provided solely for the development and implementation of thirteen enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) \$2,025,000 of the general fund—state appropriation for fiscal year 2020 and \$2,006,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development and implementation of thirteen community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding

year, as well as the location and number of days per month that each respite bed was occupied.

(i) \$4,005,000 of the general fund—state appropriation for fiscal year 2020, \$6,084,000 of the general fund—state appropriation for fiscal year 2021, and \$9,826,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (i)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (i)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(j) \$1,029,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for state-operated behavioral health group training homes for clients with developmental disabilities who require a short-term placement for crisis stabilization following a hospital stay. The developmental disabilities administration shall research and assess options to claim federal medicaid funds for state-operated behavioral health group training homes and report its findings to the governor and appropriate legislative committees by December 1, 2019.

(k) \$605,000 of the general fund—state appropriation for fiscal year 2020, \$1,627,000 of the general fund—state appropriation for fiscal year 2021, and \$1,797,000 of the general fund—federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately three hundred fifty additional clients are anticipated to graduate from high school during the 2019-2021 fiscal biennium and will receive employment services under this expansion.

(l) \$20,243,000 of the general fund—state appropriation for fiscal year 2020, \$44,855,000 of the general fund—state appropriation for fiscal year 2021, and \$63,822,000 of the general fund—federal appropriation are provided solely to increase rates for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with development disabilities. The amounts in this subsection (1)(l) include funding to increase the rate by 13.5 percent effective January 1, 2020, and by 1.8 percent effective January 1, 2021. The amounts provided in this subsection must

be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

(m) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to establish parent-to-parent programs for parents of children with developmental disabilities in Ferry, Pend Oreille, Stevens, San Juan, and Wahkiakum counties.

(n) \$401,000 of the general fund—state appropriation for fiscal year 2020, \$424,000 of the general fund—state appropriation for fiscal year 2021, and \$1,043,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

(o) \$3,626,000 of the general fund—state appropriation for fiscal year 2020, \$4,757,000 of the general fund—state appropriation for fiscal year 2021, and \$10,444,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(p) \$63,000 of the general fund—state appropriation for fiscal year 2020, \$44,000 of the general fund—state appropriation for fiscal year 2021, and \$106,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in section 701 of this act.

(q) \$13,000 of the general fund—state appropriation for fiscal year 2020, \$20,000 of the general fund—state appropriation for fiscal year 2021, and \$23,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199).

(r) \$153,000 of the general fund—state appropriation for fiscal year 2020, \$356,000 of the general fund—state appropriation for fiscal year 2021, and \$643,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and for a rate add-on to providers that serve sixty percent or more medicaid clients.

(s) \$193,000 of the general fund—state appropriation for fiscal year 2020, \$385,000 of the general fund—state appropriation for fiscal year 2021, and \$654,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for nurse delegation, private duty nursing, and supported living nursing services.

(t) \$3,490,000 of the general fund—local appropriation and \$3,490,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$847 per client in fiscal year 2020 and \$859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(u) The appropriations in this section include sufficient funding to implement Second Substitute Senate Bill No. 5672 (adult family homes specialty services).

(v) \$100,000 of the general fund—state appropriation for fiscal year 2020, \$95,000 of the general fund—state appropriation for fiscal year 2021, and \$195,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(w) \$4,886,000 of the general fund—state appropriation for fiscal year 2020, \$7,150,000 of the general fund—state appropriation for fiscal year 2021, and \$11,894,000 of the general fund—federal appropriation are provided solely to complete the three-year phase in of forty-seven clients from residential habilitation centers to state operated living alternatives.

(x) \$2,279,000 of the general fund—state appropriation for fiscal year 2020, \$2,279,000 of the general fund—state appropriation for fiscal year 2021, and \$4,558,000 of the general fund—federal appropriation are provided solely for additional staffing resources for the transition of clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to state operated living alternatives to address deficiencies identified by the centers for medicare and medicaid services.

(y) \$51,000 of the general fund—state appropriation for fiscal year 2020, \$108,000 of the general fund—state appropriation for fiscal year 2021, and \$203,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019, and by an additional five cents per hour effective July 1, 2020.

(z) \$1,798,000 of the general fund—state appropriation for fiscal year 2020, \$2,422,000 of the general fund—state appropriation for fiscal year 2021, and \$4,219,000 of the general fund—federal appropriation are provided solely for state-operated living alternative homes.

(i) Of the amounts provided in this subsection, \$480,000 of the general fund—state appropriation for fiscal year 2020, \$646,000 of the general fund—state appropriation for fiscal year 2021, and \$1,125,000 of the general fund—federal appropriation are provided solely to place residents in transition from the Rainier PAT A intermediate care facility.

(ii) Of the amounts provided in this subsection, \$420,000 of the general fund—state appropriation for fiscal year 2020, \$565,000 of the general fund—state appropriation for fiscal year 2021, and \$985,000 of the general fund—federal appropriation are provided solely to place developmental disability administration clients upon discharge from a hospital stay when the clients' previous providers are unable to manage the clients' care needs.

(aa) \$75,000 of the general fund—state appropriation for fiscal year 2021 and \$96,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2380 (home care agencies). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(bb) \$60,000 of the general fund—state appropriation for fiscal year 2020, \$120,000 of the general fund—state appropriation for fiscal year 2021, and \$120,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 6419 (habilitation center clients). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(cc) \$145,000 of the general fund—state appropriation for fiscal year 2020, \$146,000 of the general fund—state appropriation for fiscal year 2021, and \$214,000 of the general fund—federal appropriation are provided solely to review the no-paid services caseload pursuant to Engrossed Substitute Senate Bill No. 6040 (developmental disability budgeting).

(dd) \$6,000 of the general fund—state appropriation for fiscal year 2021 and \$4,000 of the general fund—federal appropriation are provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

(3) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020) ..	\$119,274,000
General Fund—State Appropriation (FY 2021)	
.....	<u>(\$120,754,000)</u>
	<u>\$106,944,000</u>
General Fund—Federal Appropriation.....	<u>(\$233,430,000)</u>
	<u>\$249,253,000</u>
General Fund—Private/Local Appropriation .....	\$27,041,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$11,396,000
TOTAL APPROPRIATION .....	<u>(\$511,895,000)</u>
	<u>\$513,908,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2020 and \$495,000 of the general fund—state appropriation for fiscal year 2021 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$830,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—federal appropriation are provided solely for the loss of federal revenue and the transition of residents due to the decertification of the Rainier school PAT A intermediate care facility by the centers for medicare and medicaid services in calendar year 2019. It is the intent of the legislature that the developmental disabilities administration complete the transitions of Rainier PAT A residents by September 2019.

(e) \$3,455,000 of the general fund—state appropriation for fiscal year 2020, \$3,455,000 of the general fund—state appropriation for fiscal year 2021, and \$6,910,000 of the general fund—federal appropriation are provided solely for additional staffing resources for clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to address deficiencies identified by the centers for medicare and medicaid services and to gather information for the 2020 legislative session that will support appropriate levels of care for residential habilitation center clients.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral third party to continue the facilitation of meetings and discussions about how to support appropriate levels of care for residential habilitation center clients based on the clients' needs and ages. The options explored in the meetings and discussions must include, but are not limited to, the longer-term issues identified in the January 2019 report to the legislature, including shifting care and staffing needs, crisis stabilization, alternative uses of residential habilitation center campus, and transforming adult family homes. An agreed-upon preferred longer term vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2019. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred long-term vision.

(ii) The parties invited to participate in the meetings and discussions must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

(E) One member from the ARC of Washington;

(F) One member from the Washington federation of state employees;

(G) One member from the service employees international union 1199;

(H) One member from the developmental disabilities administration within the department of social and health services;

(I) One member from the aging and long term support administration within the department of social and health services; and

(J) Two members who are family members or guardians of current residential habilitation center residents.

(K) Staff support for the work group must be provided by the department of social and health services.

(4) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020)..... \$2,536,000

General Fund—State Appropriation (FY 2021)..... \$2,640,000

General Fund—Federal Appropriation ..... \$3,203,000

Pension Funding Stabilization Account—State

Appropriation..... \$270,000

TOTAL APPROPRIATION..... \$8,649,000

(5) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2020)..... \$62,000

General Fund—State Appropriation (FY 2021)..... ~~(\$62,000)~~

\$65,000

General Fund—Federal Appropriation ..... ~~(\$1,092,000)~~

\$1,095,000

Pension Funding Stabilization Account—State

Appropriation..... \$4,000

TOTAL APPROPRIATION..... ~~(\$1,220,000)~~

\$1,226,000

**Sec. 1104.** 2020 c 357 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)

..... \$1,320,605,000

General Fund—State Appropriation (FY 2021)

..... ~~(\$1,482,768,000)~~

\$1,357,326,000

General Fund—Federal Appropriation ..... ~~(\$3,457,726,000)~~

\$3,673,387,000

General Fund—Private/Local Appropriation..... \$37,729,000

Traumatic Brain Injury Account—State Appropriation

..... \$4,558,000

Skilled Nursing Facility Safety Net Trust Account—

State Appropriation..... \$133,360,000

Pension Funding Stabilization Account—State

Appropriation..... \$12,392,000

Long-Term Services and Supports Trust Account—State

Appropriation..... \$2,937,000

TOTAL APPROPRIATION..... ~~(\$6,452,075,000)~~

\$6,542,294,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed \$229.10 for fiscal year 2020 and may not exceed \$250.71 for fiscal year 2021.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2020 and \$225 per bed beginning in fiscal year 2021. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2020 and \$116 per bed beginning in fiscal year 2021.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2020 and \$359 per bed beginning in fiscal year 2021.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$1,858,000 of the general fund—state appropriation for fiscal year 2020 and \$1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) \$15,748,000 of the general fund—state appropriation for fiscal year 2020, \$33,024,000 of the general fund—state appropriation for fiscal year 2021, and \$62,298,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2019-2021 fiscal biennium.

(6) \$6,320,000 of the general fund—state appropriation for fiscal year 2020, \$13,142,000 of the general fund—state appropriation for fiscal year 2021, and \$24,768,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(7) \$5,094,000 of the general fund—state appropriation for fiscal year 2020 and \$5,094,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(10) \$479,000 of the general fund—state appropriation for fiscal year 2020 and \$479,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(12) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(13) \$315,000 of the general fund—state appropriation for fiscal year 2020, \$315,000 of the general fund—state appropriation for fiscal year 2021, and \$630,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(14) \$135,000 of the general fund—state appropriation for fiscal year 2020, \$135,000 of the general fund—state appropriation for fiscal year 2021, and \$270,000 of the general fund—federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(15)(a) No more than \$79,799,000 of the general fund—federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund—state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$2,525,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group shall ensure that reasonable reimbursements are established for

services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes.

The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(16) \$13,303,000 of the general fund—state appropriation for fiscal year 2020, \$15,891,000 of the general fund—state appropriation for fiscal year 2021, and \$36,390,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(17) \$40,000 of the general fund—state appropriation for fiscal year 2020, \$40,000 of the general fund—state appropriation for fiscal year 2021, and \$80,000 of the general fund—federal appropriation are provided solely for the department, in partnership with the department of health and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(18) \$428,000 of the general fund—state appropriation for fiscal year 2020, \$1,761,000 of the general fund—state appropriation for fiscal year 2021, and \$2,520,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(19) \$117,000 of the general fund—state appropriation for fiscal year 2020 and \$116,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

- (i) The importance of early advance care, legal, and financial planning;
- (ii) The purpose and application of various advance care, legal, and financial documents;
- (iii) Dementia and capacity;
- (iv) Long-term care financing considerations;
- (v) Elder and vulnerable adult abuse and exploitation;
- (vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"
- (vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and
- (viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(20) \$18,000 of the traumatic brain injury account—state appropriation is provided solely to implement Substitute House Bill No. 1532 (domestic violence TBIs).

(21) \$543,000 of the general fund—state appropriation for fiscal year 2020, \$495,000 of the general fund—state appropriation for fiscal year 2021, and \$1,038,000 of the general fund—federal appropriation are provided solely to begin implementing an asset verification system that is compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitation, and review provided in section 701 of this act. Of the amounts provided in this subsection, \$75,000 of the general fund—state appropriation in fiscal year 2020 and \$75,000 of the general fund—federal appropriation are provided solely for a feasibility study of information technology solutions for an asset verification system. The feasibility study shall consider the department's existing case management systems that may be required to interface with the asset verification system. The department shall work with the health care authority to develop a long-term strategy for an asset verification system that complies with federal requirements, maximizes efficient use of staff time, supports accurate client financial eligibility determinations, and incorporates relevant findings from the feasibility study, and shall report its findings and recommendation to the governor and appropriate legislative committees no later than December 1, 2019.

(22) \$2,937,000 of the long-term services and supports trust account—state appropriation is provided solely to implement Second Substitute House Bill No. 1087 (long-term services and support). Of the amounts provided in this subsection, \$717,000 is provided solely for a contract with the state actuary.

(23) \$2,373,000 of the general fund—state appropriation for fiscal year 2020, \$2,459,000 of the general fund—state appropriation for fiscal year 2021, and \$6,215,000 of the general fund—federal appropriation are provided solely to assist home care agencies with implementing electronic visit verification systems that are compliant with the federal 21st century cures act no later than January 1, 2020.

(24) \$727,000 of the general fund—state appropriation for fiscal year 2020, \$1,455,000 of the general fund—state appropriation for fiscal year 2021, and \$2,469,000 of the general fund—federal appropriation are provided solely for a ten percent rate increase, effective January 1, 2020, for in-home skilled nursing services, nurse delegation, in-home private duty nursing, and adult family home private duty nursing.

(25) \$3,353,000 of the general fund—local appropriation and \$1,055,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. 5359 (residential services and supports). The annual certification renewal fee for community residential service businesses is \$847 per client in fiscal year 2020 and \$859 per client in fiscal year 2021. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(26) \$17,481,000 of the general fund—state appropriation for fiscal year 2020, \$28,471,000 of the general fund—state appropriation for fiscal year 2021, and \$41,031,000 of the general fund—federal appropriation are provided solely to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(27) \$1,344,000 of the general fund—state appropriation for fiscal year 2020 and \$1,344,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kinship care support program.

(28) \$306,000 of the general fund—state appropriation for fiscal year 2020, \$317,000 of the general fund—state appropriation for fiscal year 2021, and \$794,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by five cents per hour effective July 1, 2019.

(29) \$94,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to establish a pilot project to provide personal care services to homeless seniors and persons with disabilities from the time the person presents at a shelter to the time the person becomes eligible for medicaid personal care services.

(a) The department shall contract with a single nonprofit organization that provides personal care services to homeless persons and operates a twenty-four hour homeless shelter, and that is currently partnering with the department to bring medicaid personal care services to homeless seniors and persons with disabilities.

(b) The department shall submit a report by December 1, 2020, to the governor and appropriate legislative committees. The report shall address findings and outcomes of the pilot and recommendations.

(30) \$3,669,000 of the general fund—state appropriation for fiscal year 2020, \$8,543,000 of the general fund—state appropriation for fiscal year 2021, and \$15,434,000 of the general fund—federal appropriation are provided solely to increase rates for assisted living facility providers consistent with chapter 225, Laws of 2018 (SHB 2515) and to provide a rate add-on to providers that serve sixty percent or more medicaid clients.

(31) \$375,000 of the general fund—state appropriation for fiscal year 2020, \$637,000 of the general fund—state appropriation for fiscal year 2021, and \$1,016,000 of the general fund—federal appropriation are provided solely to increase rates

for adult day health and adult day care providers effective July 1, 2019, and to increase rates by 6 percent effective July 1, 2020.

(32) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 5672 (adult family homes specialty services).

(33) No later than December 31, 2021, the department of social and health services and the health care authority shall submit a waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

~~((35))~~ (34) \$439,000 of the general fund—state appropriation for fiscal year 2021 and \$559,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2380 (home care agencies). ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(36))~~ (35) The appropriations in this section include sufficient funding to implement Engrossed Substitute House Bill No. 1023 (adult family homes/8 beds). A nonrefundable fee of \$455 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

~~((39))~~ (36) \$77,000 of the general fund—state appropriation for fiscal year 2021 and \$76,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6205 (long-term care workers). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

~~((40))~~ (37) \$17,000 of the general fund—state appropriation for fiscal year 2021 and \$12,000 of the general fund—federal appropriation is provided solely for a cost of living adjustment to the personal needs allowance pursuant to RCW 74.09.340.

**Sec. 1105.** 2020 c 357 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020) ..	\$354,021,000
General Fund—State Appropriation (FY 2021)	
.....	<del>((364,531,000))</del>
	<u>\$327,006,000</u>
General Fund—Federal Appropriation .....	<del>((1,460,971,000))</del>
	<u>\$1,444,607,000</u>
General Fund—Private/Local Appropriation .....	\$5,416,000
Domestic Violence Prevention Account—State	
Appropriation .....	\$2,404,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$26,349,000
Administrative Contingency Account—State	
Appropriation .....	\$4,000,000
TOTAL APPROPRIATION .....	<del>((2,217,692,000))</del>
	<u>\$2,163,803,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$67,875,000 of the general fund—state appropriation for fiscal year 2020, ~~((68,063,000))~~ \$53,720,000 of the general fund—state appropriation for fiscal year 2021, ~~((835,701,000))~~ \$868,770,000 of the general fund—federal appropriation, \$4,000,000 of the administrative contingency account—state appropriation, and \$5,585,000 of the pension funding

stabilization account—state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b)(i) (~~(\$265,980,000)~~) \$284,196,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance.

(ii) Of the amounts in (a) of this subsection, \$1,213,000 of the general fund—state appropriation for fiscal year 2020 and \$989,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs).

(c)(i) (~~(\$155,622,000)~~) \$138,803,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(ii) (~~(\$2,430,000)~~) \$1,819,000 of the amounts provided in this subsection (1)(c) is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(iii) Of the amounts in (a) of this subsection, \$864,000 of the general fund—state appropriation for fiscal year 2020 and \$649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs).

(d) Of the amounts in (a) of this subsection, \$353,402,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families. The department shall work in collaboration with the department of children, youth, and families to track the average monthly child care subsidy caseload and expenditures by fund type including the child care development fund, general fund—state, and the temporary assistance for needy families grant for the purpose of estimating the monthly temporary assistance for needy families grant reimbursement.

(e) Of the amounts in (a) of this subsection, \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f)(i) (~~(\$137,723,000)~~) \$133,168,000 of the amounts in (1)(a) of this section is for WorkFirst administration and overhead.

(ii) Of the amounts in (a) of this subsection, \$218,000 of the general fund—state appropriation for fiscal year 2020 and \$39,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs).

(iii) Of the amount in (f) of this subsection, \$284,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6478 (economic assistance programs). (~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~)

(iv) Of the amount in (f) of this subsection, \$291,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute House Bill No. 2441 (TANF access). (~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~)

(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to ten percent of funding between subsections (1)(b) through (f) of this section. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(j) In the 2019-2021 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the department does not receive additional federal temporary

EIGHTY FIRST DAY, APRIL 1, 2021

assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$2,545,000 of the general fund—state appropriation for fiscal year 2020 and \$2,546,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2020, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7)(a) ~~\$3,682,000 of the general fund—state appropriation for fiscal year 2020((~~-\$1,344,000 of the general fund—state appropriation for fiscal year 2021,)) and ((~~\$10,333,000~~))~~ \$7,485,000 of the general fund—federal appropriation are provided solely for the continuation of the ESAR project and implementation of a disaster recovery plan.~~

(b) \$898,000 of the general fund—state appropriation for fiscal year 2021 and \$1,803,000 of the general fund—federal appropriation are provided solely for the termination of the ESAR project.

(c) The funding in this section is subject to the conditions, limitations, and review provided in section 701 of this act.

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(9) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operational support of the Washington information network 211 organization.

(10) \$748,000 of the general fund—state appropriation for fiscal year 2020, ~~((~~\$2,930,000~~))~~ \$2,155,000 of the general fund—state appropriation for fiscal year 2021, and ~~((~~\$576,000~~))~~ \$1,074,000 of the general fund—federal appropriation are provided solely to implement an asset verification system that is

compliant with the federal medicaid extenders act by January 1, 2021 and is subject to the conditions, limitations, and review provided in section 701 of this act.

(11) Within amounts appropriated in this section, the department must conduct a comprehensive study of the WorkFirst transportation pilot. The department must submit a report by November 1, 2020, to the governor and the appropriate fiscal and policy committees that includes a cost benefit analysis of the transportation pilot. At a minimum, the report must include the total annual cost of the pilot since implementation, total annual number of clients accessing transportation services through the pilot, impacts to sanctions and the participation rate, employment outcomes, caseload impacts, department recommendations, and lessons learned.

(12) \$2,375,000 of the general fund—state appropriation for fiscal year 2021 and \$44,000 of the general fund—federal appropriation are provided solely to eliminate the supplied shelter grant standard for the pregnant women assistance, refugee cash assistance, and the aged, blind, or disabled assistance programs.

(13) \$164,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Third Substitute Senate Bill No. 5164 (trafficking victims assist.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(15) \$1,121,000))~~ (14) \$354,000 of the general fund—state appropriation for fiscal year 2021 and ~~((~~\$1,107,000~~))~~ \$341,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5144 (child support pass-through). ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(46))~~ (15) \$228,000 of the general fund—state appropriation for fiscal year 2021 is provided to eliminate the mid-certification review for aged participants in the aged, blind, and disabled program.

**Sec. 1106.** 2020 c 357 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2020) .....	\$16,663,000
General Fund—State Appropriation (FY 2021)	
.....	<del>((<del>\$17,632,000</del>))</del>
	<u>\$14,874,000</u>
General Fund—Federal Appropriation.....	\$109,595,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$2,024,000
TOTAL APPROPRIATION .....	<del>((<del>\$145,914,000</del>))</del>
	<u>\$143,156,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of social and health services vocational rehabilitation program shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(3)(c) of this act.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supported employment services for additional eligible clients with the most significant disabilities who would otherwise be placed on the federally required order of selection waiting list.

**Sec. 1107.** 2020 c 357 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2020)....	\$52,711,000
General Fund—State Appropriation (FY 2021)	
.....	<u>(\$53,921,000)</u>
	<u>\$52,040,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$4,580,000
TOTAL APPROPRIATION.....	<u>(\$111,212,000)</u>
	<u>\$109,331,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.
- (2) \$705,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$784,000)~~ \$322,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to expand its King county secure transition facility from six beds to twelve beds beginning January 1, 2020.
- (3) \$225,000 of the general fund—state appropriation for fiscal year 2020 and \$210,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire staff to provide medical transportation and hospital watch services for individuals in need of medical care outside the main facility.
- (4) \$158,000 of the general fund—state appropriation for fiscal year 2020 and \$152,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to hire an administrator to coordinate siting efforts for new secure community transition facilities to house individuals transitioning to the community from the main facility.

**Sec. 1108.** 2020 c 357 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2020)....	\$31,806,000
General Fund—State Appropriation (FY 2021)	
.....	<u>(\$36,863,000)</u>
	<u>\$35,210,000</u>
General Fund—Federal Appropriation .....	<u>(\$48,142,000)</u>
	<u>\$47,690,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$6,449,000
TOTAL APPROPRIATION.....	<u>(\$123,260,000)</u>
	<u>\$121,155,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2020, and February 1, 2021. The report must provide:
  - (a) The number of people in Washington who are eligible for the program;
  - (b) The number of people in Washington who participated in the program;
  - (c) The average annual participation rate in the program;
  - (d) Participation rates by geographic distribution; and
  - (e) The annual federal funding of the program in Washington.
- (2) \$47,000 of the general fund—state appropriation for fiscal year 2020, \$47,000 of the general fund—state appropriation for fiscal year 2021, and \$142,000 of the general fund—federal

appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

**Sec. 1109.** 2020 c 357 s 210 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

During the 2019-2021 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (1) The status of any information technology projects currently being developed or implemented that affect the coalition; (2) funding needs of these current and future information technology projects; and (3) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2020))~~ 2021, unless prohibited by this act, the authority may transfer general fund—state appropriations for fiscal year ~~((2020))~~ 2021 among programs after approval by the director of the office of financial management. To the extent that appropriations in sections 211 through 215 are insufficient to fund actual expenditures in excess of caseload forecast and utilization assumptions or for expenses in response to the COVID-19 pandemic, the authority may transfer general fund—state appropriations for fiscal year ~~((2020))~~ 2021 that are provided solely for a specified purpose. The authority may also transfer general fund—state appropriations for fiscal year 2020 that are provided solely for a specified purpose within section 215 of this act to cover any deficits in section 215 of this act resulting from assumptions related to the return of \$35,000,000 in general fund—state behavioral health organization reserves in fiscal year 2020 or for expenses in response to the COVID-19 pandemic in fiscal year 2021. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

**Sec. 1110.** 2020 c 357 s 211 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—  
MEDICAL ASSISTANCE**

General Fund—State Appropriation (FY 2020)	
.....	<del>((<u>\$2,378,633,000</u>))</del>
	<u>\$2,378,525,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>((<u>\$2,440,100,000</u>))</del>
	<u>\$2,149,175,000</u>
General Fund—Federal Appropriation .....	<del>((<u>\$12,319,236,000</u>))</del>
	<u>\$13,005,415,000</u>
General Fund—Private/Local Appropriation.....	<del>((<u>\$246,218,000</u>))</del>
	<u>\$271,639,000</u>
Emergency Medical Services and Trauma Care Systems	
Trust Account—State Appropriation.....	\$15,086,000
Hospital Safety Net Assessment Account—State	
Appropriation.....	<del>((<u>\$715,909,000</u>))</del>
	<u>\$710,856,000</u>
Medicaid Fraud Penalty Account—State Appropriation	
.....	<del>((<u>\$10,208,000</u>))</del>
	<u>\$762,000</u>
Dedicated Marijuana Account—State Appropriation	
(FY 2020) .....	\$20,870,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021) .....	<del>((<u>\$20,953,000</u>))</del>
	<u>\$26,267,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$4,544,000
Medical Aid Account—State Appropriation.....	<del>((<u>\$538,000</u>))</del>
	<u>\$537,000</u>
TOTAL APPROPRIATION.....	<del>((<u>\$18,172,295,000</u>))</del>
	<u>\$18,583,676,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in subsections (2) and (3) of this section until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (a) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (b) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (c) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (d) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. By federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement. Beginning May 15, 2019, and continuing through December 15, 2019, by the 15th of each month, the director in consultation with the secretary shall report to the fiscal chair of the appropriate committees of the legislature in the manner and form requested the status of the medicaid transformation waiver, including any anticipated or proposed changes to accruals or expenditures.

(2) No more than ~~((\$153,357,000))~~ \$165,082,000 of the general fund—federal appropriation and no more than ~~((\$86,190,000))~~ \$112,949,000 of the general fund—local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund—state expenditures under this initiative. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the

demonstration waiver period, including sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable, improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services.

(3)(a) No more than (~~(\$79,829,000)~~) \$67,896,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than (~~(\$89,476,000)~~) \$105,283,000 of the general fund—federal appropriation and no more than (~~(\$36,548,000)~~) \$43,004,000 of the general fund—local appropriation may be expended for the medicaid quality improvement program. Under federal regulations, the medicaid quality improvement program is authorized and allows states to design quality improvement programs for the medicaid population in ways that support the state's quality goals. Medicaid quality improvement program payments will not count against initiative 1 of the medicaid transformation demonstration waiver spending limit and are excluded from the waiver's budget neutrality calculation. Apple health managed care organizations and their partnering providers will receive medicaid quality improvement program payments as they meet designated milestones. Partnering providers and apple health managed care organizations will work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority shall only utilize the medicaid quality improvement program to support the transformation waiver and shall not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not create an entitlement. The authority shall not increase general fund—state, federal, or local expenditures under this program. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(4) Annually, no later than November 1st, the authority shall report to the governor and appropriate committees of the legislature: (a) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in the following calendar year, and (b) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

(5) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(6) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(7) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(8) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(9) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) \$4,261,000 of the general fund—state appropriation for fiscal year 2020, \$4,261,000 of the general fund—state appropriation for fiscal year 2021, and \$8,522,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(12) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(13)(a) \$7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(b) The authority, in consultation with the department of social and health services and the nursing homes operated by public hospitals in (a) of this subsection, must develop a plan with recommendations for an upper payment limit calculation and the supplemental payment model for nursing homes operated by a public hospital district. The group must consider how to restructure payments under (a) of this subsection, taking into consideration alternate upper payment limit calculation. If upon completion of the plan, the authority determines it can implement the recommendations of the group within the amounts provided in (a) of this subsection, the authority must submit a state plan amendment, if necessary, and submit a report to the fiscal committees of the legislature no later than September 30, 2020.

(c) \$193,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the authority to provide a one-time grant to a standalone skilled nursing facility operated by a public hospital district in Grant county. This grant is provided as a one-time offset to address the impact of the recoupment requirements of this subsection (13).

(14) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2019-2021 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2020, and by November 1, 2021, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2020 and fiscal year 2021, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2019-2021 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and

distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$759,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$740,000)~~) \$715,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state grants for the participating hospitals.

(15) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(16) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(17) The authority shall submit reports to the governor and the legislature by September 15, 2020, and no later than September 15, 2021, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(18) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(19) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(20) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(21) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(22) \$90,000 of the general fund—state appropriation for fiscal year 2020, \$90,000 of the general fund—state appropriation for fiscal year 2021, and \$180,000 of the general fund—federal

appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(23) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(24) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(25) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(26) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(27) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

~~(28) ((Sufficient funds are provided for the authority to remove payment and billing limitations identified during the review process required for implementation of chapter 226, Laws of 2017 (behavioral health care—primary care integration) for health and behavior codes, psychotherapy codes, and to continue to offer face to face tobacco cessation counseling only for pregnant individuals. Additional funding is provided to increase the rates for the health and behavior codes and psychotherapy codes identified through the stakeholder work group process required under chapter 226, Laws of 2017 (SSB 5779) by ten percent.~~

(29)) (a) \$34,145,000 of the general fund—state appropriation for fiscal year 2021 and \$5,898,000 of the general fund—federal appropriation are provided solely for the compromise of claims in the reconciliation process for rural health clinics for the calendar years 2014-2017. The authority may not recover the state portion of rural health clinic reconciliations for calendar years 2014-2017 for which no state accrual was made. If the authority determines there are unliquidated prior period accrual balances available to refund the federal government for these years, these amounts must be used prior to the amounts provided under this subsection.

(b) By October 15, 2019, the authority shall report to the governor and relevant committees of the legislature the status of rural health clinic reconciliations for calendar years 2011-2013, including any use of available unliquidated prior period accrual balances to refund the federal government for those calendar years. Additionally, the report shall include the status of rural health clinic reconciliations for calendar years 2014-2017, including anticipated amounts owed to or from rural health clinics from the reconciliation process for those fiscal years. The authority shall not recover the state portion of rural health reconciliations for calendar years 2011-2013 for which no general fund state accrual was made. The authority shall not pursue recoveries for calendar years 2014-2017 until after the legislature has an opportunity to take action during the 2020 legislative

session. If the legislature does not take any action on rural health clinic reconciliations for calendar years 2014-2017, recoveries shall commence per administrative rule.

(c) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health centers.

(d) Beginning with fiscal year 2020, and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health centers during the fiscal year close process following generally accepted accounting practices.

~~((30))~~ (29) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

~~((31))~~ (30) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$600,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives. The collaborative must use these amounts to hire one full-time staff person to promote the adoption of Bree collaborative recommendations and to hold two conferences focused on the sharing of best implementation practices.

~~((32))~~ (31) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by doulas. The authority and the department of health must consult with stakeholders and develop methods to secure approval from the centers for medicare and medicaid services for reimbursement for doulas. The authority will report the group's recommendations to the appropriate committees of the legislature by December 1, 2020.

~~((33))~~ (32) The authority shall facilitate a home health work group consisting of home health provider associations, hospital associations, managed care organizations, the department of social and health services, and the department of health to develop a new medicaid payment methodology for home health services. The authority must submit a report with final recommendations and a proposed implementation timeline to the appropriate committees of the legislature by November 30, 2019. The work group must consider the following when developing the new payment methodology:

(a) Reimbursement for telemedicine;

(b) Reimbursement for social work for clients with behavioral health needs;

(c) An additional add-on for services in rural or underserved areas;

(d) Quality metrics for home health providers serving medical assistance clients including reducing hospital readmission;

(e) The role of home health in caring for individuals with complex, physical, and behavioral health needs who are able to receive care in their own home, but are unable to be discharged from hospital settings; and

(f) Partnerships between home health and other community resources that enable individuals to be served in a cost-effective setting that also meets the individual's needs and preferences.

~~((34))~~ (33) \$969,000 of the general fund—state appropriation for fiscal year 2020, \$2,607,000 of the general fund—state appropriation for fiscal year 2021, and \$1,268,000 of the general fund—federal appropriation are provided solely to create and operate a tele-behavioral health video call center staffed by the University of Washington's department of psychiatry and behavioral sciences. The center must provide emergency department providers, primary care providers, and county and municipal correctional facility providers with on-demand access to psychiatric and substance use disorder clinical consultation. When clinically appropriate and technically feasible, the clinical

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

consultation may also involve direct assessment of patients using tele-video technology. The center must be available from 8 a.m. to 5 p.m. in fiscal year 2020 and twenty-four hours a day in fiscal year 2021. Of the federal amounts provided in this subsection, \$700,000 is from the substance abuse prevention and treatment federal block grant and is to support addiction medicine services through the call center.

~~((35))~~ (34) \$300,000 of the general fund—federal appropriation, from the substance abuse prevention and treatment federal block grant amount, is provided solely for medication interaction services through the Washington state poison center.

~~((36))~~ (35) Within the amounts appropriated in this section, the authority shall review the current diagnosis-related group high outlier claim policies and examine the impact of increasing the current high outlier threshold. To the extent necessary, the authority shall seek actuarial support for this work. The authority must provide a report to the appropriate committees of the legislature by December 31, 2019, that:

- (a) Outlines several options for increasing the threshold;
- (b) Describes the impact of these options on hospitals, the state, and medicaid managed care organizations; and
- (c) Identifies any technical challenge or limitations of changes to the threshold.

~~((37))~~ (36) Within the amounts appropriated in this section, the authority to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

~~((38))~~ (37) Sufficient amounts are appropriated in this section to increase the hourly rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services for children who require medically intensive care in a home setting. This rate increase begins on January 1, 2020.

~~((39))~~ (38) Sufficient amounts are appropriated in this section to increase the daily rate by ten percent for registered nurses and licensed practical nurses providing skilled nursing services to medically intensive children's program clients who reside in a group home setting. This rate increase begins on January 1, 2020.

~~((40))~~ (39) \$439,000 of the general fund—state appropriation for fiscal year 2020 and \$519,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market).

~~((41))~~ (40) \$22,000 of the general fund—state appropriation for fiscal year 2020, \$159,000 of the general fund—state appropriation for fiscal year 2021, and \$181,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1199 (health care/disability).

~~((42))~~ (41) \$290,000 of the general fund—state appropriation for fiscal year 2020 and \$463,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Second Substitute House Bill No. 1224 (Rx drug cost transparency) with up to an additional year for initial reporting due within the 2019-2021 fiscal biennium.

~~((43))~~ (42) \$1,053,000 of the general fund—state appropriation for fiscal year 2020 and \$2,222,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed Substitute Senate Bill No. 5741 (all payer claims database).

~~((44))~~ (43) \$2,374,000 of the general fund—state appropriation for fiscal year 2020 and \$2,374,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the kidney disease program.

~~((45))~~ (44) The authority shall work with the department of health, other state agencies, and other hepatitis C virus medication purchasers to establish a comprehensive procurement strategy. As

part of this work, the authority shall estimate, by program, any savings that will result from lower medication costs. It is the intent of the legislature to evaluate reinvesting any savings to expand treatment for individuals enrolled in state covered groups and to further the public health elimination effort during the 2020 legislative session. By October 31, 2019, the authority and department shall report to the governor and relevant committees of the legislature on:

- (a) The progress of the procurement;
- (b) The estimated savings resulting from lower medication costs;
- (c) Funding needed for public health interventions to eliminate the hepatitis C virus;
- (d) The current status of treatment; and
- (e) A plan to implement the elimination effort.

~~((46))~~ (45) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$533,000 for fiscal year 2021 are provided solely for implementation of Engrossed Senate Bill No. 5274 (pacific islanders dental). Open enrollment periods and special enrollment periods must be consistent with the enrollment periods for the COFA medical program, through the health benefit exchange, and program administration must be consistent with the pacific islander medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020. The dental services must be consistent with the adult medicaid dental coverage, including state payment of premiums, out-of-pocket costs for covered benefits under the qualified dental plan, and costs for noncovered qualified dental plan benefits consistent with, but not to exceed, the medicaid adult dental coverage.

~~((47))~~ (46) During the 2019-2021 biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

- (a) Are over nineteen years of age;
- (b) Are at or below two hundred and sixty percent of the federal poverty level as established in WAC 182-505-0100;
- (c) Are not covered by other public or private insurance; and
- (d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

~~((48))~~ (47) \$282,000 of the general fund—state appropriation for fiscal year 2020 and \$754,000 of the general fund—federal appropriation are provided solely for the implementation of Senate Bill No. 5415 (Indian health improvement).

~~((49))~~ (48) \$3,150,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services.

~~((50))~~ (49) Sufficient amounts are appropriated within this section for the authority to incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW into contracts with managed care organizations that provide services to clients. The authority is directed to:

- (a) Contract with an external quality improvement organization to annually analyze the performance of managed care organizations providing services to clients under this chapter based on seven performance measures. The analysis required under this subsection must:

(i) Measure managed care performance in four common measures across each managed care organization, including:

(A) At least one common measure must be weighted towards having the potential to impact managed care costs; and

(B) At least one common measure must be weighted towards population health management, as defined by the measure; and

(ii) Measure managed care performance in an additional three quality focus performance measures specific to a managed care organization. Quality focus performance measures chosen by the authority must:

(A) Be chosen from the statewide common measure set;

(B) Reflect specific measures where a managed care organization has poor performance; and

(C) Be substantive and clinically meaningful in promoting health status.

(b) By September 1, 2019, the authority shall set the four common measures to be analyzed across all managed care organizations.

(c) By September 1, 2019, the authority shall set three quality focus performance measures specific to each managed care organization. The authority must determine performance measures for each managed care organization based on the criteria established in (a)(ii) of this subsection.

(d) By September 15, 2019, and annually thereafter, the authority shall notify each managed care organization of the performance measures for the organization for the subsequent plan year.

(e) Beginning in plan year 2020, two percent of the total plan year funding appropriated to each managed care organization that provides services to clients under chapter 70.320 RCW shall be withheld. At least seventy-five percent of the withhold shall be held contingent on each managed care organization's performance on the seven performance measures identified in this section. Each managed care organization may earn back the annual withhold if the external quality improvement organization finds that the managed care organization:

(i) Made statistically significant improvement in the seven performance measures as compared to the preceding plan year; or

(ii) Scored in the top national medicaid quartile of the performance measures.

(f) The amount of withhold annually paid to each managed care organization shall be proportional to findings of statistically significant improvement or top national medicaid quartile scoring by a managed care organization.

(g) For no more than two of the four quality focus performance measures, the authority may use an alternate methodology to approximate top national medicaid quartile performance where top quartile performance data is unavailable.

(h) For the purposes of this subsection, "external quality improvement organization" means an organization that meets the competence and independence requirements under 42 C.F.R. Sec. 438.354, as it existed on the effective date of this section.

~~((51))~~ (50) \$1,805,727,000 of the general fund—state appropriation for fiscal year 2020 and \$1,876,135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the authority to implement the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. The authority is directed to:

(a) Organize all program integrity activities into a centralized unit or under a common protocol addressing provider enrollment, fraud and abuse detection, investigations, and law enforcement referrals that is more reflective of industry standards;

(b) Ensure appropriate resources are dedicated to prevention, detection, investigation, and suspected provider fraud at both the authority and at contracted managed care organizations;

(c) Ensure all required federal regulations are being followed and are incorporated into managed care contracts;

(d) Directly audit managed care encounter data to identify fraud, waste, and abuse issues with managed care organization providers;

(e) Initiate data mining activities in order to identify fraud, waste, and abuse issues with managed care organization providers;

(f) Implement proactive data mining and routine audits of validated managed care encounter data;

(g) Assess liquidated damages to managed care organizations when fraud, waste, or abuse with managed care organization providers is identified;

(h) Require managed care organizations submit accurate reports on overpayments, including the prompt reporting of overpayments identified or recovered, specifying overpayments due to fraud, waste, or abuse;

(i) Implement processes to ensure integrity of data used for rate setting purposes;

(j) Refine payment suspension policies; and

(k) Ensure all federal database exclusion checks are performed at the appropriate intervals. The authority shall update managed care contracts as appropriate to reflect these requirements.

~~((52))~~ (51) \$96,130,000 of the general fund—state appropriation for fiscal year 2020 and \$100,476,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fee-for-service dental services. The authority must provide these services through fee-for-service and may not proceed with either a carved-out or carved-in managed care dental option. Any contracts that have been procured or that are in the process of being procured shall not be entered into or implemented. By November 15, 2019, the authority shall report to the governor and appropriate committees of the legislature a plan to improve access to dental services for medicaid clients. This plan should address options for carve-in, carve-out, fee-for-service, and other models that would improve access and outcomes for adults and children. The plan should also include the cost for any options provided.

~~((53))~~ (52) During the 2019-2021 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(a) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(b) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(i) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(ii) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(iii) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(c) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(d) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((54))~~ (53) The authority is prohibited to direct any funds to safe-injection sites for the illicit use of drugs.

~~((55))~~ (54) \$1,400,000 of the general fund—state appropriation for fiscal year 2020, \$1,400,000 of the general fund—state appropriation for fiscal year 2021, and \$7,000,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(b) Have had less than one hundred fifty acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and

(d) Be owned and operated by the state or a political subdivision.

~~((56))~~ (55) Within the amounts appropriated within this section the authority shall conduct an evaluation of purchasing arrangements and paid claims or encounter data for prescription drugs under managed care contracts for plan years 2017 and 2018 and compare these to contract purchasing agreements under the same years for the prescription drug consortium and identify any cost differences. The authority shall report its findings to the governor and appropriate committees of the legislature by November 15, 2019.

~~((57))~~ (56) The health care authority is directed to convene a work group on establishing a universal health care system in Washington. \$338,000 of the general fund—state appropriation for fiscal year 2020 and \$162,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health care authority to contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under (b)(vi) of this subsection.

(a) The work group must consist of a broad range of stakeholders with expertise in the health care financing and delivery system, including but not limited to:

(i) Consumers, patients, and the general public;

(ii) Patient advocates and community health advocates;

(iii) Large and small businesses with experience with large and small group insurance and self-insured models;

(iv) Labor, including experience with Taft-Hartley coverage;

(v) Health care providers that are self-employed and health care providers that are otherwise employed;

(vi) Health care facilities such as hospitals and clinics;

(vii) Health insurance carriers;

(viii) The Washington health benefit exchange and state agencies, including the office of financial management, the office of the insurance commissioner, the department of revenue, and the office of the state treasurer; and

(ix) Legislators from each caucus of the house of representatives and senate.

(b) The work group must study and make recommendations to the legislature on how to create, implement, maintain, and fund a universal health care system that may include publicly funded, publicly administered, and publicly and privately delivered health care that is sustainable and affordable to all Washington residents including, but not limited to:

(i) Options for increasing coverage and access for uninsured and underinsured populations;

(ii) Transparency measures across major health system actors, including carriers, hospitals, and other health care facilities, pharmaceutical companies, and provider groups that promote understanding and analyses to best manage and lower costs;

(iii) Innovations that will promote quality, evidence-based practices leading to sustainability, and affordability in a universal health care system. When studying innovations under this subsection, the work group must develop recommendations on issues related to covered benefits and quality assurance and consider expanding and supplementing the work of the Robert Bree collaborative and the health technology assessment program;

(iv) Options for ensuring a just transition to a universal health care system for all stakeholders including, but not limited to, consumers, businesses, health care providers and facilities, hospitals, health carriers, state agencies, and entities representing both management and labor for these stakeholders;

(v) Options to expand or establish health care purchasing in collaboration with neighboring states; and

(vi) Options for revenue and financing mechanisms to fund the universal health care system. The work group shall contract with one or more consultants to perform any actuarial and financial analyses necessary to develop options under this subsection.

(c) The work group must report its findings and recommendations to the appropriate committees of the legislature by November 15, 2020. Preliminary reports with findings and preliminary recommendations shall be made public and open for public comment by November 15, 2019, and May 15, 2020.

~~((58))~~ (57) \$23,000 of the general fund—state appropriation for fiscal year 2020, \$2,000 of the general fund—state appropriation for fiscal year 2021, and \$36,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

~~((59))~~ (58) \$1,667,000 of the general fund—state appropriation for fiscal year 2020, \$855,000 of the general fund—state appropriation for fiscal year 2021, and \$1,867,000 of the general fund—federal appropriation are provided solely for the Washington rural health access preservation pilot program.

~~((61))~~ (59) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to develop a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2021.

~~((62))~~ (60)(a) \$1,192,000 of the general fund—state appropriation for fiscal year 2020 and \$3,970,000 of the general fund—federal appropriation are provided solely for reconciliation of payment under alternate payment methodology four (APM4) for federally qualified health centers (FQHC) for state fiscal year 2020. The authority shall use unliquidated prior accrual balances to reconcile state fiscal years 2018 and 2019.

(b) By August 1, 2020, the authority shall convene representatives from FQHCs participating in the APM4

methodology, the FQHC association, the office of financial management, and fiscal committees of the legislature to evaluate and amend the APM4 model and memorandum of understanding.

(c) The authority in collaboration with the representatives in (b) of this subsection must develop an updated APM4 model and memorandum of understanding that:

(i) Complies with budget neutrality requirements and spending limits as required under the omnibus appropriations act;

(ii) Identifies predictable spending targets;

(iii) Clearly defines quality performance standards for participating FQHCs;

(iv) Requires progressively increasing standards of quality performance for participating FQHCs;

(v) Clearly defines financial performance expectations for participating FQHCs;

(vi) Requires progressively increasing standards of financial performance for participating FQHCs; and

(vii) Requires that reconciliation payments made under APM4 may not fall below the payment level required by the federal law for qualifying face-to-face encounters.

(d) The authority in collaboration with the office of financial management and representatives from fiscal committees of the legislature shall conduct an evaluation of the APM4 model to determine its cost effectiveness and impact on patient outcomes and report its findings and recommendations to the appropriate committees of the legislature by November 15, 2022.

(e) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(f) The authority shall require all managed care organizations to provide information to the authority to account for all payments to FQHCs to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(g) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with FQHCs contracting under APM4.

(h) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with FQHCs contracting under APM4 during the fiscal year close process following generally accepted accounting practices.

~~((63)) (61)~~ \$70,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Engrossed House Bill No. 2755 (air ambulance cost transp.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((64)) (62)~~ \$611,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Second Substitute House Bill No. 2457 (health care cost board). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((65)) (63)~~ \$259,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((66)) (64)~~ The health care authority shall submit a state plan amendment to the centers for medicare and medicaid services to maintain children's health insurance program coverage as secondary payer for eligible child dependents of employees eligible for school employee or public employee benefit coverage. The intent of the legislature for this option is to provide children the best access to health care coverage while prioritizing

efficient use of state funds. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management on the status of the state plan amendment and the impact to the state. The health care authority shall implement the amendment in calendar year 2020, once approved by the centers for medicare and medicaid services.

~~((67)) (65)~~ \$250,000 of the general fund—state appropriation for fiscal year 2020, \$250,000 of the general fund—state appropriation for fiscal year 2021, and \$500,000 of the general fund—federal appropriation are provided solely to increase the rates paid to provide education and clinical training for dental professionals and students in the care of persons with developmental or acquired disabilities, or both.

~~((69)) (66)~~ \$510,000 of the general fund—state appropriation for fiscal year 2021 and \$76,000 of the general fund—federal appropriation are provided solely for the authority to collaborate with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital to extend the partnership access line for moms and partnership access line for kids referral assistance service programs, as described in RCW 71.24.061(3)(a), until June 30, 2021.

~~((70)) (67)~~ \$66,000 of the general fund—state appropriation for fiscal year 2021 and \$66,000 of the general fund—federal appropriation are provided solely for the authority to identify, analyze, and address health equity disparities in access and outcomes for individuals in the medicaid population.

~~((71)) (68)~~ \$200,000 of the general fund—state appropriation for fiscal year 2021 and \$200,000 of the general fund—federal appropriation are provided solely for contracting with the office of equity to implement Substitute House Bill No. 2905 (baby, child dentistry access). ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~((72)) (69)~~ \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the development of a system to address individuals with intellectual and developmental disabilities who present in an emergency in crisis. The system must include crisis plans to be available to emergency room providers; and education and training for emergency room providers in how to best serve this population to provide immediate intervention to prevent acute care admissions and support the individual to return to their current living arrangements.

~~((73)) (70)~~ \$187,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a full-time employee to coordinate client assessments and implement plans for patients who are hospitalized and likely to need post discharge services including placement in community or out of state settings. Client assessments must include information regarding the individual's specific care needs, whether medical, behavioral, or cognitive, and ability to perform activities of daily living. The coordinator must collaborate with the department of social and health services, the department of children, youth, and families, and health care organizations to promote the transition of patients to postacute care settings.

~~((75)) (71)~~ \$120,000 of the general fund—state appropriation for fiscal year 2021 and \$120,000 of the general fund—federal appropriation are provided solely for the authority to identify ways to maximize federal financial participation and any new opportunities to leverage federal funding. In collaboration with the department of health, the authority must explore options to leverage federal funding for foundational public health. The authority may use the amounts in this subsection for staff support and one-time contracting.

~~((77)) (72)~~ No later than December 31, 2021, the health care authority, in partnership with the department of social and health services as described in section 204(33) of this act, shall submit a

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

waiver request to the federal department of health and human services to authorize presumptive medicaid eligibility determinations for clients preparing for acute care hospital discharge who may need long-term services and supports. The department and the authority shall hold stakeholder discussions, including opportunities for public review and comment, during development of the waiver request. Upon submission of the waiver request, the department and the authority shall submit a report to the governor and the appropriate legislative committees that describes the request and identifies any statutory changes that may be necessary if the federal government approves the request.

~~((82))~~ (73) \$770,000 of the general fund—state appropriation for fiscal year 2021 and \$800,000 of the general fund—federal appropriation are provided solely to increase home health rates beginning January 1, 2021.

~~((82))~~ (74)(a) Within the amounts appropriated within this section, the authority shall implement Engrossed Substitute Senate Bill No. 6534 (ambulance quality assurance fee). The authority is directed to submit a state plan amendment (SPA) pursuant to the terms of Engrossed Substitute Senate Bill No. 6534 without delay once the bill becomes effective. If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(b) The authority, in collaboration with an association representing private emergency ambulance providers and an organization representing employees of private emergency ambulance providers, shall develop reporting requirements prior to June 30, 2021, to account for how funds from the quality assurance fee program and base rate increase are spent. The reporting requirements should include, but not be limited to, the percent of the add-on fee and base rate increase used to increase wages; to which category of workers' wages these increases apply, specifically whether wage increases are being used to increase wages for emergency medical technicians whose statewide average dollars-per-hour wage was less than \$25 per hour in calendar year 2020; and, whether the add-on and base rate increase are being used to address resulting wage compression for related job classes immediately affected by wage increases to emergency medical technicians.

~~((83))~~ (75) The health care authority shall work with the department of social and health services to assess a Katie Beckett waiver and a tax equity and fiscal responsibility act (TEFRA) waiver to expand coverage for children with significant disabilities who meet federal requirements for such services. No later than October 15, 2020, the authority shall report to the fiscal committees of the legislature and the office of financial management the number of children who would be eligible if such waivers were approved, the services for which they would be eligible, and the potential impact to the state budget.

~~((85))~~ (76) \$2,362,000 of the general fund—state appropriation for fiscal year 2021 and \$4,132,000 of the general fund—federal appropriation are provided solely to increase the rates paid to low volume, small rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates beginning July 1, 2020. The authority must discontinue this rate increase after June 30, 2021, and return to the payment levels and methodology for these hospitals that were in place as of June 30, 2020. A hospital qualifying for this rate increase must:

(a) Have fewer than seventy available acute beds as reported in the hospital's 2018 department of health year-end report;

(b) Not be currently designated as a critical access hospital, and not meet the current federal eligibility requirements for designation as a critical access hospital;

(c) Not be a certified public expenditure hospital;

(d) Have combined medicare and medicaid inpatient days greater than eighty percent as reported in the hospital's 2018 cost report.

Sec. 1111. 2020 c 357 s 212 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—  
PUBLIC EMPLOYEES' BENEFITS BOARD AND  
EMPLOYEE BENEFITS PROGRAM**

State Health Care Authority Administrative Account—  
State Appropriation ..... ~~((37,604,000))~~  
\$37,144,000

TOTAL APPROPRIATION ..... ~~((37,604,000))~~  
\$37,144,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any savings resulting from reduced claims costs or other factors identified after March 1, 2019, must be reserved for funding employee benefits in the 2021-2023 fiscal biennium. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits. The authority may, however, conduct a request for information about a diabetes disease management program.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless savings achieved under subsection (3) of this section or offsetting cost reductions from other benefit revisions are sufficient to fund the changes. However, the funding provided anticipates that the public employees' benefits board may increase the availability of nutritional counseling in the uniform medical plan by allowing a lifetime limit of up to twelve nutritional counseling visits, and may increase hearing aid benefits to reflect the provisions of chapter 159, Laws of 2018, for the plan year beginning January 1, 2021. Provided further, that within the amount provided, the health care authority may update the public employees benefits board benefits enrollment process. The board may also, within the amounts provided, use cost savings to enhance the basic long-term disability benefit.

(3) Except as may be provided in a health care bargaining agreement, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than twenty-five dollars per month from members who use tobacco products, and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(5) \$7,000 of the state health care authority administrative account—state appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(6) \$1,705,000 of the state health care authority administrative account—state appropriation in this section is provided solely for implementation of Engrossed Substitute Senate Bill No. 6189 (SEBB coverage eligibility). If the bill is not enacted by June 30, 2020, the amount in this subsection shall lapse.

**Sec. 1112.** 2020 c 357 s 213 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—  
SCHOOL EMPLOYEES' BENEFITS BOARD**

School Employees' Insurance Administrative Account—	
State Appropriation.....	<del>(\$27,766,000)</del>
	<u>\$34,045,000</u>
TOTAL APPROPRIATION.....	<del>(\$27,766,000)</del>
	<u>\$34,045,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) By February 5, 2020, the health care authority shall report to the appropriate committees of the legislature on the total amount by school district, educational service district, and charter school billed for January benefits and a detailed list of school districts, educational service districts, and charter schools that have not remitted payment for January coverage as of January 31, 2020.

(2) \$2,000 of the appropriation in this section is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(3) The health care authority must study the potential cost savings and improved efficiency in providing insurance benefits to the employers and employees participating in the public employees' and school employees' benefits board systems that could be gained by consolidating the systems. The consolidation options studied must maintain separate risk pools for medicare-eligible and non-medicare eligible employees and retirees, assume a consolidation date of January 1, 2022, and incorporate the experiences gained by health care authority during the initial implementation and operation of the school employees' benefits board program. The study must be submitted to the committees of the house of representatives and the senate overseeing health care and the omnibus operating budget by November 15, 2020.

(4) \$2,002,000 of the school employees' insurance administrative account—state appropriation in this section is provided solely for implementation of Engrossed Substitute Senate Bill No. 6189 (SEBB coverage eligibility). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 1113.** 2020 c 357 s 214 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—  
HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2020).....	\$6,407,000
General Fund—State Appropriation (FY 2021).	<del>(\$5,659,000)</del>
	<u>\$5,334,000</u>
General Fund—Federal Appropriation .....	<del>(\$50,055,000)</del>
	<u>\$45,072,000</u>
Health Benefit Exchange Account—State Appropriation .....	<del>(\$60,117,000)</del>
	<u>\$65,140,000</u>
TOTAL APPROPRIATION.....	<del>(\$122,238,000)</del>
	<u>\$121,953,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation and one-half the health benefit exchange account—state appropriation to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2020, \$50,000 of the general fund—state appropriation for fiscal year 2021, and \$1,048,000 of the health benefit exchange account—state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5526 (individual health insurance market).

(4) \$1,173,000 of the general fund—state appropriation for fiscal year 2020 is provided for the exchange to enhance Washington healthplanfinder so eligible COFA citizens can obtain dental coverage. Open enrollment periods and special enrollment periods for the COFA dental program shall be consistent with the enrollment periods for the COFA medical program. The first open-enrollment period for the COFA dental program must begin no later than November 1, 2020.

(5) \$426,000 of the health benefit exchange account—state appropriation and \$874,000 of the general fund—federal appropriation are provided solely for cloud platform costs and are subject to the conditions, limitations, and review provided in section 701 of this act.

(6) \$968,000 of the health benefit exchange account—state appropriation and \$1,978,000 of the general fund—federal appropriation are provided solely for system integrator procurement and are subject to the conditions, limitations, and review provided in section 701 of this act.

(7) \$152,000 of the health benefit exchange account—state appropriation for fiscal year 2021 is provided solely to implement Substitute House Bill No. 2554 (health plan exclusions). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(8) \$172,000 of the health benefit exchange account—state appropriation for fiscal year 2021 is provided solely to implement Engrossed Second Substitute House Bill No. 2662 (total cost of insulin). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

~~(10))~~ (9) \$100,000 of the general fund—state appropriation for fiscal 2021 is provided solely for the exchange to contract with an independent actuarial consultant to conduct an assessment of the impact of a state requirement that individuals enroll in health coverage. The assessment shall consider the effects of this requirement on revenue, individual market enrollment, individual market premiums, and the uninsured rate. The exchange shall submit assessment findings to the chairs of the health committees of the legislature no later than December 15, 2020.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

**Sec. 1114.** 2020 c 357 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—  
COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2020)..	\$579,402,000
General Fund—State Appropriation (FY 2021)	<del>(\$652,344,000)</del>
	<u>\$613,098,000</u>
General Fund—Federal Appropriation .....	<del>(\$2,076,337,000)</del>
	<u>\$2,217,315,000</u>
General Fund—Private/Local Appropriation.....	\$36,513,000
Criminal Justice Treatment Account—State	
Appropriation.....	\$17,486,000
Problem Gambling Account—State Appropriation	\$1,961,000
Medicaid Fraud Penalty Account—State Appropriation	<del>(\$51,000)</del>
	<u>\$20,000</u>
Dedicated Marijuana Account—State Appropriation	
(FY 2020) .....	\$28,490,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021) .....	<del>(\$28,493,000)</del>
	<u>\$28,490,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$1,714,000
TOTAL APPROPRIATION.....	<del>(\$3,422,791,000)</del>
	<u>\$3,524,489,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and administrative services organizations in regions where the authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380, and behavioral health organizations in regions that have not yet transitioned to fully integrated managed care.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3) \$15,605,000 of the general fund—state appropriation for fiscal year 2020, \$15,754,000 of the general fund—state appropriation for fiscal year 2021, and \$4,789,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development.

(4) \$7,657,000 of the general fund—state appropriation for fiscal year 2020, \$11,544,000 of the general fund—state appropriation for fiscal year 2021, and \$20,197,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(5) From the general fund—state appropriations in this section, the authority shall assure that behavioral health entities reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health entity consumers use because of their psychiatric disability.

(6) \$3,520,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(7) \$81,930,000 of the general fund—state appropriation for fiscal year 2020 and \$85,122,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) Of the amount provided for fiscal year 2020, seventy percent must be distributed to behavioral health administrative service organizations and thirty percent to managed care organizations. The percentage of funding provided to each behavioral health administrative services organization must be proportionate to the fiscal year 2019 regional allocation of flexible nonmedicaid funds.

(b) \$3,939,000 of the fiscal year 2021 amounts must be distributed to behavioral health administrative service organizations. Of the remaining amount for fiscal year 2021, eighty percent must be distributed to behavioral health administrative service organizations and twenty percent to managed care organizations. The percentage of funding provided to each behavioral health administrative services organization must be proportionate to the fiscal year 2020 regional allocation of flexible nonmedicaid funds.

(c) The authority must include the following language in medicaid contracts with behavioral health entities unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included

when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(9) \$1,204,000 of the general fund—state appropriation for fiscal year 2020 and \$1,204,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(10) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(11) \$2,291,000 of the general fund—state appropriation for fiscal year 2020 and \$2,291,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization and administrative services organization contracts and include contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization and administrative services organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health organization or administrative services organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health organization or administrative services organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan.

(14) During the 2019-2021 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted

directly between the authority and providers rather than through contracts with behavioral health organizations.

(15) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(16) \$3,500,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2019.

(19) No more than \$27,844,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(20) \$6,858,000 of the general fund—state appropriation for fiscal year 2020, \$6,858,000 of the general fund—state appropriation for fiscal year 2021, and \$8,046,000 of the general fund—federal appropriation are provided solely to maintain new crisis triage or stabilization centers. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(21) \$1,125,000 of the general fund—federal appropriation is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(22) \$6,655,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$10,015,000)~~) \$9,074,000 of the general fund—state appropriation for fiscal year 2021, and (~~(\$12,965,000)~~) \$12,024,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that, beginning in calendar year 2020, they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(23) \$23,090,000 of the general fund—state appropriation for fiscal year 2020, \$23,090,000 of the general fund—state appropriation for fiscal year 2021, and \$92,444,000 of the general fund—federal appropriation are provided solely to maintain the enhancement of community-based behavioral health services that was funded in fiscal year 2019. Twenty percent of the general fund—state appropriation amounts for each regional service area must be contracted to the behavioral health administrative services organizations and used to increase their nonmedicaid funding and the remainder must be used to increase medicaid rates above FY 2018 levels. Effective January 2020, the medicaid funding is intended to increase rates for behavioral health services provided by licensed and certified community behavioral health agencies as defined by the department of health. This funding must be allocated to the managed care organizations proportionate to their medicaid enrollees. The authority must require the managed care organizations to provide a report on their implementation of this funding. The authority must submit a report to the legislature by December 1, 2020, summarizing how this funding was used and provide information for future options of increasing behavioral health provider rates through directed payments. The report must identify different mechanisms for implementing directed payment for behavioral health providers including but not limited to minimum fee schedules, across the board percentage increases, and value-based payments. The report must provide a description of each of the mechanisms considered, the timeline that would be required for implementing the mechanism, and whether and how the mechanism is expected

to have a differential impact on different providers. The report must also summarize the information provided by managed care organizations in implementing the funding provided under this section.

(24) \$27,917,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$36,095,000)~~) \$27,274,000 of the general fund—state appropriation for fiscal year 2021, and (~~(\$46,889,000)~~) \$41,046,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities.

(a) Sufficient amounts are provided in fiscal year 2020 for the authority to reimburse community hospitals serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 at a rate of \$1,171 per day, or the hospital's current psychiatric inpatient per diem rate, whichever is higher. In fiscal year 2020, the rate paid to hospitals in this subsection cannot exceed one-hundred percent of the hospitals eligible costs based on their most recently completed medicare cost report.

(b) Sufficient amounts are provided in fiscal year 2021 for the authority to reimburse providers serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows: (i) Community hospitals whose costs exceed their current rates based on their most recently filed medicare cost report at one hundred percent of the hospital's eligible costs documented in the most recently filed medicare cost report; (ii) community hospitals that do not have a filed medicare cost report on file with the authority at the statewide average rate based on the average of provider specific long-term inpatient care rates or the provider's current per diem rate, whichever is higher; (iii) community hospitals whose costs do not exceed their current rates based on their most recently filed medicare cost report at a rate of \$940 per day; and (iv) nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025 at a rate that reflects a five percent increase from their fiscal year 2020 rate for serving medicaid clients in long-term inpatient care beds as defined in RCW 71.24.025.

~~((c))~~ (c) The authority in collaboration with the Washington state hospital association must convene a work group to further refine the methodology for reimbursing community hospitals serving these clients. The authority must provide a report to the appropriate committees of the legislature by December 1, 2020. The report must include options for incorporating additional factors into future rate adjustments and identify where there may be overlap within the different options. The report must include the following areas and provide a description of the option and the methodology and implementation costs associated with each option:

(i) Acuity adjustments for providers serving individuals with higher levels of behavioral health or physical health care needs;

(ii) Retroactive reconciliation adjustments for providers whose total costs for serving clients under this subsection are higher or lower than payments received by the authority and any additional payers.

(25) \$1,455,000 of the general fund—state appropriation for fiscal year 2020(~~(, \$1,401,000 of the general fund—state appropriation for fiscal year 2021, and \$3,210,000 of the general~~)

fund—federal appropriation are)) is provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to Second Substitute House Bill No. 1394 (behavioral health facilities).

(26) \$21,000 of the general fund—state appropriation for fiscal year 2020, \$152,000 of the general fund—state appropriation for fiscal year 2021, and \$173,000 of the general fund—federal appropriation are provided solely to implement chapter 70, Laws of 2019 (SHB 1199) (health care/disability).

(27)(a) \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$12,878,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2019 allocation.

(28)(a) \$1,125,000 of the general fund—state appropriation for fiscal year 2020 and \$1,125,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(29) \$29,288,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to assist behavioral health entities with the costs of providing services to medicaid clients

receiving services in psychiatric facilities classified as institutions of mental diseases. The authority must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health entity calendar year 2019 capitation rates because they exceeded the amounts allowed under federal regulations. The authority must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health entities where the individual resides. If a behavioral health entity receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The authority must submit an application for a waiver to allow, by July 1, 2020, for full federal participation for medicaid clients in mental health facilities classified as institutions of mental diseases. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2019.

(30) The authority must require all behavioral health organizations transitioning to full integration to either spend down or return all reserves in accordance with contract requirements and federal and state law. Behavioral health organization reserves may not be used to pay for services to be provided beyond the end of a behavioral health organization's contract or for startup costs in full integration regions except as provided in this subsection. The authority must ensure that any increases in expenditures in behavioral health reserve spend-down plans are required for the operation of services during the contract period and do not result in overpayment to providers. If the nonfederal share of reserves returned during fiscal year 2020 exceeds \$35,000,000, the authority shall use some of the amounts in excess of \$35,000,000 to support the final regions transitioning to full integration of physical and behavioral health care. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$3,175 per 1,000 residents. These amounts must be used to provide a reserve for nonmedicaid services in the region to stabilize the new crisis services system.

(31) \$1,850,000 of the general fund—state appropriation for fiscal year 2020, \$1,850,000 of the general fund—state appropriation for fiscal year 2021, and \$13,312,000 of the general fund—federal appropriation are provided solely for the authority to implement a medicaid state plan amendment which provides for substance use disorder peer support services to be included in behavioral health capitation rates beginning in fiscal year 2020 in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(32) \$1,256,000 of the general fund—state appropriation for fiscal year 2021 and \$1,686,000 of the general fund—federal appropriation are provided solely for the authority to increase the number of residential beds for pregnant and parenting women. These amounts may be used for startup funds and ongoing costs associated with two new sixteen bed pregnant and parenting women residential treatment programs.

(33) Within the amounts appropriated in this section, the authority must maintain a rate increase for community hospitals that provide a minimum of 200 medicaid psychiatric inpatient

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

days pursuant to the methodology adopted to implement section 213(5)(n), chapter 299, Laws of 2018 (ESSB 6032) (partial veto).

(34) \$1,393,000 of the general fund—state appropriation for fiscal year 2020, \$1,423,000 of the general fund—state appropriation for fiscal year 2021, and \$5,938,000 of the general fund—federal appropriation are provided solely for the authority to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(35) \$850,000 of the general fund—federal appropriation is provided solely to contract with a nationally recognized recovery residence organization and to create a revolving fund for loans to operators of recovery residences seeking certification in accordance with Second Substitute House Bill No. 1528 (recovery support services).

(36) \$212,000 of the general fund—state appropriation for fiscal year 2020, \$212,000 of the general fund—state appropriation for fiscal year 2021, and \$124,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1874 (adolescent behavioral health). Funding is provided specifically for the authority to provide an online training to behavioral health providers related to state law and best practices in family-initiated treatment, adolescent-initiated treatment, and other services and to conduct an annual survey to measure the impacts of implementing policies resulting from the bill.

(37) \$500,000 of the general fund—state appropriation for fiscal year 2020, \$500,000 of the general fund—state appropriation for fiscal year 2021, and \$1,000,000 of the general fund—federal appropriation are provided solely for the authority to implement a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to Second Substitute House Bill No. 1767 (alternatives to arrest).

(38) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services to individuals who are not eligible for medicaid in Whatcom county. The authority must coordinate with crisis stabilization providers, managed care organizations, and behavioral health administrative services organizations throughout the state to identify payment models that reflect the unique needs of crisis stabilization and crisis triage providers. The report must also include an analysis of the estimated gap in nonmedicaid funding for crisis stabilization and triage facilities throughout the state. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the estimated nonmedicaid funding gap and payment models by December 1, 2019.

(39) The authority must conduct an analysis to determine whether there is a gap in fiscal year 2020 behavioral health entity funding for services in institutions for mental diseases and submit a report to the office of financial management and the appropriate committees of the legislature by November 1, 2019. The report must be developed in consultation with the office of financial management and staff from the fiscal committees of the legislature and must include the following elements: (a) The increase in the number of nonmedicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual cost associated with these increased bed days in FY 2020; (b) the increase in the number of medicaid bed days in institutions for mental diseases from fiscal year 2017 to fiscal year 2019 by facility and the estimated annual

cost associated with these increased bed days in FY 2020; (c) the amount of funding assumed in current behavioral health entity medicaid capitation rates for institutions for mental diseases bed days that are currently allowable under medicaid regulation or waivers; (d) the amounts provided in subsection (29) of this section to assist with costs in institutions for mental diseases not covered in medicaid capitation rates; and (e) any remaining gap in behavioral health entity funding for institutions for mental diseases for medicaid or nonmedicaid clients.

(40) \$1,968,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$3,396,000)~~ \$1,968,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$12,150,000)~~ \$8,100,000 of the general fund—federal appropriation are provided solely for support of and to increase clubhouse facilities across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation. The authority must provide a report to the office of financial management and the appropriate committees of the legislature on the status of efforts to implement clubhouse programs and receive federal approval for including these services in managed care organization contracts as an optional "in lieu of" service.

(41) \$1,000,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to develop and disseminate model programs and curricula for inpatient and outpatient treatment for individuals with substance use disorder and co-occurring disorders. The behavioral health institute will provide individualized consultation to behavioral health agencies in order to improve the delivery of evidence-based and promising practices and overall quality of care. The behavioral health institute will provide training to staff of behavioral health agencies to enhance the quality of substance use disorder and co-occurring treatment delivered.

(42) The number of beds allocated for use by behavioral health entities at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by behavioral health entities at western state hospital shall be five hundred twenty-seven per day. During fiscal year 2020, the authority must reduce the number of beds allocated for use by behavioral health entities at western state hospital by sixty beds to allow for the repurposing of two civil wards at western state hospital to provide forensic services. Contracted community beds provided under subsection (24) of this section shall be allocated to the behavioral health entities in lieu of beds at western state hospital and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long-term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

(43) \$190,000 of the general fund—state appropriation for fiscal year 2020, \$947,000 of the general fund—state appropriation for fiscal year 2021, and \$1,023,000 of the general fund—federal appropriation are provided solely for the authority to develop a statewide plan to implement evidence-based coordinated specialty care programs that provide early identification and intervention for psychosis in behavioral health agencies in accordance with Second Substitute Senate Bill No. 5903 (children's mental health).

(44) \$708,000 of the general fund—state appropriation for fiscal year 2021 and \$799,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center beginning July 1, 2020, in accordance with Second Substitute House Bill No. 1394 (behavioral health facilities).

(45) \$500,000 of the general fund—state appropriation for fiscal year 2020 is provided on a one-time basis solely for a licensed youth residential psychiatric substance abuse and mental health agency located in Clark county to invest in staff training and increasing client census. This amount must be allocated subject to a contract with the authority concerning staffing levels, critical action plans, and client services.

(46) \$509,000 of the general fund—state appropriation for fiscal year 2020, \$494,000 of the general fund—state appropriation for fiscal year 2021, and \$4,823,000 of the general fund—federal appropriation are provided solely for diversion grants to establish new law enforcement assisted diversion programs outside of King county consistent with the provisions of Substitute Senate Bill No. 5380 (opioid use disorder).

(47) The authority must compile all previous reports and collaborate with any work groups created during the 2019-2021 fiscal biennium for the purpose of establishing the implementation plan for transferring the full risk of long-term inpatient care for mental illness into the behavioral health entity contracts by January 1, 2020.

(48) \$225,000 of the general fund—state appropriation for fiscal year 2020 (~~and \$225,000 of the general fund—state appropriation for fiscal year 2021 are~~) is provided solely to continue funding one pilot project in Pierce county to promote increased utilization of assisted outpatient treatment programs. The authority shall provide a report to the legislature by October 15, 2020, which must include the number of individuals served, outcomes to include changes in use of inpatient treatment and hospital stays, and recommendations for further implementation based on lessons learned from the pilot project.

(49) \$18,000 of the general fund—state appropriation for fiscal year 2020 (~~—\$18,000 of the general fund—state appropriation for fiscal year 2021,~~) and (~~(\$36,000)~~) \$18,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5181 (involuntary treatment procedures).

(50) \$814,000 of the general fund—state appropriation for fiscal year 2020, \$800,000 of the general fund—state appropriation for fiscal year 2021, and \$1,466,000 of the general fund—federal appropriation are provided solely for the authority to implement the recommendations of the state action alliance for suicide prevention, to include suicide assessments, treatment, and grant management.

(51) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(52) \$446,000 of the general fund—state appropriation for fiscal year 2020, \$446,000 of the general fund—state appropriation for fiscal year 2021, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(53) \$60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to provide a one-time grant to the city of Maple Valley to support a pilot project for a community resource coordinator position for the city of Maple Valley, Tahoma school district, and the greater Maple Valley area. This amount must be used to develop programs, projects, and training that specifically address mental health awareness and education and facilitate access to school-based and community resources. The grant must require a report be submitted by the city of Maple Valley to the authority and the Maple Valley city council which summarizes the services provided and the perceived value of the community resource coordinator position for the community. The authority must submit the report to the office of financial management and the appropriate committees of the legislature by June 30, 2021.

(54) \$215,000 of the general fund—state appropriation for fiscal year 2020 and \$165,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for provision of crisis stabilization services in Island county. The authority must use this amount to contract for start-up and treatment services that are not reimbursable under medicaid provided in a crisis stabilization center in Island county. The authority must continue to coordinate with crisis stabilization providers and behavioral health entities to identify funding gaps for non-Medicaid services and payment models that reflect the unique needs of these facilities.

(55) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided on a one-time basis solely for the authority to contract with a family-centered substance use disorder treatment program which provides behavioral health services to families engaged in the foster system in Spokane county. This amount must be used to provide wraparound behavioral health services to individuals enrolled in the program.

~~(((57)))~~ (56) \$50,000 of the general fund—state appropriation for fiscal year 2021 and \$50,000 of the general fund—federal appropriation are provided solely for the authority to work with the actuaries responsible for establishing behavioral health capitation rates, the University of Washington behavioral health institute, managed care organizations, and community mental health and substance use disorder providers to develop strategies for enhancing behavioral health provider reimbursement to promote behavioral health workforce development efforts. The authority must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2020, that identifies: (a) A description of the actuarial assumptions related to clinical supervision included in the development of calendar year 2020 managed care behavioral health capitation rates and the relative dollar value of these assumptions; (b) available information on whether and to what extent managed care organizations are accounting for clinical supervision in establishing behavioral health provider reimbursement methodologies and rates; (c) identification of provider reimbursement models through managed care organizations that effectively incentivize the expansion of internships and entry level opportunities for clinicians; and (d) recommendations for accountability mechanisms to demonstrate that amounts included in behavioral health capitation rates for clinical supervision are passed on to mental health and substance abuse agencies that provide internships and entry level opportunities for clinicians.

~~(((58)))~~ (57) \$281,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$259,000)~~ \$654,000 of the general fund—state appropriation for fiscal year 2021 and ~~(\$1,285,000)~~ \$4,840,000 of the general fund—federal appropriation are provided solely to support the administrative costs associated with the application and implementation of a federal waiver

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

allowing for full federal participation in mental health treatment facilities identified as institutions of mental diseases.

~~((59))~~ (58) \$128,000 of the general fund—state appropriation for fiscal year 2021 and \$123,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed House Bill No. 2584 (behavioral health rates). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

~~((60))~~ (59) \$139,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2737 (children's mental health work group). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((61))~~ (60) \$766,000 of the general fund—state appropriation for fiscal year 2021 and \$1,526,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 2642 (substance use disorder coverage). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

~~((62))~~ (61) \$31,000 of the general fund—state appropriation for fiscal year 2020, \$94,000 of the general fund—state appropriation for fiscal year 2021, and \$125,000 of the general fund—federal appropriation are provided solely to conduct an analysis on the impact of changing policy in the apple health program to match best practices for mental health assessment and diagnosis for infants and children from birth through five years of age. The analysis must include cost estimates from the authority and the actuaries responsible for establishing medicaid managed care rates on the annual impact associated with policy changes in assessment and diagnosis of infants and children from birth through age five that at a minimum: (a) Allow reimbursement for three to five sessions for intake and assessment; (b) allow reimbursement for assessments in home or community settings, including reimbursement for clinician travel; and (c) require clinician use of the diagnostic classification of mental health and developmental disorders of infancy and early childhood. The authority must submit a report to the office of financial management and the appropriate committees of the legislature summarizing the results of the analysis and cost estimates by December 1, 2020.

~~((63))~~ (62) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

~~((64))~~ (63) \$864,000 of the general fund—state appropriation for fiscal year 2021 and \$1,788,000 of the general fund—federal appropriation are provided solely for the implementation of Second Engrossed Second Substitute Senate Bill No. 5720 (involuntary treatment act). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

~~((65))~~ (64) \$200,000 of the general fund—federal appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6191 (adverse childhood experience). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((66))~~ (65) Within existing resources, the authority shall implement Substitute Senate Bill No. 6259 (Indian behavioral health sys).

~~((67))~~ (66) \$1,260,000 of the general fund—state appropriation for fiscal year 2021 and \$840,000 of the general fund—federal appropriation are provided solely for the authority to increase rates to parent-child assistance program providers in an effort to stabilize the workforce and increase training and evaluation.

~~((68))~~ (67) \$2,537,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to ensure a smooth transition to integrated managed care for behavioral health regions and to maintain the existing level of regional behavioral health crisis and diversion programs, and other required behavioral health administrative service organization services. These amounts must be used to support the regions transitioning to full integration of physical and behavioral health care beginning January 1, 2020. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$2,494 per one thousand residents. These amounts must be used to provide a reserve for nonmedicaid services in the region and to stabilize the new crisis services system.

~~((70))~~ (68) \$15,000 of the general fund—state appropriation for fiscal year 2021 and \$15,000 of the general fund—federal appropriation are provided solely for the authority to develop a value-based case rate payment model for comprehensive community behavioral health services. It is the intent of the legislature to strengthen the community behavioral health system in order to promote recovery and whole person care, avoid unnecessary institutionalization and ensure access to care in the least restrictive setting possible, and incentivize value-based alternative payment models. Therefore, the authority in collaboration with the Washington council for behavioral health must convene a work group to develop a case rate payment model for comprehensive community behavioral health services. The authority must submit a report to the legislature by October 31, 2020. The report must: (a) Identify a comprehensive package of services to be provided by community behavioral health agencies that are licensed and certified by the department of health as defined in RCW 71.24.025; (b) describe the methodology used to develop an actuarially sound case rate model for this comprehensive package of services, and propose a medicaid case rate or range of rates; and (c) identify key quality performance metrics focused on health and recovery as well as quality incentive payment mechanisms that reinforce value over volume.

~~((71))~~ (69) \$500,000 of the problem gambling account—state appropriation is provided solely for the authority to contract for a problem gambling adult prevalence study. The prevalence study must review both statewide and regional results about beliefs and attitudes toward gambling, gambling behavior and preferences, and awareness of treatment services. The study should also estimate the level of risk for problem gambling and examine correlations with broader behavioral and mental health measures. The health care authority shall submit results of the prevalence study to the problem gambling task force and the legislature by June 30, 2021.

~~((72))~~ (70) \$4,500,000 of the criminal justice treatment account—state appropriation for fiscal year 2021 is provided solely for the authority to provide funding for the setting up of new therapeutic courts for cities or counties or for the expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

~~((73))~~ (71) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to contract

with a statewide mental health nonprofit serving consumers and families that provides free community and school-based mental health education and support programs. Funding shall be used to provide access to programs tailored to peers living with mental illness, family members of people with mental illness, and the community.

~~((74))~~ (72) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall consider the information gained from this process and make adjustments allowable under federal law when appropriate.

~~((75))~~ (73) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop the format of a report which addresses revenues and expenditures for the community behavioral health programs. The report shall include, but not be limited to (i) revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (ii) access to services, service denials, and utilization by state plan modality; (iii) claims denials and record of timely payment to providers; (iv) client demographics; and (v) social and recovery measures and managed care organization performance measures. The authority shall submit the report for the preceding calendar year to the governor and appropriate committees of the legislature on or before July 1st of each year.

~~((76))~~ (74) \$1,801,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the authority to implement two pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents.

(a) The effective date of the pilot sites is January 1, 2021.

(b) The two pilots must be contracted with a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population east of the crest of the Cascade mountains and a hospital that provides psychiatric inpatient services to children and adolescents in a city with the largest population west of the crest of the Cascade mountains.

(c) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the pilot programs in contract.

(d) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community based services that can effectively meet the needs of an individual referred to the program.

~~((#))~~ (e) The authority must collect data on the pilot sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit a report to the office of financial management and the appropriate committees of the legislature. A preliminary report must be submitted by December 1, 2021, and a final report must be submitted by

December 1, 2022. The reports must include the following information:

(i) A narrative description of the services provided at each pilot site and identification of any specific gaps the sites were able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the pilot sites;

(iii) Recommendations for whether either or both of the pilot models should be expanded statewide; whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match; and

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults.

**Sec. 1115.** 2020 c 357 s 216 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2020).....	\$2,630,000
General Fund—State Appropriation (FY 2021) ( <del>(\$3,007,000)</del> )	<u>\$2,978,000</u>
General Fund—Federal Appropriation.....	<del>(\$2,614,000)</del>
	<u>\$2,572,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$190,000
TOTAL APPROPRIATION .....	<del>(\$8,441,000)</del>
	<u>\$8,370,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,000 of the general fund—state appropriation for fiscal year 2020 and \$97,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5602 (reproductive health care).

(2) \$107,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Senate Bill No. 6034 (pregnancy discrim. complaints). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**Sec. 1116.** 2020 c 357 s 217 (uncodified) is amended to read as follows:

**FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right to Know Fund—State	
Appropriation .....	\$10,000
Accident Account—State Appropriation.....	<del>(\$24,437,000)</del>
	<u>\$24,152,000</u>
Medical Aid Account—State Appropriation...	<del>(\$24,438,000)</del>
	<u>\$24,153,000</u>
TOTAL APPROPRIATION .....	<del>(\$48,885,000)</del>
	<u>\$48,315,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$114,000 of the accident account—state appropriation and \$114,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2409 (industrial insur./employers). (~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~)

**Sec. 1117.** 2020 c 357 s 218 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2020).....	\$27,447,000
---	--------------

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

General Fund—State Appropriation (FY 2021)	
.....	<del>(\$31,639,000)</del>
	<u>\$30,031,000</u>
General Fund—Private/Local Appropriation.....	<del>(\$7,339,000)</del>
	<u>\$7,328,000</u>
Death Investigations Account—State Appropriation.	\$682,000
Municipal Criminal Justice Assistance Account—State	
Appropriation.....	\$460,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation.....	<del>(\$8,167,000)</del>
	<u>\$7,735,000</u>
24/7 Sobriety Account—State Appropriation.....	\$20,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$460,000
TOTAL APPROPRIATION.....	<del>(\$76,214,000)</del>
	<u>\$74,163,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—state appropriation for fiscal year 2021, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) \$2,768,000 of the general fund—state appropriation for fiscal year 2020 and \$2,789,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for seventy-five percent of the costs of providing eleven additional statewide basic law enforcement trainings in each fiscal year. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$1,179,000 of the general fund—state appropriation for fiscal year 2020 and \$1,179,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(5) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$3,000,000 in grants to the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services*, et. al., U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$449,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services*, et. al., U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) \$534,000 of the death investigations account—state appropriation is provided solely for the commission to update and expand the medicolegal forensic investigation training currently provided to coroners and medical examiners from eighty hours to two-hundred forty hours to meet the recommendations of the national commission on forensic science for certification and accreditation. Funding is contingent on the death investigation account receiving three dollars of the five dollar increase in vital records fees from the passage of Engrossed Substitute Senate Bill No. 5332 (vital statistics).

(8) \$10,000 of the general fund—state appropriation for fiscal year 2020, \$22,000 of the general fund—state appropriation for fiscal year 2021, and \$10,000 of the general fund—local appropriation are provided solely for an increase in vendor rates on the daily meals provided to basic law enforcement academy recruits during their training.

(9) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1767 (alternatives to arrest/jail).

(10) \$397,000 of the general fund—state appropriation for fiscal year 2020 and \$397,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a vendor rate increase for the Washington association of sheriffs and police chiefs.

(11) ~~(\$2,000,000)~~ \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington association of sheriffs and police chiefs to administer the sexual assault kit initiative project under RCW 36.28A.430, to assist multidisciplinary community response teams seeking resolutions to cases tied to previously unsubmitted sexual assault kits, and to provide support to survivors of sexual assault offenses. The commission must report to the governor and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations by June 30, 2021, on the number of sexual assault kits that have been tested, the number of kits remaining to be tested, the number of sexual assault cases that had hits to other crimes, the number of cases that have been reinvestigated, the number of those cases that were reinvestigated using state funding under this appropriation, and the local jurisdictions that were a recipient of a grant under the sexual assault kit initiative project.

(12) \$20,000 of the general fund—state appropriation for fiscal year 2020 ~~(and \$20,000 of the general fund—state appropriation for fiscal year 2021 are)~~ is provided solely for the Washington association of sheriffs and police chiefs to work with local law enforcement agencies and the Washington fire chiefs association to provide helmets to persons contacted by local law enforcement or an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle in order to reduce traumatic brain injuries throughout the state. The Washington association of sheriffs and police chiefs shall work in conjunction with the Washington fire chiefs association in administering the helmet distribution program.

(13) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Substitute House Bill No. 2318 (criminal investigatory practices). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(14) \$316,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for House Bill No. 2926 (critical stress management programs). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(15) \$830,000 of the general fund—state appropriation for fiscal year 2021 and \$155,000 of the general fund—local appropriation are provided solely for Second Substitute House Bill No. 2499 (correctional officer certification). ~~(If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.)~~

(16) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the criminal justice training commission to develop and finalize the curriculum for the de-escalation law enforcement training as required under Initiative 940, the law enforcement training and community safety act.

**Sec. 1118.** 2020 c 357 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2020).....	\$14,426,000
General Fund—State Appropriation (FY 2021)	<del>(\$26,698,000)</del>
	<u>\$26,614,000</u>
General Fund—Federal Appropriation .....	\$11,876,000
Asbestos Account—State Appropriation .....	<del>(\$590,000)</del>
	<u>\$587,000</u>
Electrical License Account—State Appropriation	<del>(\$58,124,000)</del>
	<u>\$58,038,000</u>
Farm Labor Contractor Account—State Appropriation	\$28,000
Worker and Community Right to Know Fund—State	
Appropriation.....	<del>(\$1,039,000)</del>
	<u>\$1,036,000</u>
Construction Registration Inspection Account—State	
Appropriation.....	<del>(\$25,453,000)</del>
	<u>\$25,187,000</u>
Public Works Administration Account—State	
Appropriation.....	<del>(\$11,001,000)</del>
	<u>\$10,921,000</u>
Manufactured Home Installation Training Account—	
State Appropriation.....	<del>(\$412,000)</del>
	<u>\$403,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$1,434,000
Accident Account—State Appropriation .....	<del>(\$396,164,000)</del>
	<u>\$361,942,000</u>
Accident Account—Federal Appropriation .....	\$16,439,000
Medical Aid Account—State Appropriation..	<del>(\$399,802,000)</del>
	<u>\$365,341,000</u>
Medical Aid Account—Federal Appropriation.....	\$3,650,000
Plumbing Certificate Account—State Appropriation	<del>(\$3,401,000)</del>
	<u>\$3,384,000</u>
Pressure Systems Safety Account—State Appropriation	<del>(\$4,672,000)</del>
	<u>\$4,620,000</u>
<b>TOTAL APPROPRIATION.....</b>	<del><b>(\$975,209,000)</b></del>
	<u><b>\$905,926,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$40,988,000)~~ \$9,002,000 of the accident account—state appropriation and ~~(\$40,986,000)~~ \$9,002,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety

and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must issue an initial report to the legislature, by June 30, 2020, assessing the physical capacity of workers in the context of the industry's economic environment and ascertain usable support tools for employers and workers to decrease risk of injury. After the initial report, the department must produce annual progress reports, beginning in 2021 through the year 2022 or until the tools are fully developed and deployed. The annual progress reports must be submitted to the legislature by December 1st of each year such reports are due.

(3) \$1,700,000 of the accident account—state appropriation and \$300,000 of the medical aid account—state appropriation are provided solely for a contract with a permanently registered Washington sector intermediary to provide supplemental instruction for information technology apprentices. Funds spent for this purpose must be matched by an equal amount of funding from the information technology industry members, except small and mid-sized employers. Up to \$1,000,000 may be spent to provide supplemental instruction for apprentices at small and mid-sized businesses. "Small and mid-sized businesses" means those that have fewer than one hundred employees or have less than five percent annual net profitability. The sector intermediary will collaborate with the state board for community and technical colleges to integrate and offer related supplemental instruction through one or more Washington state community or technical colleges by the 2020-21 academic year.

(4) \$1,360,000 of the accident account—state appropriation and \$240,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries to establish a health care apprenticeship program.

(5) \$273,000 of the accident account—state appropriation and \$273,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit an initial report to the governor and appropriate legislative committees by August 30, 2020, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(6) \$666,000 of the accident account—state appropriation and \$243,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5175 (firefighter safety).

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(7) \$2,257,000 of the public works administration account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5035 (prevailing wage laws). Of this amount, \$464,100 is provided to incorporate information technology changes to the complaint activity tracking system, public works suite, accounts receivable collections, and the pay accounts receivable collections systems, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(8) \$37,000 of the accident account—state appropriation and \$33,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(9) \$52,000 of the accident account—state appropriation is provided solely for the complaint activity tracking system adjustment project, which will add functionality related to conducting company-wide wage investigations. This funding is subject to the conditions, limitations, and review provided in section 701 of this act.

(10) \$850,000 of the accident account—state appropriation and \$850,000 of the medical aid account—state appropriation are provided solely for issuing and managing contracts with customer-trusted groups to develop and deliver information to small businesses and their workers about workplace rights, regulations and services administered by the agency.

(11) \$5,721,000 of the general fund—state appropriation for fiscal year 2020 and \$504,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increasing rates for medical and health care service providers treating persons in the crime victim compensation program. Of the amounts provided in this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided (~~solely~~) for the crime victims compensation program to pay for medical exams related to victims of suspected child abuse. No later than September 30, 2020, the department shall report to the legislature the following information, for each fiscal year from fiscal year 2016 through fiscal year 2020:

(a) The type of claims received by victims of suspected child abuse;

(b) The total number of claims received by victims of suspected child abuse;

(c) The type of claims paid to victims of suspected child abuse;

(d) The total number of claims paid to victims of suspected child abuse; and

(e) The total amounts of claims paid to victims of suspected child abuse.

(12) \$744,000 of the accident account—state appropriation and \$744,000 of the medical aid account—state appropriation are provided solely for customer service staffing at field offices.

(13) \$3,432,000 of the accident account—state appropriation and \$606,000 of the medical aid account—state appropriation are provided solely for the division of occupational safety and health to add workplace safety and health consultants, inspectors, and investigators.

(14) \$788,000 of the accident account—state appropriation and \$140,000 of the medical aid account—state appropriation are provided solely for apprenticeship staffing to respond to inquiries and process registrations.

(15) \$2,608,000 of the accident account—state appropriation and \$3,541,000 of the medical aid account—state appropriation are provided solely for claims management staffing to reduce caseloads.

(16) \$1,072,000 of the public works administration account—state appropriation is provided solely for implementation of Substitute House Bill No. 1295 (public works contracting).

(17) \$695,000 of the accident account—state appropriation and \$124,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1817 (high hazard facilities).

(18) \$67,000 of the accident account—state appropriation and \$66,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1909 (industrial ins. claim records).

(19) \$273,000 of the general fund—state appropriation for fiscal year 2020 and \$352,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(20) \$683,000 of the accident account—state appropriation and \$683,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2409 (industrial insur./employers). Of the amounts provided in this subsection, \$176,000 of the accident account—state appropriation and \$176,000 medical aid account—state appropriation are subject to the conditions, limitations, and review provided in section 701 of this act. ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.))~~

(21) \$1,507,000 of the construction registration inspection account—state appropriation is provided solely for additional staff to conduct and facilitate additional elevator inspections.

(22) \$320,000 of the accident account—state appropriation and \$75,000 of the medical aid account—state appropriation are provided solely for implementation of chapter 296, Laws of 2019 (SHB 1155).

(23) \$1,393,000 of the plumbing certificate account—state appropriation is provided solely for implementation of Senate Bill No. 6170 (plumbing registration and licenses). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(24) \$150,000 of the accident account—state appropriation and \$26,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Senate Bill No. 6421 (farm internship program extension). ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.))~~

(25) ~~(\$625,000)~~ \$276,000 of the accident account—state appropriation and ~~(\$625,000)~~ \$543,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 6440 (workers' compensation medical exams). ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.))~~

(26) \$255,000 of the accident account—state appropriation and \$45,000 of the medical aid account—state appropriation are provided solely for two additional crane inspectors to work in King county.

(27) \$280,000 of the accident account—state appropriation and \$50,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6473 (asbestos building materials). ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.))~~

(28) \$918,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6181 (crime victim compensation program). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~ The department shall report to the legislature no later than July 31, 2021, the following

information for fiscal year 2021 regarding the benefits available under Second Substitute Senate Bill No. 6181:

- (a) The number of claims received by month;
- (b) The number of claims rejected by month;
- (c) The number and amounts of claims paid by month; and
- (d) The average processing time for claims.

(29) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization located in Seattle whose primary mission is to empower vulnerable workers in low-wage industries and from marginalized communities to provide peer training to similar workers in order to prevent sexual harassment and assault of workers in low-wage industries.

(30)(a) \$15,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

- (i) Equipment upgrades or new equipment purchases for training purposes;
- (ii) New training space and lab locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations;
- (iii) Curriculum development and instructor training for industry experts;
- (iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and
- (v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(31) \$240,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide staff support to the aerospace workforce council created in (~~House Bill No. 2945 (aerospace business and occupation taxes and world trade compliance) or~~) Senate Bill No. 6690 (aerospace business and occupation taxes and world trade compliance). (~~If neither bill is enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~)

**Sec. 1119.** 2020 c 357 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal

committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. By December 31, 2020, the department must: (i) Develop and implement a sustainable staffing model for the institutional services program to keep expenditures commensurate with the program revenue; and (ii) report to the legislature regarding its expenditures. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2020) .....	\$3,369,000
General Fund—State Appropriation (FY 2021) ( <del>(\$4,173,000)</del> )	
	<u>\$4,017,000</u>

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State Appropriation .....	\$10,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$185,000
TOTAL APPROPRIATION .....	<del>(\$7,737,000)</del>
	<u>\$7,581,000</u>

(3) FIELD SERVICES

General Fund—State Appropriation (FY 2020) .....	\$6,602,000
General Fund—State Appropriation (FY 2021) ( <del>(\$7,029,000)</del> )	
	<u>\$6,912,000</u>

General Fund—Federal Appropriation.....	<del>(\$5,253,000)</del>
	<u>\$5,224,000</u>

General Fund—Private/Local Appropriation ....	<del>(\$5,324,000)</del>
	<u>\$5,285,000</u>

Veteran Estate Management Account—Private/Local	
Appropriation .....	<del>(\$708,000)</del>
	<u>\$698,000</u>

Pension Funding Stabilization Account—State	
Appropriation .....	<del>(\$444,000)</del>
	<u>\$435,000</u>

Veterans Stewardship Account—State Appropriation	
.....	\$300,000

Veterans Innovation Program Account—State	
Appropriation .....	\$100,000
TOTAL APPROPRIATION .....	<del>(\$25,760,000)</del>
	<u>\$25,556,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,338,000 of the general fund—federal appropriation and \$120,000 of the general fund—local appropriation are provided solely for the expansion of the transitional housing program at the Washington soldiers home.

(b) \$300,000 of the general fund—state appropriation for fiscal year 2020, \$300,000 of the general fund—state appropriation for fiscal year 2021, and \$100,000 of the veterans innovation account—state appropriation are provided solely for veterans innovation program grants.

(c) \$300,000 of the veterans stewardship nonappropriated account—state appropriation is provided solely for the department's traumatic brain injury program.

(d) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation

EIGHTY FIRST DAY, APRIL 1, 2021

for fiscal year 2021 are provided solely to implement Second Substitute House Bill No. 1448 (veterans service officers).

(e)(i) \$140,000 of the general fund—state appropriation for fiscal year 2020 and \$142,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a statewide plan to reduce suicide among service members, veterans, and their families. In developing the plan, the department shall:

(A) Collaborate with government and nongovernment agencies and organizations to establish promising best practices for suicide awareness and prevention materials, training, and outreach programs targeted to service members, veterans, and their families;

(B) Cultivate peer-led organizations serving veterans in transition and recovery;

(C) Create statewide suicide awareness and prevention training programs with content specific to service members, veterans, and their families; and

(D) Provide safer homes materials and distribute safe firearms storage devices, to the Washington national guard, the Washington state patrol, allied veteran groups, and other organizations serving or employing veterans, following the recommendations of the suicide-safer homes task force.

(ii) The department must report to the legislature regarding the development of the plan no later than December 1, 2020.

(f) \$128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 5900 (LGBTQ coordinator/veterans). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(g) \$128,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Senate Bill No. 6626 (military spouse liaison). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(4) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2020)....	\$13,155,000
General Fund—State Appropriation (FY 2021)	<del>(\$14,453,000)</del>
	<u>\$14,172,000</u>
General Fund—Federal Appropriation .....	<del>(\$101,679,000)</del>
	<u>\$111,795,000</u>
General Fund—Private/Local Appropriation...	<del>(\$20,744,000)</del>
	<u>\$20,458,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$1,464,000
TOTAL APPROPRIATION.....	<del>(\$151,495,000)</del>
	<u>\$161,044,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The amounts provided in this subsection include a general fund—state backfill for a revenue shortfall at the Washington soldiers home in Orting and the Walla Walla veterans home.

(b) If the department receives additional unanticipated federal resources at any point during the remainder of the 2019-2021 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

(5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2020).....	\$100,000
General Fund—State Appropriation (FY 2021).....	\$100,000

General Fund—Federal Appropriation.....	\$688,000
TOTAL APPROPRIATION .....	\$888,000

Sec. 1120. 2020 c 357 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 2020) ....	\$79,582,000
General Fund—State Appropriation (FY 2021)	<del>(\$85,728,000)</del>
	<u>\$82,456,000</u>
General Fund—Federal Appropriation.....	\$579,457,000
General Fund—Private/Local Appropriation ( <del>\$192,631,000</del> )	
	<u>\$202,331,000</u>
Hospital Data Collection Account—State Appropriation	\$362,000
Health Professions Account—State Appropriation	\$147,610,000
Aquatic Lands Enhancement Account—State	
Appropriation .....	\$633,000
Emergency Medical Services and Trauma Care Systems	
Trust Account—State Appropriation.....	\$10,091,000
Safe Drinking Water Account—State Appropriation	\$6,057,000
Drinking Water Assistance Account—Federal	
Appropriation .....	\$17,000,000
Waterworks Operator Certification Account—State	
Appropriation .....	\$1,990,000
Drinking Water Assistance Administrative Account—	
State Appropriation .....	\$1,628,000
Site Closure Account—State Appropriation.....	\$183,000
Biotoxin Account—State Appropriation.....	\$1,694,000
Model Toxics Control Operating Account—State	
Appropriation .....	\$4,468,000
<del>(Medicaid Fraud Penalty Account—State</del>	
<del>Appropriation .....</del>	<del>\$1,374,000)</del>
Medical Test Site Licensure Account—State	
Appropriation .....	\$3,233,000
Secure Drug Take-Back Program Account—State	
Appropriation .....	\$1,008,000
Youth Tobacco and Vapor Products Prevention Account—	
State Appropriation .....	\$4,237,000
Dedicated Marijuana Account—State Appropriation	
(FY 2020).....	\$10,786,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021).....	\$10,616,000
Public Health Supplemental Account—Private/Local	
Appropriation .....	\$5,237,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$3,816,000
Accident Account—State Appropriation.....	\$362,000
Medical Aid Account—State Appropriation .....	\$54,000
TOTAL APPROPRIATION .....	<del>(\$1,169,837,000)</del>
	<u>\$1,174,891,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal

funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2019-2021 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2020 and 2021 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 43.20B.110 and 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2020 and 2021 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer,

provide: (a) The status of any information technology projects currently being developed or implemented that affect the coalition; (b) funding needs of these current and future information technology projects; and (c) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(7)(a) \$285,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the governor's interagency coordinating council on health disparities to establish a task force to develop a proposal for the creation of an office of equity. The purpose of the office of equity is to promote access to equitable opportunities and resources that reduce disparities, including racial and ethnic disparities, and improve outcomes statewide across all sectors of government. The council must provide staff support and coordinate community and stakeholder outreach for the task force.

(b) The task force shall include:

(i) The chair of the interagency coordinating council on health disparities, or the chair's designee, who shall serve as the chair of the task force;

(ii) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(iii) Two members from the senate, appointed by the president of the senate;

(iv) A representative from the office of the governor, appointed by the governor;

(v) A representative from the office of financial management's diversity, equity, and inclusion council, appointed by the governor;

(vi) A representative from the office of minority and women's business enterprises, appointed by the director of the office of minority and women's business enterprises;

(vii) A representative from each ethnic commission, appointed by the director of each respective commission;

(viii) A representative from the women's commission, appointed by the director of the commission;

(ix) A representative from the human rights commission, appointed by the director of the commission;

(x) The director of the governor's office of Indian affairs, or the director's designee;

(xi) A member of the disability community, appointed by the chair of the governor's committee on disability issues and employment; and

(xii) A member of the lesbian, gay, bisexual, transgender, and queer community, appointed by the office of the governor.

(c) The task force must submit a preliminary report to the governor and legislature by December 15, 2019. The task force must submit a final proposal to the governor and the legislature by July 1, 2020. The final proposal must include the following recommendations:

(i) A mission statement and vision statement for the office;

(ii) A definition of "equity," which must be used by the office to guide its work;

(iii) The organizational structure of the office, which must include a community liaison for the office;

(iv) A plan to engage executive level management from all agencies;

(v) Mechanisms for facilitating state policy and systems change to promote equity, promoting community outreach and

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

engagement, and establishing standards for the collection, analysis, and reporting of disaggregated data regarding race and ethnicity;

(vi) Mechanisms for accountability to ensure that performance measures around equity are met across all agencies, including recommendations on audits of agencies and other accountability tools as deemed appropriate; and

(vii) A budget proposal including estimates for costs and staffing.

(d) Nonlegislative members of the task force must be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Legislative members must be reimbursed for expenses incurred in accordance with RCW 44.04.120.

(8) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a community-based nonprofit organization located in Yakima valley to develop a Spanish-language public radio media campaign aimed at preventing opioid use disorders through education outreach programs. The goal of the radio media campaign is reaching underserved populations, who may have limited literacy and who may experience cultural and informational isolation, to address prevention, education, and treatment for opioid users or those at risk for opioid use. The nonprofit organization must coordinate with stakeholders who are engaged in promoting healthy and educated choices about drug use and abuse to host four workshops and two conferences that present the latest research and best practices. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2020. A final report must be submitted to the legislature no later than June 30, 2021. Both reports must include: (a) A description of the outreach programs and their implementation; (b) a description of the workshops and conferences held; (c) the number of individuals who participated in or received services in relation to the outreach programs; and (d) any relevant demographic data regarding those individuals.

(9)(a) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nursing care quality assurance commission to continue the work group on nurses in long-term care settings.

(b) The work group must base its work on the assessment of long-term care workforce needs required by chapter 299, Laws of 2018, and included in the long-term care workforce development report to the governor and the legislature submitted in December 2018. The commission shall maintain existing membership of the work group, may add additional stakeholder representation, and may create such technical advisory committees as may be necessary to accomplish its purposes.

(c) Work group priorities for the 2019-2021 fiscal biennium include:

(i) Identifying data sources necessary to ensure workers are achieving timely training, testing, and certification;

(ii) Working with regional workforce development councils to project worker shortages and on-going demands;

(iii) Establishing revised nursing assistant training that aligns directly with the learning outcomes of the competency-based common curriculum, and improves access, reduces costs, increases consistency across evaluators, increases pass rates, and provides support for languages other than English;

(iv) Recommending requirements to improve skilled nursing facility staffing models and address deficiencies in resident care; and

(v) Creating a competency-based common curriculum for nursing assistant training that includes knowledge and skills relevant to current nursing assistant practices; integrated specialty training on mental health, developmental disabilities, and dementia; and removing or revising outdated content. The curriculum must not unnecessarily add additional training hours, and must meet all applicable federal and state laws. The curriculum must be designed with seamless progression from or toward any point on the educational continuum.

(d) The commission must provide an interim report on the activities of the work group and its findings and recommendations for statutory and regulatory changes to the governor and legislature by November 15, 2019, and a final report to the governor and legislature by November 15, 2020.

(10) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5425 (maternal mortality reviews).

(11) \$399,000 of the general fund—local appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5332 (vital statistics).

(12) \$52,000 of the general fund—state appropriation for fiscal year 2020, \$22,000 of the general fund—state appropriation for fiscal year 2021, \$11,000 of the general fund—local appropriation, and \$107,000 of the health professions account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5380 (opioid use disorder).

(13) \$80,000 of the general fund—state appropriation for fiscal year 2020, \$7,000 of the general fund—state appropriation for fiscal year 2021, and \$32,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(14) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$132,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5550 (pesticide application safety).

(15) \$14,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Second Substitute Senate Bill No. 5846 (international medical graduates).

(16) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(17)(a) \$62,000 of the general fund—state appropriation for fiscal year 2020 and \$63,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the King county local health jurisdiction, as part of the foundational public health services, to conduct a study on the population health impact of the SeaTac airport communities.

(b) By December 1, 2020, the King county local health jurisdiction shall submit a report to the appropriate committees of the legislature that must include:

(i) An analysis of existing data sources and an oversample of the best start for kids child health survey to produce airport community health profiles within a one mile, five mile, and ten mile radius of the airport;

(ii) A comprehensive literature review concerning the community health effects of airport operations, including a strength of evidence analysis;

(iii) The findings of the University of Washington school of public health study on ultrafine particulate matter at the airport and surrounding areas; and

(iv) Any recommendations to address health issues related to the impact of the airport on the community.

(18) \$1,000,000 of the youth tobacco and vapor products prevention account—state appropriation is provided solely, as part of foundational public health services, for the department to support local health jurisdictions to provide youth tobacco and vapor prevention programs, including the necessary outreach and education for Engrossed House Bill No. 1074 (tobacco and vapor/age).

(19) \$126,000 of the general fund—state appropriation for fiscal year 2020 and \$120,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(20) The department shall report to the fiscal committees of the legislature by December 1, 2019, and December 1, 2020, if it anticipates that the amounts raised by ambulatory surgical facility licensing fees will not be sufficient to defray the cost of regulating ambulatory surgical facilities. The report shall identify the amount of state general fund money necessary to compensate for the insufficiency.

(21) \$162,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to create a statewide data system to provide early intervention services for all children appropriately screened for developmental delays, to track developmental screenings and delays identified in children, and to assist with care coordination and early intervention; and is subject to the conditions, limitations, and review provided in section 701 of this act.

(22) \$420,000 of the health professions account—state appropriation is provided solely for a work group to develop policy and practice recommendations to increase access to clinical training and supervised practice for the behavioral health workforce. The work group shall include representatives from the department, the workforce training and education coordinating board, and other appropriate stakeholders. The recommendations of the work group must address the following potential barriers: (a) reimbursement and incentives for supervision of interns and trainees; (b) supervision requirements; (c) competency-based training; (d) licensing reciprocity or the feasibility of an interstate licensing compact, or both; and (e) background checks, including barriers to work related to an applicant's criminal history or substance use disorder. The board must convene and facilitate the work group, and recommendations may be presented in two phases. Recommendations presented in the first phase must be provided by December 1, 2019. Recommendations presented in the second phase must be provided by December 1, 2020.

(23) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington poison center. This funding is provided in addition to funding provided pursuant to RCW 69.50.540.

(24) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a palliative care road map to provide information and guidance to providers, patients, families, and caregivers of individuals living with a serious or life-threatening illness. The department must work in consultation with appropriate stakeholders, including but not limited to, the health care authority, the department of social and health services, and hospital-based, outpatient, and community-based palliative care providers. The department must

complete the document and make hard copies available for distribution no later than September 30, 2020.

(25) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided to continue the collaboration between local public health, accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from year two planning to align care coordination efforts across health care systems and support the accountable communities of health initiatives, including innovative, collaborative models of care. Strategies include the following, to reduce costly hospitalizations: (a) Analyze heart failure data to identify sub populations and risk factors and use this data to determine targeted interventions; (b) support provider and clinic implementation of screening, brief intervention, and referral to treatment through immunizations and ensure other areas of the county and state can duplicate the strategies; and (c) provide resources to achieve results and support collaboration across local health care systems and providers.

(26) \$55,000 of the health professions account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1768 (substance use disorder professionals).

(27) \$14,000 of the health professions account—state appropriation is provided solely to implement Substitute House Bill No. 1865 (acupuncture and Eastern medicine).

(28)(a) \$257,000 of the general fund—state appropriation for fiscal year 2020 and \$304,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the suicide-safer homes task force defined in RCW 43.70.445 to:

(i) Expand support to industries, professions, and workplaces impacted by high rates of suicide, develop and provide online resources to disseminate best practices in workplace mental health and suicide prevention, and provide trainings for industries with the highest suicide rates and who are unable to pay for trainings;

(ii) Conduct a workplace suicide summit;

(iii) Deliver the task force's SAFER intervention and firearms and medication locking devices in partnership with nongovernment organizations in twelve rural communities across Washington; and

(iv) Develop and distribute a tool kit for suicide prevention and curriculum for firearms safety instructors for their inclusion in firearms safety courses.

(b) The task force shall distribute to all firearms dealers in the state suicide awareness and prevention materials tailored to firearms owners that are developed. Firearms dealers are strongly encouraged to post on the premises and make available to firearms purchasers and transferees the suicide awareness and prevention materials.

(c) The task force shall provide a report to the legislature regarding the directives of this subsection, and the report shall be included in the task force's final report to the legislature by December 1, 2020.

(29) \$16,000 of the general fund—state appropriation for fiscal year 2020 and \$8,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pharmacy quality assurance commission to:

(a) Distribute or make available through electronic means to all licensed pharmacies suicide awareness and prevention materials developed by the suicide-safer homes task force, and each licensed pharmacy shall, when deemed appropriate through patient evaluation, make available to patients at the point of care the suicide awareness and prevention materials distributed by the commission; and

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(b) Survey each pharmacist licensed under this chapter on methods to bridge the gap between practice and suicide awareness and prevention training, including identifying barriers that exist in putting the training into practice. The commission shall consult with the suicide-safer homes task force in developing the survey. The commission may distribute the survey as part of each pharmacist's license renewal. The commission shall compile and analyze the survey data and report the results to the appropriate committees of the legislature by November 15, 2020.

(30) \$1,310,000 of the health professions account—state appropriation is provided solely for the Washington medical commission for clinical health care investigators.

(31) \$3,210,000 of the health professions account—state appropriation is provided solely for the nursing care quality assurance commission to address increased complaints.

(32) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(33) \$18,000,000 of the general fund—local appropriation is provided solely for the department to provide core medical services, case management, and support services for individuals living with human immunodeficiency virus.

(34) \$1,606,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add Pompe disease and MPS-I to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$10.50.

(35) \$332,000 of the general fund—local appropriation is provided solely for testing supplies necessary to perform x-linked adrenoleukodystrophy newborn screening panel testing. The department is authorized to increase the newborn screening fee by \$1.90.

(36) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct formative research and development regarding dementia and the value and importance of early detection, diagnosis, and planning for the public, including racial and ethnic groups who are at increased risk. Qualified department staff or contracted experts must: (a) Investigate existing evidence-based messages and public awareness campaign strategies; and (b) develop, place, and evaluate messages through a short-term digital awareness campaign in at least two, but no more than four, targeted areas of the state.

(37) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with a nonprofit organization that provides support and education for adults, children, and families impacted by cancer. The nonprofit must provide programs and services that include, but are not limited to, adult support groups, camps for children impacted by cancer, education programs for teens to reduce future risk of cancer, and emotional and social support to families dealing with cancer.

(38) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the department to conduct a study on the state producing generic prescription drugs, with a priority on insulin. By December 1, 2019, the department shall submit a report of its findings and recommendations to the legislature.

(39) \$2,000,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Substitute House Bill No. 1587 (increasing access to fruits and vegetables).

(40) The department must submit an application for an extension or renewal of its current grant pursuant to the federal food insecurity incentives program. If an extension or renewal of the current grant is not permitted, the department must apply for a new grant under the same program, which was reauthorized in December 2018.

(41) \$22,000 of the general fund—state appropriation for fiscal year 2020 and \$22,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement Engrossed House Bill No. 1638 (vaccine preventable diseases).

(42) \$207,000 of the health professions account—state appropriation is provided solely to implement chapter 69, Laws of 2019 (SHB 1198) (sexual misconduct notification).

(43) \$203,000 of the general fund—state appropriation for fiscal year 2020 and \$66,000 of the general fund—local appropriation are provided solely to implement Second Substitute House Bill No. 1394 (behavioral health facilities).

(44) \$36,000 of the health professions account—state appropriation is provided solely to implement House Bill No. 1554 (dental hygienists).

(45) \$189,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 is provided solely to implement Engrossed Substitute House Bill No. 1094 (medical marijuana renewals).

(46) \$200,000 of the general fund—local appropriation is provided solely to implement chapter 68, Laws of 2019 (HB 1177) (dental laboratory registry).

(47) \$88,000 of the general fund—state appropriation for fiscal year 2020 and \$87,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an online tutorial and link to web-based, continuing education funded by the centers for disease control for training for the primary care health workforce regarding the protocols for perinatal monitoring, birth-dose immunization, early diagnosis, linkage to care, and treatment for persons diagnosed with chronic hepatitis B or hepatitis using the project ECHO telehealth model operated by the University of Washington. Training shall focus on increased provider proficiency and increased number of trained providers in areas with high rates of reported cases of hepatitis B or hepatitis, including regions with high incidence of drug use or upward trend of children who have not received hepatitis B virus vaccinations according to centers for disease control recommendations. All digital and hardcopy training, educational, and outreach materials for this program must be culturally relevant and linguistically diverse.

(48) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to the department of health for a task force established to recommend strategies for incorporating environmental justice principles into how state agencies discharge their responsibilities.

(a) The membership of the task force established under this section is as follows:

(i) The director of the department of commerce, or the director's designee;

(ii) The director of the department of ecology, or the director's designee;

(iii) The executive director of the Puget Sound partnership, or the executive director's designee;

(iv) The secretary of the department of transportation, or the secretary's designee;

(v) The secretary of the department of health, or the secretary's designee;

(vi) The chair of the energy facility site evaluation council, or the chair's designee;

(vii) The chair of the governor's interagency council on health disparities, or the chair's designee;

(viii) The commissioner of public lands, or the commissioner's designee;

(ix) A member from an organization representing statewide environmental justice issues, appointed by the governor;

(x) Three members from community-based organizations, appointed by the cochairs specified under (b) of this subsection, the nominations of which are based upon maintaining a balanced and diverse distribution, of representation from census tracts that are ranked at an eight or higher on the cumulative impact analysis and of ethnic, geographic, gender, sexual orientation, age, socioeconomic status, and occupational representation, where practicable;

(xi) A tribal leader, invited by the governor;

(xii) One member from an association representing business interests, appointed by the governor;

(xiii) One member from a union or other organized labor association representing worker interests, appointed by the governor;

(xiv) The director of the department of agriculture, or the director's designee; and

(xv) One member from an organization representing statewide agricultural interests, appointed by the governor.

(b) The representative of statewide environmental justice interests, and the chair of the governor's interagency council on health disparities, or the chair's designee, must cochair the task force.

(c) The governor's interagency council on health disparities shall provide staff support to the task force. The interagency council may work with other agencies, departments, or offices as necessary to provide staff support to the task force.

(d) The task force must submit a final report of its findings and recommendations to the appropriate committees of the legislature and the governor by October 31, 2020, and in compliance with RCW 43.01.036. The goal of the final report is to provide guidance to agencies, the legislature, and the governor, and at a minimum must include the following:

(i) Guidance for state agencies regarding how to use a cumulative impact analysis tool developed by the department of health. Guidance must cover how agencies identify highly impacted communities and must be based on best practices and current demographic data;

(ii) Best practices for increasing public participation and engagement by providing meaningful opportunities for involvement for all people, taking into account barriers to participation that may arise due to race, color, ethnicity, religion, income, or education level;

(iii) Recommendations for establishing measurable goals for reducing environmental health disparities for each community in Washington state and ways in which state agencies may focus their work towards meeting those goals;

(iv) Model policies for prioritizing highly impacted communities and vulnerable populations for the purpose of reducing environmental health disparities and advancing a healthy environment for all residents.

(e) If time and resources permit, the task force may also include in its final report:

(i) Recommendations for creating and implementing equity analysis into all significant planning, programmatic and policy decision making, and investments. The equity analysis methods may include a process for describing potential risks to, benefits to, and opportunities for highly impacted communities and vulnerable populations;

(ii) Best practices and needed resources for cataloging and cross-referencing current research and data collection for

programs within all state agencies relating to the health and environment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

(f) Members of the task force who are not state employees must be compensated in accordance with RCW 43.03.240 and are entitled to reimbursement individually for travel expenses incurred in the performance of their duties as members of the task force in accordance with RCW 43.03.050 and 43.03.060. The expenses of the task force must be paid by the governor's interagency council on health disparities.

(g) The task force must hold four regional meetings to seek input from, present their work plan and proposals to, and receive feedback from communities throughout the state. The following locations must be considered for these meetings: Northwest Washington, central Puget Sound region, south Puget Sound region, southwest Washington, central Washington, and eastern Washington.

(h) Reports submitted under this section must be available for public inspection and copying through the governor's interagency council on health disparities and must be posted on its web site.

(49) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for testing of lead in public schools. The department must determine which school districts have the highest priority and test those districts first. The department and the school districts for which tests are conducted must provide to parents, educators, school staff, and the public clear communications regarding the test results, the consequences of even low levels of exposure or ingestion, such as cognitive deficits, reduction in IQ, and neurological development, and the information that no level of lead in drinking water is safe. The communications must include a comparison of the results to the recommendation of the American academy of pediatrics (August 2017) and the national toxicology program of the national institutes of health and the center for disease control, regardless of whether the level exceeds the standard for action pursuant to the federal lead and copper rule. Communications regarding test results where levels exceed the level recommended by the American academy of pediatricians must be accompanied by examples of actions districts may take to prevent exposure, including automated flushing of water fountains and sinks, and installation of certified water filters or bottle filling stations.

(50) \$68,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 2378 (physician assistants). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(51) \$88,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2411 (suicide prevention/providers). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(52) \$724,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2426 (psychiatric patient safety). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(53) \$14,000 of the general fund—state appropriation for fiscal year 2020 and \$55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2731 (student head injury reports). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(54) \$16,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

House Bill No. 2755 (air ambulance cost transp.). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((57))~~ (55) \$1,300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for farmers market and grocery store basic food incentives for participants in the supplemental nutrition assistance program.

~~((60))~~ (56) Within amounts provided in this section, the department shall:

(a) Keep a monthly record of the wait times for processing applications for certification as an emergency medical technician, starting with the time the application is received until the certification is approved or denied. The record shall include the number of applications processed and the median and average wait times per month. The department shall provide a summary of the monthly wait times to the legislature no later than December 1, 2020.

(b) Conduct a review of the levels of emergency medicine competency applicable to military personnel and determine the equivalency of such levels to the standards required by the department for certification as an emergency medical technician in Washington state. The department shall report its findings to the legislature by December 1, 2020.

~~((62))~~ (57) The appropriations in this section include sufficient funding for the implementation of:

(a) Second Substitute Senate Bill No. 6309 (WIC fruit & veg. benefit);

(b) Substitute Senate Bill No. 6086 (opioid use/medications);

(c) Substitute Senate Bill No. 6526 (prescription drug reuse); and

~~((Senate Bill No. 6038 (acupuncture and eastern med.); and~~  
~~(e))~~ Substitute Senate Bill No. 6663 (eating disorders & diabetes).

~~((64))~~ (58) \$19,000 of the health professions account—state appropriation is provided solely for implementation of Senate Bill No. 6143 (podiatric medical board). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((65))~~ (59) \$76,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6570 (law enforce. mental health). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((66))~~ (60) \$83,000 of the health professions account—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6551 (international medical grads). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((67))~~ (61) \$20,000 of the health professions account—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6641 (sex offender treatment avail). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((69))~~ (62) \$1,223,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to improve behavioral health and suicide prevention through any of the following: Implementation of the recommendations of the agricultural industry task force; providing support to tribes in developing and implementing culturally appropriate, evidence-based programs and tribal best practices to support youth and adults; developing continuing education for mental health professionals and partnering with agencies and organizations serving high-risk populations; and developing and implementing postvention aftercare programs, developing a community health worker training module, and

creating a safer homes community campaign on suicide prevention.

~~((70))~~ (63) Within its existing resources, the department shall work with a stakeholder group to review current statutes, certification of practices in other states, and qualification standards regarding colon hydrotherapy and produce recommendations for implementation of a certification program for colon hydrotherapists in the state of Washington. The department must submit recommendations to the legislature no later than October 20, 2020.

~~((71))~~ (64) \$6,000 of the general fund—state appropriation for fiscal year 2020 and \$360,000 of the general fund—local appropriation is provided solely for staff, equipment, testing supplies, and materials necessary to add spinal muscular atrophy to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$4.30 for this purpose. The department shall report to the fiscal committees of the legislature by December 1, 2020, if it anticipates that the amounts raised by the screening fee will not be sufficient to cover the costs of administering the program. The report shall identify the amount of any fee increase necessary to cover such costs.

~~((72))~~ (65) \$1,000,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to cover increased costs for the child profile health promotion notification system. The department shall review its processes for efficiencies and possible technological advances to reduce costs in future biennia. The department should review at least the following: (a) Use of technology; (b) frequency of communication; (c) available alternative funding sources; and (d) use of the system for other public awareness campaigns that might create new funding streams. The department shall report its findings and any recommendations to the legislature by December 15, 2020.

~~((73))~~ (66) Sufficient funding is provided in this section to implement Engrossed Substitute House Bill No. 2576 (private detention facilities).

**Sec. 1121.** 2020 c 357 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2020))~~ 2021, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ~~((2020))~~ 2021 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. To the extent that transfers under this section are insufficient to fund actual expenditures made as a response to the COVID-19 pandemic, the department may transfer state appropriations that are provided solely for a specified purpose. The director of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2020) .....	\$68,583,000
General Fund—State Appropriation (FY 2021)	
.....	<del>((74,332,000))</del>
	\$73,873,000
General Fund—Federal Appropriation.....	\$400,000

Pension Funding Stabilization Account—State	
Appropriation.....	\$7,616,000
TOTAL APPROPRIATION.....	<del>(\$150,931,000)</del>
	<u>\$150,472,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: (a) Within the funds appropriated in the subsection the department shall review and update the necessary business requirements for implementation of a comprehensive electronic health records system. The department will utilize its feasibility study from 2013 and the health informatics roadmap completed in 2017 to update its business requirements and complete a request for information process by May 31, 2021. The department shall submit a report to the governor and the legislature outlining the system specifications and a cost model for implementation no later than June 30, 2021. This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

(b) \$13,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence).

(c)(i) During the 2019-2021 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) The appropriations in this subsection include sufficient funding for the implementation of Second Substitute Senate Bill No. 5021 (DOC/interest arbitration).

(e) \$219,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Second Substitute House Bill No. 1521 (government contracting). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2020).....	\$564,329,000
General Fund—State Appropriation (FY 2021)	<del>(\$599,334,000)</del>
	<u>\$594,545,000</u>
General Fund—Federal Appropriation.....	\$818,000
Washington Auto Theft Prevention Authority Account—	

State Appropriation.....	\$4,679,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$62,920,000
TOTAL APPROPRIATION.....	<del>(\$1,232,080,000)</del>
	<u>\$1,227,291,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. ~~((The))~~ Except as provided in (j) of this subsection, the department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for Yakima jail staff assigned to the unit. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund—state appropriation for fiscal year 2020 and \$501,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) The appropriations in this subsection include sufficient funding for the implementation of Substitute Senate Bill No. 5492 (motor vehicle felonies).

(d) \$1,861,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$1,861,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely for the department to contract for the costs associated with use of offender bed capacity in lieu of prison beds for a therapeutic community program in Yakima county. The department shall provide a report to the legislature by December 15, 2019, outlining the program, its outcomes, and any improvements made over the previous contracted beds.

(e) \$3,314,000 of the general fund—state appropriation for fiscal year 2020 and \$3,014,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase custody staffing in its prison facilities to provide watch staff for hospital stays, mental health needs, and suicide watches to reduce overtime hours. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by November 15, 2019.

(f) \$1,071,000 of the general fund—state appropriation for fiscal year 2020 and \$1,567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to

EIGHTY FIRST DAY, APRIL 1, 2021

implement the settlement agreement in *Disability Rights Washington v. Inslee, et al.*, U.S. District Court for the Western District of Washington, cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment, and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, this appropriation shall lapse.

(g) \$663,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department for payment of debt service associated with a certificate of participation for the equipment at the coyote ridge corrections center and its security electronics network project.

(h) \$16,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Third Substitute House Bill No. 1504 (impaired driving). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((i)) (i) \$97,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6476 (correctional services access). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~~~

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2020).. \$227,667,000  
General Fund—State Appropriation (FY 2021)  
.....(~~(\$242,885,000)~~)  
\$211,025,000

General Fund—Federal Appropriation ..... \$3,632,000  
Pension Funding Stabilization Account—State  
Appropriation..... \$12,800,000  
TOTAL APPROPRIATION.....(~~(\$486,984,000)~~)  
\$455,124,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,320,000 of the general fund—state appropriation for fiscal year 2020 and \$2,560,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of corrections to negotiate annual contract rate increases with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision and must include increases for a regional jail serving the south King county area for providing enhanced medical services. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators. (c) \$984,000 of the general fund—state appropriation for fiscal year 2020 and \$8,066,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to create two hundred work release beds in the community by the end of fiscal year 2021. The department shall create an implementation plan and provide a report to the legislature by September 1, 2019, that outlines when and where the work release facilities will be implemented.

(d) \$143,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence).

(e) Amounts provided in this subsection include additional funding for improving services to persons under community supervision. The savings from caseload reductions as a result of Substitute House Bill No. 2393 (community custody), Substitute House Bill No. 2394 (community custody), and Substitute House Bill No. 2417 (community custody terms) allow for investments as recommended by the sentencing guidelines commission and the criminal sentencing task force, in evidence-based supervision and reentry practices that support accountability and successful reintegration into the community. The department of corrections must report to the governor and the appropriate committees of the legislature on how additional funds are expended by June 30, 2021.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2020) ..... \$6,471,000  
General Fund—State Appropriation (FY 2021) (~~(\$6,580,000)~~)  
\$7,298,000

Pension Funding Stabilization Account—State  
Appropriation..... \$510,000  
TOTAL APPROPRIATION ..... (~~(\$13,561,000)~~)  
\$14,279,000

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2020) ... \$47,835,000  
General Fund—State Appropriation (FY 2021)  
.....(~~(\$49,181,000)~~)  
\$49,429,000  
TOTAL APPROPRIATION ..... (~~(\$97,016,000)~~)  
\$97,264,000

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2020) ... \$59,452,000  
General Fund—State Appropriation (FY 2021)  
.....(~~(\$62,460,000)~~)  
\$61,919,000  
Pension Funding Stabilization Account—State  
Appropriation ..... \$4,430,000  
TOTAL APPROPRIATION ..... (~~(\$126,342,000)~~)  
\$125,801,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$924,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional rental vouchers for individuals released from prison facilities or to increase the value of the rental voucher.

(c) \$9,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Second Substitute Senate Bill No. 5433 (DOC/post secondary education).

(d)(i) \$1,156,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for costs relating to a pilot program for expanding educational programming to include postsecondary degrees and secure internet connections at up to three correctional institutions. The institutions chosen must be participating in the federal second chance Pell program. The internet connections are limited to the following purposes:

- (A) Adult basic education;
- (B) Completion of the free application for federal student aid or the Washington application for state financial aid; and

(C) Postsecondary education and training.  
 (ii) A report shall be submitted to the governor and the appropriate committees of the legislature by December 1, 2021, including:

(A) A description of how the secure internet connections were implemented, including any barriers or challenges;

(B) How many inmates participated in the programs that used the secure internet connections and a description of how the internet connection changed existing practices; and

(C) Data on whether the secure internet connection increased general education development or high school equivalency certificate completions; free application for federal student aid or Washington application for state financial aid filings; access to Pell grants or other state financial aid; and postsecondary education and training credit, certificate, and degree completions.

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2020).....	\$164,516,000
General Fund—State Appropriation (FY 2021)	<del>(\$174,549,000)</del>
	<u>\$175,395,000</u>
General Fund—Federal Appropriation .....	\$1,400,000
TOTAL APPROPRIATION .....	<del>(\$340,465,000)</del>
	<u>\$341,311,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

(b) \$895,000 of the general fund—state appropriation for fiscal year 2020 and \$895,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase on call nursing and overtime staff in order to cover required nursing posts in its prison facilities. The department shall track and report to the legislature on the changes in working conditions and overtime usage for nursing services by December 21, 2019.

(c) \$108,000 of the general fund—state appropriation for fiscal year 2020 and \$164,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et. al.*, United States District Court for the Western District of Washington, Cause No. 18-5071, for the portions of the agreement that require additional staff necessary to supervise individuals with greater out-of-cell time and to facilitate access to programming, treatment and other required activities. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, the amounts provided in this subsection shall lapse.

(d) \$73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute Senate Bill No. 6476 (correctional services access). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

**Sec. 1122.** 2020 c 357 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 2020).....	\$3,611,000
General Fund—State Appropriation (FY 2021).	<del>(\$3,971,000)</del>
	<u>\$3,771,000</u>
General Fund—Federal Appropriation .....	<del>(\$25,492,000)</del>
	<u>\$25,209,000</u>
General Fund—Private/Local Appropriation.....	\$60,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$172,000

TOTAL APPROPRIATION .....	<del>(\$33,306,000)</del>
	<u>\$32,823,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$275,000 of the general fund—state appropriation for fiscal year 2020 and \$275,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for vocational rehabilitation supported employment services for additional eligible clients with visual disabilities who would otherwise be placed on the federally required order of selection waiting list.

(2) \$115,000 of the general fund—state appropriation for fiscal year 2020 and \$115,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the independent living program.

**Sec. 1123.** 2020 c 357 s 224 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2020).....	\$35,000
General Fund—State Appropriation (FY 2021) .....	\$910,000
General Fund—Federal Appropriation.....	<del>(\$252,209,000)</del>
	<u>\$248,152,000</u>
General Fund—Private/Local Appropriation ..	<del>(\$36,421,000)</del>
	<u>\$36,408,000</u>
Unemployment Compensation Administration Account—	
Federal Appropriation .....	<del>(\$278,678,000)</del>
	<u>\$383,932,000</u>
Administrative Contingency Account—State	
Appropriation .....	<del>(\$26,256,000)</del>
	<u>\$26,250,000</u>
Employment Service Administrative Account—State	
Appropriation .....	<del>(\$66,060,000)</del>
	<u>\$65,947,000</u>
Family and Medical Leave Insurance Account—State	
Appropriation .....	<del>(\$129,563,000)</del>
	<u>\$129,489,000</u>
Long-Term Services and Supports Trust Account—State	
Appropriation .....	\$14,103,000
TOTAL APPROPRIATION .....	<del>(\$804,235,000)</del>
	<u>\$905,226,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$70,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(3) \$3,516,000 of the employment service administrative account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5438 (ag & seasonal workforce srv).

(4) \$4,636,000 of the employment service administrative account—state appropriation is provided solely for the statewide reentry initiative to connect incarcerated individuals to employment resources prior to and after release.

(5) \$14,103,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1087 (long-term services and support). Of the amount provided in this subsection, \$7,426,000 of the employment service administrative account—state appropriation is subject to the conditions, limitations, and review provided in section 701 of this act.

(6) \$162,000 of the family and medical leave insurance account—state appropriation is provided solely for

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

implementation of Substitute House Bill No. 1399 (paid family and medical leave).

(7) \$875,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to expand career connected learning program intermediary grants.

(8) \$50,948,000 of the family and medical leave insurance account—state appropriation is provided solely to increase staffing levels and funding for the paid family medical leave program in order to align with projected business needs. The department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the office of financial management by September 1, 2020.

(9) \$491,000 of the employment service administrative account—state appropriation is provided solely for implementation of Substitute House Bill No. 2308 (job title reporting). Of the amount provided in this subsection, \$208,000 of employment service administrative account—state appropriation is subject to the conditions, limitations, and review provided in section 701 of this act. ~~(If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.)~~

(10)(a) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(b) Within existing resources, by December 1, 2020, the department shall submit a report to the governor and the appropriate committees of the legislature concerning the ability for the paid family and medical leave program and a statewide family resource, referral, and linkage system to provide integrated services to eligible beneficiaries. The report shall include an analysis of any statutory changes needed to allow information and data to be shared between the statewide family resource, referral, and linkage system and the paid family and medical leave program.

(11) \$11,019,000 of the employment services administrative account—state appropriation is provided solely for increased compensation and other administrative costs that federal grant dollars are insufficient to cover. The department shall report the following to the legislature and the governor by September 30, 2020:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for each fiscal year from fiscal year 2014 through fiscal year 2020, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for each fiscal year from fiscal year 2014 through fiscal year 2020;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for each fiscal year from fiscal year 2014 through fiscal year 2020; and

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

(12) \$421,000 of the unemployment compensation account—federal appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5061 (unemployment insurance). If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection (12).

(13) \$1,983,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with the national guard to assist in reducing the backlog of claimant issues and other work that the department has experienced due to the high volume and extended length of unemployment insurance claims related to the COVID-19 public health emergency.

(14) \$633,000 of the general fund—federal appropriation (CRF) is provided solely for the department to contract with one or more experienced fact-finding services, to assist with adjudication and other efforts related to the high volume and extended length of unemployment insurance claims related to the COVID-19 public health emergency.

(15) \$2,110,000 of the general fund—federal appropriation (ARPA) is provided solely for the department to migrate and upgrade the customer call center phone system to a cloud-based system, in order to promote equitable access and ensure the timely payment of unemployment insurance benefits. Prior to executing any contract, the department shall consult with the office of the chief information officer. The department, in collaboration with the office of the chief information officer, must develop a project plan, timeline with quantifiable deliverables, and budget. The budget must include base funding in the 2019-2021 fiscal biennium for the existing customer call center phone system, and project ongoing costs by fiscal year and by fund for the upgraded phone system. The department must report this to the office of financial management and the relevant committees of the legislature by June 30, 2021.

(16) \$240,000 of the general fund—federal appropriation (ARPA) is provided solely for the translation of letters and documents, and other enhancements to improve unemployment insurance customer access and ensure the timely payment of unemployment insurance benefits.

**Sec. 1124.** 2020 c 357 s 225 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

(1)(a) The appropriations to the department of children, youth, and families in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2020))~~ 2021, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ~~((2020))~~ 2021 among programs after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ~~((2020))~~ 2021 caseload forecasts and utilization assumptions in the foster care, adoption support, child protective services, working connections child care, and the juvenile rehabilitation programs or in response to the COVID-19 pandemic, the department may transfer appropriations that are provided solely for a specified purpose.

(2) CHILDREN AND FAMILIES SERVICES PROGRAM  
General Fund—State Appropriation (FY 2020) ..\$401,235,000

General Fund—State Appropriation (FY 2021)	
	<u>(\$411,209,000)</u>
	<u>\$356,806,000</u>
General Fund—Federal Appropriation .....	<u>(\$458,790,000)</u>
	<u>\$433,067,000</u>
General Fund—Private/Local Appropriation.....	<u>(\$2,824,000)</u>
	<u>\$2,822,000</u>
Pension Funding Stabilization Account—State Appropriation.....	<u>(\$24,916,000)</u>
	<u>\$24,769,000</u>
TOTAL APPROPRIATION.....	<u>(\$1,298,974,000)</u>
	<u>\$1,218,699,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$748,000 of the general fund—state appropriation for fiscal year 2020 and \$748,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(b) \$253,000 of the general fund—state appropriation for fiscal year 2020 and \$662,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(i) Of the amounts provided in this subsection, \$253,000 of the general fund—state appropriation for fiscal year 2020 and \$253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the costs of existing hub home foster family constellations.

(ii) Of the amounts provided in this subsection, \$231,000 of the general fund—state appropriation for fiscal year 2021 appropriation is provided solely to expand the number of hub home constellations and provide technical assistance for existing constellations.

(iii) Of the amounts provided in this subsection, \$178,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with an organization with expertise in implementing the hub home model with fidelity to identify and train organizations serving kinship caregivers in eastern and western Washington with the goal of establishing additional hub home constellations to provide respite, training, and support to kinship caregivers. The department of children, youth, and families shall make available to the contracted organization information about the rates of placement of children with relative caregivers in order for the contracted organization to identify appropriate locations for expanding the model.

(c) \$579,000 of the general fund—state appropriation for fiscal year 2020 and \$579,000 of the general fund—state appropriation for fiscal year 2021 and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) \$1,245,000 of the general fund—state appropriation for fiscal year 2020 and \$1,245,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for services

provided through children's advocacy centers. Of the amounts provided in this subsection, \$255,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an expansion to child advocacy center services.

(e) \$1,884,000 of the general fund—state appropriation for fiscal year 2020 and \$2,400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020. Of the amounts provided in this subsection, \$533,000 of the general fund—state appropriation for fiscal year 2020 and \$1,049,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to expand performance-based contracts through network administrators.

(f) \$2,799,000 of the general fund—state appropriation for fiscal year 2020, \$1,754,000 of the general fund—state appropriation for fiscal year 2021, and \$5,444,000 of the general fund—federal appropriation are provided solely for social worker and related staff to receive, refer, and respond to screened-in reports of child abuse and neglect pursuant to chapter 208, Laws of 2018.

(g) Beginning October 1, 2019, and each calendar quarter thereafter, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal committees of the legislature. To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(i) Total full time equivalent employee authority, allotments and expenditures by region, office, classification and band, and job duty or program;

(ii) Vacancy rates by region, office, and classification and band; and

(iii) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(h) \$94,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(i) \$3,910,000 of the general fund—state appropriation for fiscal year 2020 and \$3,910,000 of the general fund—state appropriation for fiscal year 2021 and \$2,336,000 of the general fund—federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care, to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcomes.

(j)(A) \$539,000 of the general fund—state appropriation for fiscal year 2020 and \$540,000 of the general fund—state appropriation for fiscal year 2021, \$656,000 of the general fund private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(k) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(l) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child.

(m) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(n) \$1,230,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$2,230,000)~~ \$1,230,000 of the general fund—state appropriation for fiscal year 2021 and \$156,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(o) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(p) \$197,000 of the general fund—state appropriation for fiscal year 2020 and \$197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(q) \$5,040,000 of the general fund—state appropriation for fiscal year 2020 \$6,051,000 of the general fund—state appropriation for fiscal year 2021, and \$846,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement contracts. Of the amounts provided in this subsection (2)(q), \$1,037,000 of the general fund—state appropriation for fiscal year 2021 and \$115,000 of the general fund—federal appropriation are provided solely for contracts with enhanced therapeutic services and greater staff-to-child ratios. The department shall not include the

costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(r) The appropriations in this section include sufficient funding for continued implementation of Chapter 80, Laws of 2018 (2SSB 6453) (kinship caregiver legal support).

(s)(i) \$10,828,000 of the general fund—state appropriation for fiscal year 2020, \$10,993,000 of the general fund—state appropriation for fiscal year 2021, and \$13,365,000 of the general fund—federal appropriation are provided solely for rate increases for behavioral rehabilitation services providers. The department shall modify the rate structure to one that is based on placement setting rather than acuity level pursuant to the rate study submitted in December 2018.

(ii) Beginning January 1, 2020, and continuing through the 2019-2021 fiscal biennium, the department must provide semi-annual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the first six months of calendar year 2019. Beginning in state fiscal year 2021, the report shall identify beds with the behavioral rehabilitation services-plus services rate in (ii) of this subsection.

(t) Within existing resources, the department shall implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children).

(u) ~~((+))~~ \$1,533,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of chapter 328, Laws of 2019 (2SSB 5718). Of the amount provided in this subsection, \$767,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide short-term housing assistance to families that must not result in ongoing expenditures after June 30, 2021, consistent with the requirements of chapter 328, Laws of 2019 (2SSB 5718).

~~((+))~~ (v) \$413,000 of the general fund—state appropriation for fiscal year 2020, \$513,000 of the general fund—state appropriation for fiscal year 2021, and \$826,000 of the general fund—federal appropriation are provided solely to increase family reconciliation services. The appropriations in this section include sufficient funding to implement Substitute House Bill No. 2873 (families in conflict).

~~((+))~~ (w) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

~~((+))~~ (x) The department of children, youth, and families shall enter into interagency agreements with the office of public defense and office of civil legal aid to facilitate the use of federal Title IV-E reimbursement for parent representation and child representation services.

~~((+))~~ (y) \$146,000 of the general fund—state appropriation for fiscal year 2020 and \$147,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5955 (DCYF/statewide system).

~~((+))~~ (z) \$15,046,000 of the general fund—federal appropriation is provided solely for the department of children,

youth, and families to leverage federal title IV-E funds available under the family first prevention services act for qualifying services and families.

(i) In fiscal year 2020, the department shall work with the department of social and health services to complete an evaluation of kinship navigator services that would enable establishment of a well-supported, supported, or promising practice model.

(ii) No later than December 1, 2019, the department shall report to the governor and appropriate legislative committees on the feasibility of claiming federal title IV-E reimbursement in fiscal year 2021 for home visiting services and kinship navigator services. The report shall include the estimated share of the current population receiving home visiting services whom the department would consider candidates for foster care for the purposes of title IV-E reimbursement under the family first prevention services act, and the estimated workload impacts for the department to identify and document the candidacy of populations receiving home visiting services.

~~((bb))~~ (aa) \$443,000 of the general fund—state appropriation for fiscal year 2020, \$443,000 of the general fund—state appropriation for fiscal year 2021, and \$818,000 of the general fund—federal appropriation are provided solely for ten child and family welfare services case workers.

~~((ee))~~ (bb) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

~~((dd))~~ (cc) \$666,000 of the general fund—state appropriation for fiscal year 2021 and \$74,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1645 (parental improvement). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

~~((ee))~~ (dd) \$937,000 of the general fund—state appropriation for fiscal year 2021 and \$66,000 of the general fund—federal appropriation are provided solely to implement Engrossed Third Substitute House Bill No. 1775 (sexually exploited children). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

~~((hh))~~ (ce) \$5,159,000 of the general fund—state appropriation for fiscal year 2021 and \$1,870,000 of the general fund—federal appropriation are provided solely to increase the basic foster care maintenance rate by an average of \$110 per month per child for all age groups effective July 1, 2020.

~~((ii))~~ (ff) \$3,175,000 of the general fund—state appropriation for fiscal year 2021 and \$2,117,000 of the general fund—federal appropriation are provided solely to establish behavioral rehabilitation services-plus contracts to serve dependent youth whose needs cannot be met in regular behavioral rehabilitation services, and who may be transitioning from a hospital or other inpatient treatment, emergent placement services, a hotel stay, or an out-of-state placement. Contracts for behavioral rehabilitation services-plus must offer enhanced rates that support therapeutic services, appropriate staff-to-child ratios, and placement stabilization.

~~((kk))~~ (gg) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of

forecasting and budgeting at maintenance level as required by RCW 43.88.058.

~~((mm))~~ \$1,080,000 of the general fund—state appropriation for fiscal year 2021 and \$720,000 of the general fund—federal appropriation are provided solely for the department to engage with a behavioral rehabilitation services or behavioral rehabilitation services-plus provider or providers who previously provided behavioral rehabilitation services to the state but who do not have a contract with the department on the effective date of this section, and who can serve dependent youth whose needs require a staff to child ratio that is higher than one staff to three children. The funding in this subsection is provided on a one-time basis for fiscal year 2021 only.

~~((nn))~~ (hh) \$139,000 of the general fund—state appropriation for fiscal year 2021 and \$26,000 of the general fund—federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 5291 (confinement alts./children). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(3) JUVENILE REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2020) ..	\$100,445,000
General Fund—State Appropriation (FY 2021)	..... <del>((111,895,000))</del>
	<u>\$107,544,000</u>
General Fund—Federal Appropriation.....	<del>((3,464,000))</del>
	<u>\$3,411,000</u>
General Fund—Private/Local Appropriation .....	\$1,790,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation .....	\$196,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$8,362,000
TOTAL APPROPRIATION .....	<del>((226,152,000))</del>
	<u>\$221,748,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$331,000 of the general fund—state appropriation for fiscal year 2020 and \$331,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$2,841,000 of the general fund—state appropriation for fiscal year 2020 and \$2,841,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts for the juvenile justice programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(c) \$1,537,000 of the general fund—state appropriation for fiscal year 2020 and \$1,537,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(d)(i) \$6,198,000 of the general fund—state appropriation for fiscal year 2020 and \$6,198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(ii) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (A) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (B) fifteen percent for the assessment of low, moderate, and high-risk youth; (C) twenty-five percent for evidence-based program participation; (D) seventeen and one-half percent for minority populations; (E) three percent for the chemical dependency and mental health disposition alternative; and (F) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(iii) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (d)(ii) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(iv) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(e) \$557,000 of the general fund—state appropriation for fiscal year 2020 and \$707,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the teamchild project.

(f) \$283,000 of the general fund—state appropriation for fiscal year 2020 and \$283,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile detention alternatives initiative.

(g) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(h) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(i) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(j) \$432,000 of the general fund—state appropriation for fiscal year 2020 and \$432,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(k) \$4,179,000 of the general fund—state appropriation for fiscal year 2020 and \$7,516,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehabilitation confinement).

(l) \$80,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a contract with a non-governmental entity to research youth violence prevention strategies and explore new and existing resources to implement evidence-based youth prevention strategies in the city of Federal Way.

(m) \$200,000 of the general fund—state appropriation for fiscal year 2020 is provided for the department to measure the fidelity of the evidence-based interventions incorporated into the integrated treatment model. By July 1, 2020, the department must report to the governor and the appropriate fiscal and policy committees of the legislature on the results of the assessment of the integrated treatment model.

(n) \$425,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by September 15, 2021.

(o) \$800,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of juvenile justice to establish a grant program for evidence-based services to youth who are at high risk to perpetrate gun violence and who reside in areas with high rates of gun violence.

(i) Priority shall be given to one site serving in south King county and one site in Yakima county.

(ii) Priority for funding shall be given to sites who partner with the University of Washington to deliver family integrated transition services through use of credible messenger advocates.

(p) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the juvenile rehabilitation administration to contract with a cultural-based education, rehabilitation, and positive identity formation program to host music, dance, therapeutic African drumming, and cultural awareness workshops at Naselle youth camp.

(q) \$1,059,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Second Substitute House Bill No. 2277 (youth solitary confinement). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(r) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department of children, youth, and families to fund an educational advocate for the city of Yakima. The advocate will provide intervention services to youth identified as most at risk to engage in firearm violence.

(4) EARLY LEARNING PROGRAM

General Fund—State Appropriation (FY 2020).....	\$206,082,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$347,513,000)</del>
	<u>\$282,785,000</u>
General Fund—Federal Appropriation .....	<del>(\$412,831,000)</del>
	<u>\$414,821,000</u>
General Fund—Private/Local Appropriation.....	<del>(\$1,115,000)</del>
	<u>\$1,110,000</u>
Education Legacy Trust Account—State Appropriation	
.....	<del>(\$28,156,000)</del>
	<u>\$28,150,000</u>
Home Visiting Services Account—State Appropriation	
.....	<del>(\$14,926,000)</del>
	<u>\$14,803,000</u>
Home Visiting Services Account—Federal Appropriation	
.....	\$28,523,000
Washington Opportunity Pathways Account—State	
Appropriation.....	\$80,000,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$3,900,000
TOTAL APPROPRIATION.....	<del>(\$1,123,046,000)</del>
	<u>\$1,060,174,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a)(i) \$80,273,000 of the general fund—state appropriation for fiscal year 2020, \$97,570,000 of the general fund—state appropriation for fiscal year 2021, ~~(\$24,070,000)~~ \$23,970,000 of the education legacy trust account—state appropriation, and \$80,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 14,000 slots in fiscal year 2020 and 14,662 slots in fiscal year 2021. Of the 14,662 slots in fiscal year 2021, 50 slots must be reserved for foster children to receive school-year-round enrollment.

(ii) The department of children, youth, and families must develop a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(d) \$51,815,000 of the general fund—state appropriation in fiscal year 2020, ~~(\$80,265,000)~~ \$54,862,000 of the general fund—state appropriation in fiscal year 2021, and \$283,375,000 of the general fund—federal appropriation are provided solely for the working connections child care program under RCW 43.216.135. Of the amounts provided in this subsection:

(i) ~~(\$78,101,000 of the general fund—state appropriation shall)~~ The department will coordinate with the department of social and health services to determine the amount of state funding for state fiscal year 2021 to be claimed toward the state's temporary assistance for needy families federal maintenance of effort requirement. The department shall work in collaboration with the department of social and health services to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the monthly temporary assistance for needy families reimbursement.

(ii) \$44,103,000 is for the compensation components of the 2019-2021 collective bargaining agreement covering family child care providers as provided in section 943 of this act.

(iii) \$28,000 of the general fund—state appropriation for fiscal year 2020 and \$1,359,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1303 (child care/higher education).

(iv) \$526,000 of the general fund—state appropriation for fiscal year 2020 and \$519,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1603 (economic assistance programs).

(v) \$1,901,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2456 (working connect. eligibility). If

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(vi) \$7,000 of the general fund—state appropriation for fiscal year 2020 and \$645,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute House Bill No. 2455 (high school/child care). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.

(vii) ~~(\$133,354,000)~~ \$103,354,000 is for subsidy rate increases for child care center providers. Funding in this subsection is sufficient to achieve the 55th percentile of market at a level 3 standard of quality in fiscal year 2020 and the 65th percentile of market for both centers and licensed family homes at a level 2 standard of quality and providers of care for school aged children in fiscal year 2021. The state and the representative for family child care providers must enter into bargaining over the implementation of subsidy rate increases, and apply those increases consistent with the terms of this proviso and the agreement reached between the parties.

~~((vi)-(ix))~~ (viii) In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

- (A) Families applying for or receiving temporary assistance for needy families (TANF);
- (B) TANF families curing sanction;
- (C) Foster children;
- (D) Families that include a child with special needs;
- (E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;
- (F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and have received a referral for child care as part of the family's case management;
- (G) Families that received subsidies within the last thirty days and:
  - (I) Have reapplied for subsidies; and
  - (II) Have household income of two hundred percent of the federal poverty level or below; and
  - (H) All other eligible families.

~~((x))~~ (ix) The department, in collaboration with the department of social and health services, must submit a follow-up report by December 1, 2019, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The report must include:

- (A) An updated narrative of the procurement and implementation of an improved time and attendance system, including an updated and detailed accounting of the final costs of procurement and implementation;
- (B) An updated and comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services have implemented and that are planned to be implemented to avoid overpayments. The updated report must include an itemized description of the processes implemented or planned to be implemented to address each of the following:
  - (I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;
  - (II) Avoid overpayments, including the billing of more regular business days than are in a month, to the maximum extent

possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(VII) Ensure two half-day rates totaling more than one hundred percent of the daily rate are not paid to providers; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

~~((x+))~~ (x) Beginning July 1, 2019, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

- (A) A summary of the number of overpayments that occurred;
- (B) The reason for each overpayment;
- (C) The total cost of overpayments;
- (D) A comparison to overpayments that occurred in the past two preceding fiscal years; and
- (E) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(e) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(f) \$1,560,000 of the general fund—state appropriation for fiscal year 2020 ~~(and \$1,560,000)~~, \$310,000 of the general fund—state appropriation for fiscal year 2021, and ~~(\$13,424,000)~~ \$8,046,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(g) \$379,000 of the general fund—state appropriation for fiscal year 2020 and \$871,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a pilot project to prevent child abuse and neglect using nationally recognized models. Of the amounts provided:

(i) \$323,000 of the general fund—state appropriation for fiscal year 2020 and \$333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to convene stakeholders to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(ii) \$56,000 of the general fund—state appropriation for fiscal year 2020 and \$539,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the nonprofit organization to offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by December 1, 2019.

(h) \$4,653,000 of the general fund—state appropriation for fiscal year 2020, \$3,587,000 of the general fund—state appropriation for fiscal year 2021, and \$1,076,000 of the general fund—federal appropriation are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

(i) \$38,622,000 of the general fund—state appropriation for fiscal year 2020, \$38,095,000 of the general fund—state appropriation for fiscal year 2021 and \$33,908,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection:

(i) \$1,728,000 of the general fund—state appropriation for fiscal year 2020 and \$1,728,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(ii) \$17,955,000 is for quality improvement awards, of which \$1,650,000 is to provide a \$500 increase for awards for select providers rated level three to five in accordance with the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act.

(iii) \$1,283,000 of the general fund—state appropriation for fiscal year 2020 and \$417,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers program).

(iv) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(k) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(l) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management

and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

(m)(i)(A) The department is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(n) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(o) \$5,157,000 of the general fund—state appropriation for fiscal year 2020 and \$4,938,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for components of the 2019-2021 collective bargaining agreement covering family child care providers as set forth in section 943 of this act. Of the amounts provided in this subsection:

(i) \$1,302,000 is for the family child care provider 501(c)(3) organization for board-approved training;

(ii) \$230,000 is for increasing training reimbursement up to \$250 per person;

(iii) \$115,000 is for training on the electronic child care time and attendance system;

(iv) \$3,000,000 is to maintain the career development fund;

(v) \$5,223,000 is for up to five days of substitute coverage per provider per year through the state-administered substitute pool.

(vi) \$226,000 is to provide an increase to monthly health care premiums.

(p) \$219,000 of the general fund—state appropriation for fiscal year 2020 and \$219,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(q) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of

EIGHTY FIRST DAY, APRIL 1, 2021

chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(r) \$317,000 of the general fund—state appropriation for fiscal year 2020 and \$317,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to continue a four year pilot for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(s) Within existing resources, the department shall implement Substitute Senate Bill No. 5089 (early learning access).

(t) \$250,000 of the general fund—state appropriation for fiscal year 2020 ~~((and \$250,000 of the general fund state appropriation for fiscal year 2021 are))~~ is provided solely for additional facilitated play groups offered statewide to family, friend, and neighbor child care providers.

(u)(i) The department of children, youth, and families, in consultation with the office of the superintendent of public instruction, the office of financial management, and the caseload forecast council must develop a proposal to transfer the annual allocations appropriated in the omnibus appropriations act for early intervention services for children with disabilities from birth through two years of age, from the superintendent of public instruction to the department of children, youth, and families beginning July 1, 2020. The department must submit a model detailing how allocations for this program will be determined and identifying the necessary statutory changes to the office of financial management and the fiscal committees of the legislature no later than September 1, 2019.

(ii) Beginning July 1, 2019, there shall be an administrative limit of five percent on all state funds allocated to school districts for early intervention services for children with disabilities from birth through two years of age.

(v) \$750,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the expanded learning opportunity quality initiative pursuant to RCW 43.216.085(3)(d). No later than December 1, 2020, the department shall submit a report to the governor and the appropriate committees of the legislature regarding the outcomes of this pilot program and recommendations for future implementation that includes phasing-out the need for ongoing state support.

(w) ~~(\$3,779,000)~~ \$3,656,000 of the home visiting services—state appropriation and \$3,779,000 of the home visiting services—federal appropriation are provided solely for the department to contract for additional home visiting slots. To maximize the use of available federal funding, to the greatest extent possible, the department shall use these additional slots to serve families where one or more children are candidates for foster care. The federal amount in this subsection is contingent on the services and children being eligible under the federal family first prevention services act, P.L. 115-123. The department may not allocate the federal funds to contractors unless the federal funding requirements are met.

(x) \$9,000 of the general fund—state appropriation for fiscal year 2020 and \$9,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1344 (child care access work group).

(y) \$773,000 of the general fund—state appropriation for fiscal year 2020 and \$773,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health).

(z) \$231,000 of the general fund—state appropriation for fiscal year 2020 and \$144,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department of children, youth, and families to collaborate with the office of the superintendent of public instruction to complete a report with

options and recommendations for administrative efficiencies and long-term strategies that align and integrate high-quality early learning programs administered by both agencies. The report shall address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is due to the governor and the appropriate legislative committees by September 1, 2020.

(aa) \$95,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to contract with the Walla Walla school district to repurpose an elementary school into an early learning center to serve as a regional prekindergarten facility. The early learning center must provide birth to five services such as parent education and supports, child care, and early learning programs.

(bb) \$3,523,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide one-time scholarships for licensed family homes, child care center providers, and interested early learning providers to meet licensing requirements or meet ECEAP staff qualifications. Scholarships must support early childhood education associate degrees offered at state community and technical colleges or the early childhood education stackable certificates. The department shall administer the scholarship program and leverage the infrastructure established with early achievers grants.

~~((dd))~~ (cc) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Substitute House Bill No. 2556 (early learning provider regs). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((ee))~~ (dd) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of House Bill No. 2619 (early learning access). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((ff))~~ (ce) \$91,991,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for payments to providers for the early support for infants and toddlers program to implement Substitute House Bill No. 2787 (infants and toddlers program). Beginning September 1, 2020, funding for this purpose is transferred from the office of the superintendent of public instruction. Funding and eligibility are associated with the 0-2 special education caseload prepared by the caseload forecast council.

(5) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2020) ..	\$118,341,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$119,408,000)</del>
	<u>\$124,182,000</u>
General Fund—Federal Appropriation.....	<del>(\$162,520,000)</del>
	<u>\$159,355,000</u>
General Fund—Private/Local Appropriation .....	\$195,000
Education Legacy Trust Account—State Appropriation	
.....	\$180,000
Home Visiting Services Account—State Appropriation	
.....	\$472,000
Home Visiting Services Account—Federal Appropriation	
.....	\$354,000
Pension Funding Stabilization Account—State	
Appropriation .....	<del>(\$2,990,000)</del>
	<u>\$3,137,000</u>
TOTAL APPROPRIATION .....	<del>(\$404,460,000)</del>
	<u>\$406,216,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. By October 31, 2019, the coalition must submit a report to the governor and the legislature that describes the coalition's plan for projects affecting the coalition organizations. The report must include any information technology projects impacting coalition organizations and, in collaboration with the office of the chief information officer, provide: (i) The status of any information technology projects currently being developed or implemented that affect the coalition; (ii) funding needs of these current and future information technology projects; and (iii) next steps for the coalition's information technology projects. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(c) \$5,000 of the general fund—state appropriation for fiscal year 2020, \$5,000 of the general fund—state appropriation for fiscal year 2021, and \$16,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2019-2021 fiscal biennium.

(d) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(e) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(f)(i) All agreements and contracts with vendors must include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(g) The department must submit an agency budget request for the 2020 supplemental budget that identifies the amount of administrative funding to be transferred from appropriations in subsections (2), (3), and (4) of this section to this subsection (5).

(h) \$83,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to participate in the work group established in section 922 of this act to create a family engagement framework for early learning through high school. At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

(i) \$175,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to create a plan to merge servers and build infrastructure to connect the child welfare, early learning, and juvenile rehabilitation programs on a single network. The implementation plan must be completed and provided to the legislature by January 1, 2021.

(j) The department shall use funding provided in the information technology pool to develop and implement the following, subject to the conditions, limitations, and review provided in section 701 of this act:

(i) A web-based reporting portal accessible to mandated reporters for reporting child abuse and neglect as required by RCW 26.44.030; and

(ii) A call-back option for callers placed on hold to provide a phone number for the department to return a call to complete the report of child abuse and neglect.

**PART XII  
NATURAL RESOURCES  
SUPPLEMENTAL**

**Sec. 1201.** 2020 c 357 s 301 (uncodified) is amended to read as follows:

<b>FOR THE COLUMBIA RIVER GORGE COMMISSION</b>	
General Fund—State Appropriation (FY 2020) .....	\$605,000
General Fund—State Appropriation (FY 2021) ...	<del>(\$668,000)</del>
	<u>\$657,000</u>
General Fund—Federal Appropriation.....	\$32,000
General Fund—Private/Local Appropriation ....	<del>(\$1,158,000)</del>
	<u>\$1,147,000</u>
Pension Funding Stabilization Account—State Appropriation .....	\$46,000
TOTAL APPROPRIATION .....	<del>(\$2,509,000)</del>
	<u>\$2,487,000</u>

The appropriations in this section are subject to the following conditions and limitations:

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(1) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$45,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to conduct compliance monitoring on approved development projects and develop and track measures on the commission's effectiveness in implementing the national scenic area management plan.

(2) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

Sec. 1202. 2020 c 357 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Table with 4 columns: Description, FY 2020, FY 2021, and Total. Rows include General Fund—State Appropriation, Federal Appropriation, Private/Local Appropriation, Reclamation Account, Flood Control Assistance Account, State Emergency Water Projects Revolving Account, State Drought Preparedness Account, Water Rights Tracking System Account, Site Closure Account, Wood Stove Education and Enforcement Account, Worker and Community Right to Know Fund, Water Rights Processing Account, Model Toxics Control Operating Account (State and Local), and Underground Storage Tank Account.

Table with 4 columns: Description, Account—State, and Appropriation. Rows include Biosolids Permit, Hazardous Waste Assistance Account, Radioactive Mixed Waste Account, Air Pollution Control Account, Oil Spill Prevention Account, Air Operating Permit Account, Freshwater Aquatic Weeds Account, Oil Spill Response Account, Dedicated Marijuana Account (FY 2020 and FY 2021), Pension Funding Stabilization Account, Water Pollution Control Revolving Administration Account, Paint Product Stewardship Account, and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.
(2) \$102,000 of the general fund—state appropriation for fiscal year 2020 and \$102,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.
(3) \$726,000 of the general fund—state appropriation for fiscal year 2020, (\$1,742,000) \$1,432,000 of the general fund—state appropriation for fiscal year 2021, and \$1,600,000 of the flood control assistance account—state appropriation are provided solely for the continued implementation of the streamflow restoration program provided in chapter 90.94 RCW. Funding must be used to develop watershed plans, oversee consultants, adopt rules, and develop or oversee capital grant-funded projects that will improve instream flows statewide.
(4) \$1,259,000 of the model toxics control operating account—state appropriation is provided solely for the increased costs for Washington conservation corp member living allowances, vehicles used to transport crews to worksites, and costs unsupported by static federal AmeriCorps grant reimbursement.
(5) \$3,482,000 of the model toxics control operating account—state appropriation is provided solely for the department to implement recommendations that come from chemical action

plans (CAP), such as the interim recommendations addressing PFAS (per- and polyfluorinated alkyl substances) contamination in drinking water and sources of that contamination, to monitor results, and to develop new CAPs.

(6) \$592,000 of the reclamation account—state appropriation is provided solely for the department to assess and explore opportunities to resolve water rights uncertainties and disputes through adjudications in selected basins where tribal senior water rights, unquantified claims, and similar uncertainties about the seniority, quantity, and validity of water rights exist.

(7) \$2,147,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department to address litter prevention and recycling programs, and in response to new China-imposed restrictions on the import of recyclable materials. Activities funded from this increased appropriation include litter pickup by ecology youth crews, local governments, and other state agencies, and litter prevention public education campaigns.

(8) \$120,000 of the general fund—state appropriation for fiscal year 2020 (~~and \$569,000~~), \$67,000 of the general fund—state appropriation for fiscal year 2021, and \$502,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(9) \$1,286,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5135 (toxic pollution).

(10) \$392,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5397 (plastic packaging).

(11) \$1,450,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1543 (concerning sustainable recycling).

(12) \$342,000 of the air pollution control account—state appropriation and \$619,000 of the model toxics control operating account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1112 (hydrofluorocarbons emissions).

(13) \$1,374,000 of the model toxics control operating account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1578 (oil transportation safety).

(14) \$264,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to contract with the Walla Walla watershed management partnership board of directors to develop a thirty-year integrated water resource management strategic plan and to provide partnership staffing, reporting, and operating budget costs associated with new activities as described in Second Substitute Senate Bill No. 5352 (Walla Walla watershed pilot).

(15) \$455,000 of the general fund—state appropriation for fiscal year 2020 and \$455,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

(16) \$290,000 of the general fund—state appropriation for fiscal year 2020 (~~and \$290,000 of the general fund—state appropriation for fiscal year 2021 are~~) is provided solely for rule making to change standards to allow for a higher volume of water to be spilled over Columbia river and Snake river dams to increase total dissolved gas for the benefit of Chinook salmon and other salmonids.

(17) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the agency to convene a stakeholder work group to identify actions to decrease loading of priority pharmaceuticals into Puget Sound, contract for technical experts to provide literature review, conduct an analysis and determine best practices for addressing pharmaceutical discharges, and carry out laboratory testing and analysis.

(18) \$319,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$319,000)~~) \$119,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to increase coordination in reviewing shoreline armoring proposals to better protect forage fish.

(19) \$247,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$435,000)~~) \$260,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for monitoring nutrient cycling and ocean acidification parameters at twenty marine stations in Puget Sound and Hood canal.

(20) \$250,000 of the flood control assistance account—state appropriation is provided solely for the Washington conservation corps to carry out emergency activities to respond to flooding by repairing levees, preventing or mitigating an impending flood hazard, or filling and stacking sandbags. This appropriation is also for grants to local governments for emergency response needs, including the removal of structures and repair of small-scale levees and tidegates.

(21) \$500,000 of the model toxics control operating account—state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river.

(22) \$244,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5579 (crude oil volatility/rail).

(23) \$432,000 of the model toxics control operating—state appropriation is provided solely for the implementation of Substitute House Bill No. 1290 (voluntary cleanups/has waste).

(~~(25)~~) (24) \$10,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

(25) \$100,000 of the oil spill prevention account—state appropriation is provided solely for the department to produce a synopsis of current maritime vessel activity, navigation lanes, and anchorages in the northern Puget Sound and the strait of Juan de Fuca, including vessel transit in Canadian portions of transboundary waters. Consistent with RCW 43.372.030, the synopsis must compile key findings and baseline information on the spatial and temporal distribution of and intensity of current maritime vessel activity. The department may collect new information on vessel activity, including information on commercial and recreational fishing, where relevant to the synopsis. In producing the synopsis, the department must invite the participation of Canadian agencies and first nations, and must coordinate with federal agencies, other state agencies, federally recognized Indian tribes, commercial and recreational vessel operators and organizations representing such operators, and other stakeholders. The department must provide a draft of the synopsis to the appropriate committees of the legislature by June 30, 2021.

(26) \$500,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1114 (food waste reduction).

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(27) \$465,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$464,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2052 (marijuana product testing).

(28) \$182,000 of the paint product stewardship account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1652 (paint stewardship).

(29) \$535,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to develop a Puget Sound nutrients general permit for wastewater treatment plants in Puget Sound to reduce nutrients in wastewater discharges to Puget Sound.

~~((34))~~ (30) \$75,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the department and the recycling development center, created in RCW 70.370.030, to provide financial and technical assistance to women and minority-owned businesses and small businesses which manufacture or process single-use plastic packaging products in order to help transform these businesses to processors and producers of sustainable packaging.

~~((35))~~ (31) \$283,000 of the waste reduction, recycling, and litter control account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5323 (plastic bags), including the education and outreach activities required under section 5, chapter . . . , Laws of 2020 (ESSB 5323). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((36))~~ (32) \$149,000 of the ~~(general fund—state appropriation for fiscal year 2021)~~ model toxics control operating account—state appropriation is provided solely for the implementation of Senate Bill No. 5811 (clean car standards & prog.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(37))~~ (33)(a) The appropriations in this section include sufficient funding for the department to convene a work group of affected entities to study the design and use of the state water trust, water banking, and water transfers, and present its findings, including a summary of discussions and any recommendations on policy improvements, to the appropriate committees of the house of representatives and the senate. The department of ecology shall invite representatives to serve on the work group from organizations including, but not limited to:

- (i) Federally recognized Indian tribes;
- (ii) Local governments including cities, counties, and special purpose districts;
- (iii) Environmental advocacy organizations;
- (iv) The farming industry in Washington;
- (v) Business interests; and
- (vi) Entities that have been directly involved with the establishment of water banks.

(b) In addition to an invitation to participate in the work group, the department shall also consult with affected federally recognized tribal governments upon request.

(c) By December 1, 2020, the department of ecology must present its findings, including a summary of discussions and any recommendations on policy improvements, to the appropriate committees of the house of representatives and the senate and to the governor's office.

~~((38))~~ (34) \$750,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide funding to local governments to help address stormwater permit requirements and provide assistance to small businesses, as well as local source control monitoring to address toxic hotspots that impact Puget Sound.

~~((39))~~ (35) \$748,000 of the model toxics control operating account—state appropriation is provided solely for the department to add continuous freshwater monitoring at the mouth of the seven largest rivers discharging into Puget Sound.

~~((40))~~ (36) \$2,339,000 of the model toxics control operating account—state appropriation is provided solely for the department to use its authority under chapter 43.21C RCW to strengthen and standardize the consideration of climate change risks, vulnerability, and greenhouse gas emissions in environmental assessments for major projects with significant environmental impacts. To provide clarity for the public, governmental agencies and project proponents, the work conducted under this subsection must be uniform and apply to all branches of government, including state agencies, public and municipal corporations, and counties. It is the intent of the legislature that the department should carefully consider any potential overlap with other policies to reduce or regulate greenhouse gas emissions from major projects with significant environmental impacts, in order to avoid duplicative obligations.

~~((41))~~ (37) \$654,000 of the model toxics control operating account—state appropriation is provided solely for additional staff to process clean water act certifications in the event that a sixty-day processing requirement is implemented for all United States army corps of engineers permitted projects in Washington. If such a requirement is not imposed, the amount provided in this subsection shall lapse.

**Sec. 1203.** 2020 c 357 s 303 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2020) .....	\$16,270,000
General Fund—State Appropriation (FY 2021)	
.....	<del>((20,906,000))</del>
	<u>\$20,892,000</u>
General Fund—Federal Appropriation.....	<del>((7,080,000))</del>
	<u>\$7,077,000</u>
Winter Recreation Program Account—State	
Appropriation.....	<del>((3,310,000))</del>
	<u>\$3,309,000</u>
ORV and Nonhighway Vehicle Account—State	
Appropriation.....	<del>((403,000))</del>
	<u>\$358,000</u>
Snowmobile Account—State Appropriation.....	<del>((5,657,000))</del>
	<u>\$5,655,000</u>
Aquatic Lands Enhancement Account—State	
Appropriation.....	\$367,000
Parks Renewal and Stewardship Account—State	
Appropriation.....	<del>((126,881,000))</del>
	<u>\$126,835,000</u>
Parks Renewal and Stewardship Account—Private/Local	
Appropriation.....	\$420,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$1,496,000
TOTAL APPROPRIATION .....	<del>((182,790,000))</del>
	<u>\$182,679,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,000 of the general fund—state appropriation for fiscal year 2020 and \$129,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Senate Bill No. 5918 (whale watching guidelines).

(4) \$916,000 of the general fund—state appropriation for fiscal year 2020, \$915,000 of the general fund—state appropriation for fiscal year 2021, and \$169,000 of the parks renewal and stewardship account—state appropriation are provided solely for the commission to replace major equipment with an emphasis on fire response equipment and law enforcement vehicles that have over fifteen years of useful life.

(5) \$252,000 of the general fund—state appropriation for fiscal year 2020, \$216,000 of the general fund—state appropriation for fiscal year 2021, and \$322,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(6) \$154,000 of the general fund—state appropriation for fiscal year 2020 and \$146,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for hiring new park rangers and park aides.

(7) \$3,750,000 of the general fund—state appropriation for fiscal year 2020, \$3,750,000 of the general fund—state appropriation for fiscal year 2021, and \$2,500,000 of the parks renewal and stewardship account—state appropriation are provided solely for maintaining current service levels for core functions such as customer service, facility maintenance, and law enforcement.

(8) \$382,000 of the general fund—state appropriation for fiscal year 2020 and \$567,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to conduct forest health treatments on 500 acres of forestland each year, add stewardship staff capacity in the northwest region, and conduct vegetation surveys to identify rare and sensitive plants. One-time funding is also provided to replace a fire truck in the eastern region.

(9) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to hire construction and maintenance staff to address the backlog of preventive maintenance at state parks.

(10) \$428,000 of the parks renewal and stewardship account—state appropriation is provided solely for increased technology costs associated with providing field staff with access to the state government network, providing law enforcement personnel remote access to law enforcement records, and providing public wi-fi services at dry falls, pacific beach, and potholes state parks.

(11) \$204,000 of the parks renewal and stewardship account—state appropriation is provided solely for maintaining the state parks' central reservation system, the law enforcement records management system, and discover pass automated pay stations.

(12) \$1,100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to carry out operation and maintenance of the state parks system.

(13) \$35,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the commission to supply each public library in the state with two Discover passes, to be made available to the public to check out through the library system, as described in Substitute Senate Bill No. 6670 (discover pass/libraries).

(14) \$60,000 of the general fund—state appropriation for fiscal year 2020 and \$65,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to collaborate with the city of Issaquah to prepare an environmental impact statement at Lake Sammamish state park to identify

impacts of the next phase of park development and assist with obtaining regulatory permits.

(15) \$120,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of House Bill No. 2587 (scenic bikeway). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

**Sec. 1204.** 2020 c 357 s 304 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2020).....	\$1,168,000
General Fund—State Appropriation (FY 2021) ( <del>(\$2,003,000)</del> )	<u>\$1,500,000</u>
General Fund—Federal Appropriation.....	( <del>(\$3,778,000)</del> )
	<u>\$3,746,000</u>
General Fund—Private/Local Appropriation .....	\$24,000
Aquatic Lands Enhancement Account—State	
Appropriation .....	( <del>(\$333,000)</del> )
	<u>\$330,000</u>
Firearms Range Account—State Appropriation.....	\$37,000
Recreation Resources Account—State Appropriation	
.....	( <del>(\$4,071,000)</del> )
	<u>\$3,966,000</u>
NOVA Program Account—State Appropriation( <del>(\$1,107,000)</del> )	<u>\$1,098,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$80,000
TOTAL APPROPRIATION .....	( <del>(\$12,601,000)</del> )
	<u>\$11,949,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$109,000 of the aquatic lands enhancement account—state appropriation is provided solely to the recreation and conservation funding board for administration of the aquatics lands enhancement account grant program as described in RCW 79.105.150.

(2) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(3) (~~(\$4,071,000)~~) \$3,966,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(4) (~~(\$1,107,000)~~) \$1,098,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(5) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to contract for implementation of the Nisqually watershed stewardship plan.

(6) \$275,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to continue mortality assessment work and to design solutions to mitigate steelhead mortality at the Hood Canal bridge.

~~((8))~~ (7) \$140,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the governor's salmon recovery office to coordinate ongoing recovery efforts of southern resident orcas and monitor progress toward implementation of recommendations from the governor's southern resident killer whale task force.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

~~((9)) \$68,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~)

Sec. 1205. 2020 c 357 s 305 (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2020)..... \$2,758,000  
General Fund—State Appropriation (FY 2021).(~~(\$2,641,000)~~)  
\$2,465,000

Pension Funding Stabilization Account—State  
Appropriation..... \$254,000  
TOTAL APPROPRIATION.....(~~(\$5,653,000)~~)  
\$5,477,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$140,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 452, Laws of 2019 (growth management board/indexing).

(2) \$4,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6574 (GMHB & ELUHO powers, duties). (~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~)

Sec. 1206. 2020 c 357 s 306 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2020)..... \$7,845,000  
General Fund—State Appropriation (FY 2021).(~~(\$8,540,000)~~)  
\$7,242,000

General Fund—Federal Appropriation ..... \$2,482,000  
Public Works Assistance Account—State Appropriation  
..... \$8,456,000

Model Toxics Control Operating Account—State  
Appropriation.....(~~(\$1,226,000)~~)  
\$1,000,000

Pension Funding Stabilization Account—State  
Appropriation..... \$254,000  
TOTAL APPROPRIATION.....(~~(\$28,803,000)~~)  
\$27,279,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission and conservation districts to increase landowner participation in voluntary actions that protect habitat to benefit salmon and southern resident orcas.

(2) \$8,456,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the commission to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The commission shall coordinate implementation of the forum with the department of agriculture and the office of farmland preservation.

(b) The director of the commission and the director of the department of agriculture shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants may be reimbursed for travel expenses by the senate or house of representatives as provided in RCW 44.04.120. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the commission or the director of the department of agriculture.

(e) Staffing for the forum must be provided by the commission working jointly with staff from the department of agriculture.

(f) The commission and the department of agriculture shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

(4) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The commission and the department of agriculture must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The commission, in collaboration with the department of agriculture, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the grant program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The commission and the department of agriculture must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

~~((6))~~ (5) \$59,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6091 (WA food policy forum). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((7))~~ (6) \$55,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6306 (soil health initiative). (~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~)

~~(8)) (7)~~ \$99,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5947 (sustainable farms and fields). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(9) \$61,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

**Sec. 1207.** 2020 c 357 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2020)....	\$76,116,000
General Fund—State Appropriation (FY 2021)	<del>(\$87,539,000)</del>
	<u>\$84,970,000</u>
General Fund—Federal Appropriation .....	<del>(\$140,234,000)</del>
	<u>\$139,304,000</u>
General Fund—Private/Local Appropriation...	<del>(\$69,619,000)</del>
	<u>\$69,289,000</u>
ORV and Nonhighway Vehicle Account—State	
Appropriation.....	<del>(\$701,000)</del>
	<u>\$626,000</u>
Aquatic Lands Enhancement Account—State	
Appropriation.....	<del>(\$11,873,000)</del>
	<u>\$11,871,000</u>
Recreational Fisheries Enhancement Account—State	
Appropriation.....	<del>(\$3,333,000)</del>
	<u>\$3,323,000</u>
Warm Water Game Fish Account—State Appropriation	
.....	<del>(\$2,825,000)</del>
	<u>\$2,810,000</u>
Eastern Washington Pheasant Enhancement Account—	
State Appropriation.....	\$675,000
State Wildlife Account—State Appropriation	<del>(\$115,447,000)</del>
	<u>\$115,153,000</u>
Special Wildlife Account—State Appropriation.....	\$2,904,000
Special Wildlife Account—Federal Appropriation....	\$517,000
Special Wildlife Account—Private/Local Appropriation	<del>(\$3,653,000)</del>
.....	<u>\$3,647,000</u>
Wildlife Rehabilitation Account—State Appropriation	
.....	\$361,000
Ballast Water and Biofouling Management Account—	
State Appropriation.....	\$10,000
Model Toxics Control Operating Account—State	
Appropriation.....	<del>(\$2,947,000)</del>
	<u>\$2,924,000</u>
Regional Fisheries Enhancement Salmonid Recovery	
Account—Federal Appropriation .....	\$5,001,000
Oil Spill Prevention Account—State Appropriation	<del>(\$1,199,000)</del>
.....	<u>\$1,183,000</u>
Aquatic Invasive Species Management Account—State	
Appropriation.....	<del>(\$1,906,000)</del>
	<u>\$1,237,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$5,186,000
Oyster Reserve Land Account—State Appropriation	\$524,000
TOTAL APPROPRIATION.....	<del>(\$513,141,000)</del>
	<u>\$527,631,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$467,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$467,000)~~ \$767,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) \$415,000 of the general fund—state appropriation for fiscal year 2020, \$415,000 of the general fund—state appropriation for fiscal year 2021, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(3)(a) A legislative task force is established to recommend a group or entity to review the department's budget requests in place of the hatchery scientific review group. The task force is comprised of two members from each of the two largest caucuses in the senate, appointed by the president of the senate, and two members from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house. The task force shall be staffed by the office of program research and senate committee services. The task force must consult with tribes.

(b) The task force must review the purpose and activities of the hatchery scientific review group and develop recommendations for the legislature to establish a replacement group or entity that will analyze state spending and projects related to hatcheries that are proposed in state operating and capital budgets. Among other things, the task force shall recommend a process by which the replacement organization or entity, starting with the 2021-2023 fiscal biennium, contracts with the department to review the department's proposed agency biennial operating and capital budget requests related to state fish hatcheries prior to submission to the office of financial management. This review shall: (i) Examine if the proposed requests are consistent with independent scientific review standards using best available science; (ii) evaluate the components of the request based on the independent needs of each particular watershed and the return of salmonids including naturally spawning, endangered, and hatchery stocks; and (iii) evaluate whether the proposed requests are being made in the most cost-effective manner. This process must require the department to provide a copy of the review to the office of financial management and the legislature with its agency budget proposal.

(c) The task force shall report to the legislature on its findings and recommendations by December 1, 2019.

(4) \$400,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(5) \$762,000 of the general fund—state appropriation for fiscal year 2020, \$580,000 of the general fund—state appropriation for fiscal year 2021, and \$24,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 5577 (orca whales/vessels).

(6) \$156,000 of the general fund—state appropriation for fiscal year 2020 and \$155,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating budget impacts from capital budget projects funded in the 2017-2019 fiscal biennium.

(7) \$450,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to develop a pinto abalone recovery plan, expand field work, conduct genetics and disease assessments, and establish three satellite grow-out facilities. \$150,000 of the appropriation per fiscal year is for competitive grants to nonprofit organizations to assist in recovery and restoration work of native shellfish.

(8) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021, are provided solely for the department to increase the work of regional fisheries enhancement groups.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(9) \$457,000 of the general fund—state appropriation for fiscal year 2020, \$457,000 of the general fund—state appropriation for fiscal year 2021, and \$110,000 of the state wildlife account—state appropriation are provided solely for the department to pay for costs to maintain upgraded network infrastructure and pay the debt service on purchased equipment.

(10) \$165,000 of the general fund—state appropriation for fiscal year 2020, \$166,000 of the general fund—state appropriation for fiscal year 2021, and \$495,000 of the state wildlife account—state appropriation are provided solely for new service or vendor costs, including PC leases, mobile devices, a remote management system, IT issue tracking technology, and virtual private network services.

(11) \$3,500,000 of the general fund—state appropriation for fiscal year 2020 and \$3,500,000 of the general fund—state appropriation for fiscal year 2021 are appropriated for the department to increase hatchery production of salmon throughout the Puget Sound, coast, and Columbia river. Increases in hatchery production must be prioritized to increase prey abundance for southern resident orcas. The department shall work with federal partners, tribal co-managers, and other interested parties when developing annual hatchery production plans. These increases shall be done consistent with best available science, most recent hatchery standards, and endangered species act requirements, and include adaptive management provisions to ensure the conservation and enhancement of wild stocks. Of the amounts provided in this subsection, \$500,000 in fiscal year 2020 is for wells and generators at the Samish hatchery.

(12) \$2,257,000 of the general fund—state appropriation for fiscal year 2020 and \$1,785,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to the northwest Indian fisheries commission to grant to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection:

(a) \$1,535,000 in each fiscal year is for additional hatchery production in the following amounts per fiscal year: \$150,000 for the Quinault Indian Nation, \$169,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$112,000 for the Port Gamble S'Klallam Tribe, \$23,000 for the Muckleshoot Indian Tribe, \$207,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation.

(b) \$472,000 in fiscal year 2020 is for improvements to hatchery facilities that support additional hatchery production in the following amounts: \$98,000 for the Tulalip Tribes, \$38,000 for the Puyallup Tribe, \$14,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, \$200,000 for the Squaxin Island Tribe, \$24,000 for the Skokomish Indian Tribe, and \$73,000 for the Lummi Nation.

(13) \$771,000 of the general fund—state appropriation in fiscal year 2020 and \$76,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the department to provide to tribes for hatchery operations that are prioritized to increase prey abundance for southern resident orcas. Of the amounts provided in this subsection, \$76,000 in each fiscal year is for the Yakama Nation for additional hatchery production, \$195,000 in fiscal year 2020 is for the Yakama Nation for improvements to hatchery facilities, and \$500,000 in fiscal year 2020 is for the Confederated Tribes of the Colville Reservation for improvements to hatchery facilities.

(14) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to grant to public utility districts for additional hatchery production that is

prioritized to increase prey abundance for southern resident orcas and other species that are critical to the marine food web. Of the amounts provided in this subsection, \$250,000 in fiscal year 2021 is for Puget Sound energy for water supply system improvements at the Baker river fish hatchery.

(15) \$1,201,000 of the general fund—state appropriation for fiscal year 2020 and \$1,520,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities to increase the availability of salmon for southern resident orcas: Surveying forage fish populations, conducting rulemaking for fish screens, reducing salmon predation by nonnative fish, prioritizing fish barrier removal, developing a strategy to reestablish salmon runs above dams, and increasing review of shoreline armoring proposals to protect forage fish.

(16) \$710,000 of the general fund—state appropriation for fiscal year 2020 and \$253,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in section 701 of this act.

(17) \$278,000 of the general fund—state appropriation for fiscal year 2020 and \$278,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to provide grants to the Lummi Nation to increase salmon production at the Skookum creek hatchery and the Lummi bay hatchery.

(18) \$477,000 of the general fund—state appropriation for fiscal year 2020 and \$477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 2097 (statewide wolf recovery).

(19) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department for elk management in the Skagit valley in cooperation with affected tribes and landowners. Authorized expenditures include, but are not limited to, elk fencing and replacement hay to mitigate the impacts of elk on agricultural crop production.

(20) \$49,000 of the general fund—state appropriation for fiscal year 2020, \$47,000 of the general fund—state appropriation for fiscal year 2021, and \$37,000 of the state wildlife account—state appropriation are provided solely for the implementation of Second Substitute House Bill No. 1579 (chinook abundance).

(21) \$357,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for suppression, eradication, and monitoring of northern pike in the Columbia river. The department must work with the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation, and the Kalispel Tribe of Indians on identifying appropriate actions to reduce threats to anadromous salmon from invasive northern pike.

~~((23))~~ (22) \$139,000 of the general fund—state appropriation for fiscal year 2020 and \$139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as matching funds for a federal grant to purchase two law enforcement vessels and equip them with optic system equipment to conduct marine patrols including vessel enforcement patrols related to southern resident orcas.

~~((24))~~ (23) \$225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase enforcement of commercial and recreational vessel regulations for the protection of southern resident orcas in central and southern Puget Sound.

~~((29))~~ (24) \$252,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5481 (collective bargaining/WDFW). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(30))~~ (25) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to conduct a master planning process, to result in a plan, to assess and prioritize hatchery improvements based on the recommendations of the southern resident killer whale task force, including prioritization given for a new Cowlitz river salmon hatchery. The plan must include prioritized capital budget projects. The plan shall be submitted to the fiscal committees of the legislature by January 15, 2021.

~~((31))~~ (26) \$462,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas. The department may only expend funds in this subsection after receiving necessary permits from the national marine fisheries service.

~~((32))~~ (27) \$112,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(33))~~ (28) \$1,262,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the costs for the department to maintain shellfish sanitation activities necessary to implement its memorandum of understanding with the department of health to ensure the state is compliant with its federal obligations under the model ordinance of the national shellfish sanitation program.

~~((34))~~ (29) \$142,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for work addressing fish passage barriers, including data analysis and mapping to identify streams and barriers that have the greatest potential benefit to listed salmon populations, southern resident orca whales, and fisheries. In conducting this work, the department must consult with tribes and coordinate with the department of transportation's fish barrier work plans.

~~((35))~~ (30) \$90,000 of the general fund—state appropriation for fiscal year 2020 ~~(and \$166,000 of the general fund—state appropriation for fiscal year 2021 are)~~ is provided solely for the department to contract with the Washington academy of sciences to complete the following activities:

(a) By December 1, 2020, and consistent with RCW 43.01.036, the department must submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a goal of better statewide performance on ecological health and endangered species recovery, including the recovery of salmon in order to fulfill tribal treaty obligations and achieve the delisting of threatened or endangered runs. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act, chapter 90.58 RCW; the growth management act, chapter 36.70A RCW; and construction projects in state waters regulated under 77.55 RCW.

(b) In developing the report under this subsection, the department must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including, but not limited to, cities, counties, ports, the department of ecology, and the department of

commerce. The department's consultation process under this subsection must include a total of at least two meetings at which local governments, state agencies, federally recognized Indian tribes, and stakeholders may provide input.

(c) The report must include:

(i) The development of a definition, goals, objectives, and measurable performance metrics for the standard of net ecological gain;

(ii) An assessment and analysis of opportunities and challenges, including legal issues and costs for state and local governments to achieve net ecological gain through both:

(A) Implementation of a standard of net ecological gain under different environmental, development, and land use laws; and

(B) An enhanced approach to implementing and monitoring no net loss in existing environmental, development, and land use laws;

(iii) Recommendations on funding, incentives, technical assistance, legal issues, monitoring, and use of scientific data, and other applicable considerations to the integration of net ecological gain into each environmental, developmental, and land use law or rule;

(iv) Assessments of how applying a standard of net ecological gain in the context of each environmental, land use, or development law is likely to achieve substantial additional environmental or social co-benefits; and

(v) Assessments of why existing standards of ecological protectiveness, such as no net loss standards, have been sufficient or insufficient to protect ecological health and achieve endangered species recovery.

**Sec. 1208.** 2020 c 357 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2020) .....	\$98,897,000
General Fund—State Appropriation (FY 2021)	<del>(\$67,682,000)</del>
.....	<u>\$109,178,000</u>
General Fund—Federal Appropriation.....	<del>(\$34,980,000)</del>
.....	<u>\$46,892,000</u>
General Fund—Private/Local Appropriation ....	<del>(\$2,534,000)</del>
.....	<u>\$3,358,000</u>
Forest Development Account—State Appropriation	<del>(\$54,238,000)</del>
.....	<u>\$53,859,000</u>
ORV and Nonhighway Vehicle Account—State	
Appropriation .....	<del>(\$8,174,000)</del>
.....	<u>\$8,104,000</u>
Surveys and Maps Account—State Appropriation	<del>(\$2,598,000)</del>
.....	<u>\$2,582,000</u>
Aquatic Lands Enhancement Account—State	
Appropriation .....	<del>(\$14,249,000)</del>
.....	<u>\$14,075,000</u>
Resource Management Cost Account—State Appropriation	<del>(\$128,545,000)</del>
.....	<u>\$127,552,000</u>
Surface Mining Reclamation Account—State	
Appropriation .....	<del>(\$4,113,000)</del>
.....	<u>\$4,086,000</u>
Disaster Response Account—State Appropriation	\$23,068,000
Park Land Trust Revolving Account—State	
Appropriation .....	<del>(\$750,000)</del>
.....	<u>\$671,000</u>
Forest and Fish Support Account—State Appropriation	<del>(\$16,356,000)</del>
.....	<u>\$16,347,000</u>
Aquatic Land Dredged Material Disposal Site Account—	

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

State Appropriation.....	\$402,000
Natural Resources Conservation Areas Stewardship Account—State Appropriation .....	\$39,000
Forest Fire Protection Assessment Nonappropriated Account—State Appropriation .....	<del>(\$5,896,000)</del>
	<u>\$5,721,000</u>
Model Toxics Control Operating Account—State Appropriation.....	<del>(\$6,433,000)</del>
	<u>\$6,013,000</u>
Forest Practices Application Account—State Appropriation.....	<del>(\$2,018,000)</del>
	<u>\$2,005,000</u>
Air Pollution Control Account—State Appropriation .....	<del>(\$901,000)</del>
	<u>\$899,000</u>
NOVA Program Account—State Appropriation ..	<del>(\$781,000)</del>
	<u>\$775,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$3,240,000
Derelict Vessel Removal Account—State Appropriation .....	<del>(\$2,001,000)</del>
	<u>\$1,992,000</u>
Community Forest Trust Account—State Appropriation .....	\$52,000
Agricultural College Trust Management Account—State Appropriation.....	<del>(\$3,183,000)</del>
	<u>\$3,160,000</u>
Performance Audits of Government Account—State Appropriation.....	\$325,000
TOTAL APPROPRIATION.....	<del>(\$481,455,000)</del>
	<u>\$533,292,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,583,000 of the general fund—state appropriation for fiscal year 2020 and \$1,515,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$41,514,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$16,546,000)~~ \$59,170,000 of the general fund—state appropriation for fiscal year 2021, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression and COVID-19. The appropriations provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations. The department shall provide a monthly report to the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed.

(3) \$5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding eight million dollars per biennium. If receipts under RCW 82.04.261 are more than eight million dollars but less than eight million five hundred thousand dollars for the biennium, an amount equivalent to the difference between actual receipts and eight million five hundred thousand dollars shall lapse.

(4) \$1,857,000 of the general fund—state appropriation for fiscal year 2020 and \$1,857,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-making, and funding needs for the coming biennium. The report shall be provided to the appropriate committees of the legislature by October 1, 2020.

(5) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2019, and December 1, 2020, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's web site.

(6) \$26,000 of the general fund—state appropriation for fiscal year 2020 and \$27,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(7) \$12,000 of the general fund—state appropriation for fiscal year 2020 and \$12,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety).

(8) The appropriations in this section include sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland).

(9) \$42,000 of the general fund—state appropriation for fiscal year 2020 and \$21,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5106 (natural disaster mitigation).

(10) \$26,000 of the general fund—state appropriation for fiscal year 2020 and \$26,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application).

(11) \$4,486,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(12) \$304,000 of the model toxics control operating account—state appropriation is provided solely for costs associated with the cleanup of the Fairview avenue site near Lake Union in Seattle. The aquatic site is contaminated with lead, chromium, and arsenic. This will be the department's final payment toward remediation costs.

(13) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to

identify priority kelp restoration locations in central Puget Sound, based on historic locations, and monitor the role of natural kelp beds in moderating pH conditions in Puget Sound.

(14) \$188,000 of the general fund—state appropriation for fiscal year 2020 and \$187,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, conduct field trials for long-term ecosystem productivity and T3 watershed experiments, and engage stakeholders. The department must contract with the Olympic natural resources center for at least \$187,000 per fiscal year. The department may retain up to \$30,000 per fiscal year to conduct Swiss needlecast surveys and research. Administrative costs may be taken and are limited to twenty-seven percent of the amount of appropriation retained by the department.

(15) \$22,843,000 of the general fund—state appropriation for fiscal year 2020, \$11,364,000 of the general fund—state appropriation for fiscal year 2021, and \$4,000,000 of the forest fire protection assessment nonappropriated account—state appropriation are provided solely for wildfire response, to include funding full time fire engine leaders, increasing the number of correctional camp fire crews in western Washington, purchasing two helicopters, providing dedicated staff to conduct fire response training, creating a fire prevention outreach program, forest health administration, landowner technical assistance, conducting forest health treatments on federal lands and implementing the department's twenty-year forest health strategic plan, post-wildfire landslide assessments, and other measures necessary for wildfire suppression and prevention.

(16) \$186,000 of the general fund—state appropriation for fiscal year 2020 and \$185,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to one hundred dollars per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(17) \$110,000 of the general fund—state appropriation for fiscal year 2020 and \$110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to conduct post wildfire landslide hazard assessments and reports.

(18) \$59,000 of the general fund—state appropriation for fiscal year 2020 and \$266,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for paving the road access to Leader lake in northeast Washington.

(19) The appropriations in this section include sufficient funding for the department to conduct an analysis of revenue impacts to the state forestlands taxing district beneficiaries as a result of the proposed long-term conservation strategy for the marbled murrelet. The department shall consult with state forestlands taxing district beneficiary representatives on the analysis. The department shall make the analysis available to state forestlands taxing districts and submit it to the board of natural resources by September 30, 2019.

(20) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(21) \$217,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(22) \$485,000 of the general fund—state appropriation for fiscal year 2020 and \$485,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1784 (wildfire prevention).

(23)(a) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following activities:

(i) Conducting carbon inventories to build on existing efforts to understand carbon stocks, flux, trends, emissions, and sequestration across Washington's natural and working lands, including harvested wood products, wildfire emissions, land management activities, and sawmill energy use and emissions. Where feasible, the department shall use available existing data and information to conduct this inventory and analysis. For the purposes of this section, natural and working land types include forests, croplands, rangelands, wetlands, grasslands, aquatic lands, and urban green space.

(ii) Compiling and providing access to information on existing opportunities for carbon compensation services and other incentive-based carbon reducing programs to assist owners of private and other nonstate owned or managed forestland interested in voluntarily engaging in carbon markets.

(b) By December 1, 2020, the department must submit a report to the appropriate committees of the legislature summarizing the results of the inventories required under this section, and assessing actions that may improve the efficiency and effectiveness of carbon inventory activities on natural and working lands, including carbon sequestration in harvested forest products. The department must also describe any barriers, including costs, to the use of voluntary, incentive-based carbon reducing or sequestering programs. The department may also include recommendations for additional work or legislation that may be advisable resulting from the advisory group created in this subsection as part of this report.

(c) The department must form a natural and working lands carbon sequestration advisory group to help guide the activities provided in this section. The advisory group must be composed of a balance of representatives reflecting the diverse interests and expertise involved on the subject of carbon sequestration on natural and working lands.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to increase technical assistance to small forestland owners.

~~((26) \$93,000 of the aquatic lands enhancement account—state appropriation and \$93,000 of the resource management cost account state appropriation are provided solely for the implementation of Second Substitute Senate Bill No. 6027 (floating residences). If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~

~~(27))~~ (25) The appropriations in this section include sufficient funding for the department to report to the appropriate policy and fiscal committees of the legislature by July 2020 information on those parcels currently used for commercial or nonresource use purposes and those identified by the department as transition lands likely to be sold or redeveloped for nonresource use. By January 2021 the department shall bring to the legislature for its consideration a modernization package in the form of request legislation to update and remove performance barriers to the long-term management of state trust lands, considering both market and nonmarket values, ensuring intergenerational equity, and long term benefits for the trust beneficiaries and the public. The appropriate policy and fiscal committees of the legislature shall be kept informed of all proposed transactions, land sales, and exchanges involving trust lands prior to approval by the board,

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

and all related financial and legal documents shall be available as public records immediately following the transaction's completion, as allowed under chapter 42.56 RCW.

~~((29))~~ (26) \$325,000 of the performance audit of state government account—state appropriation is provided solely for the department, in cooperation with the wildland fire advisory committee established under RCW 76.04.179 and the office of financial management, to conduct a zero-based budget and performance review of its resource protection program. The review shall be specifically focused on the wildfire program operating budget and activities. Throughout the review process the department shall submit monthly updates of actual and estimated fire expenditures, and obligated cost related to fire suppression to the fiscal committees of the legislature. A report of the review shall be submitted to the fiscal committees of the legislature by December 1, 2020. The report shall contain a description of findings, list of changes made, and recommendations and options for accounting structure changes. The review under this subsection shall include:

(a) A statement of the statutory basis or other basis for the creation of each subprogram within the resource protection program and the history of each subprogram that is being reviewed;

(b) A description of how each subprogram fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each subprogram within the agency;

(c) Any available performance measures indicating the effectiveness and efficiency of each subprogram program;

(d) A description with supporting cost and staffing data of each program and the populations served by each program, and the level of funding and staff required to accomplish the goals of the subprogram program if different than the actual maintenance level;

(e) An analysis of the major costs and benefits of operating each subprogram and the rationale for specific expenditure and staffing levels;

(f) An analysis estimating each subprogram's administrative and other overhead costs;

(g) An analysis of the levels of services provided;

(h) An analysis estimating the amount of funds or benefits that actually reach the intended recipients;

(i) An analysis of terminology used to describe wildfire suppression, prevention, preparedness, forest health, pre-suppression, and any other term used to describe program activities and provide definitions for each. This should include cross reference to federal definitions and federal funding;

(j) An analysis of inconsistencies and increased costs associated with the decentralized nature of organizational authority and operations, including recommendations for the creation of policy and procedures and subsequent oversight for dispersed operations;

(k) An analysis of the department's budgeting and accounting processes, including work done at the central, program, and region levels, with specific focus on efficiencies to be gained by centralized budget control; and

(l) A review of the progress and findings of the ongoing internal department fire business transformation team related to current practices in wildfire business and the development of an organizational structure governing fire business practices across the department which complies with all state and federal statutes and agreements and which meets the needs of the department as a whole.

~~((30))~~ (27) \$24,000 of the general fund—state appropriation for fiscal year 2021, \$9,000 of the forest development account—state appropriation, and \$15,000 of the resource management cost

account—state appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1521 (government contracting). ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.))~~

~~((31))~~ (28) \$240,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2311 (greenhouse gas emissions). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

Sec. 1209. 2020 c 357 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2020) ...\$19,030,000

General Fund—State Appropriation (FY 2021)

..... ~~((20,514,000))~~

\$19,850,000

General Fund—Federal Appropriation..... ~~((32,646,000))~~

\$32,859,000

General Fund—Private/Local Appropriation ..... \$193,000

Aquatic Lands Enhancement Account—State

Appropriation ..... ~~((2,533,000))~~

\$2,518,000

Northeast Washington Wolf-Livestock Management

Nonappropriated Account—State Appropriation ..... \$320,000

Model Toxics Control Operating Account—State

Appropriation ..... ~~((6,930,000))~~

\$6,591,000

Water Quality Permit Account—State Appropriation . \$73,000

Dedicated Marijuana Account—State Appropriation

(FY 2020)..... \$635,000

Dedicated Marijuana Account—State Appropriation

(FY 2021)..... \$635,000

Pension Funding Stabilization Account—State

Appropriation..... \$1,036,000

TOTAL APPROPRIATION ..... ~~((84,545,000))~~

\$83,740,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,108,445 of the general fund—state appropriation for fiscal year 2020 and \$6,102,905 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) \$58,000 of the general fund—state appropriation for fiscal year 2020 and \$59,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5550 (pesticide application safety).

(3) The appropriations in this section includes sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 5959 (livestock identification).

(4) \$18,000 of the general fund—state appropriation for fiscal year 2020 and \$18,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Substitute Senate Bill No. 5597 (aerial herbicide application).

(5) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5447 (dairy milk assessment fee).

(6) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department's regional markets program, which includes the small farm direct marketing program under RCW 15.64.050 and the farm-to-school program under RCW 15.64.060.

(7) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation

for fiscal year 2021 are provided solely for the northwest Washington fair youth education programs.

(8) \$197,000 of the general fund—state appropriation for fiscal year 2020 and \$202,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5552 (pollinators).

(9) \$32,000 of the general fund—state appropriation for fiscal year 2020, \$32,000 of the general fund—state appropriation for fiscal year 2021, and \$52,000 of the general fund—federal appropriation are provided solely for the department to migrate to the state data center and are subject to the conditions, limitations, and review provided in section 701 of this act.

(10) \$24,000 of the general fund—state appropriation for fiscal year 2020 and \$24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to continue to convene and facilitate a food policy forum and to implement recommendations identified through the previous work of the food policy forum.

(a) The department shall coordinate implementation of the forum with the conservation commission and the office of farmland preservation.

(b) The director of the department and the director of the conservation commission shall jointly appoint members of the forum, and no appointment may be made unless each director concurs in the appointment.

(c) In addition to members appointed by the directors, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The majority leader and minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(d) Meetings of the forum may be scheduled by either the director of the department or the director of the conservation commission.

(e) Staffing for the forum must be provided by the department working jointly with staff from the conservation commission.

(f) The department and conservation commission shall jointly develop the agenda for each forum meeting as well as a report from the food policy forum. The report must contain recommendations and a workplan to implement the recommendations and must be delivered to the appropriate committees of the legislature and the governor by June 30, 2021.

(11) \$212,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5276 (hemp production).

(12) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to review and assist with agricultural economic development in southwest Washington. Funding is provided for the department to perform or contract for agricultural economic development services, including but not limited to grant application assistance, permitting assistance and coordination, and development of a food hub.

(13) \$250,000 of the aquatic lands enhancement account—state appropriation is provided solely to continue a shellfish coordinator position. The shellfish coordinator assists the industry with complying with regulatory requirements and will work with regulatory agencies to identify ways to streamline and make more transparent the permit process for establishing and maintaining shellfish operations.

(14) \$10,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the following activities:

(a) The department and the conservation commission must produce a gap analysis reviewing existing conservation grant programs and completed voluntary stewardship program plans to identify what technical assistance and cost-share resources are needed to meet the requirements placed on those activities by the legislature.

(b)(i) The department, in collaboration with the conservation commission, must develop recommendations for legislation or additional work that may be needed to implement a sustainable farms and fields grant program that prioritizes funding based on net reduction of greenhouse gas emissions on farm, aquatic, or ranch lands, including carbon sequestration.

(ii) The recommendations must incorporate the gap analysis required by this section. The recommendations must include information about how the program can complement and avoid competing with existing conservation programs, and provide cost share benefits to existing and new programs designed to improve water quality, critical habitats, and soil health and soil-health research on farm, aquatic, or timber lands.

(iii) The recommendations must be developed with input from stakeholder meetings with representatives from the environmental and agricultural communities.

(c) The department and the conservation commission must provide an update to the appropriate committees of the legislature by August 1, 2019, and final recommendations by November 1, 2019.

(15) \$650,000 of the model toxics control operating account—state appropriation is provided solely for research grants to assist with development of an integrated pest management plan to address burrowing shrimp in Willapa bay and Grays harbor and facilitate continued shellfish cultivation on tidelands. In selecting research grant recipients for this purpose, the department must incorporate the advice of the Willapa-Grays harbor working group formed from the settlement agreement with the department of ecology signed on October 15, 2019.

(16) \$58,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6091 (WA food policy forum). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(17) \$87,000 of the model toxics control operating account—state appropriation is provided solely for the department to conduct the following:

(a) The department must work with the departments of natural resources, labor and industries, health, and ecology, as well as local health jurisdictions and the state poison center, and consult with nongovernmental stakeholders including, but not limited to, tribal and environmental representatives, to evaluate pesticide investigation rules and processes. By June 30, 2021, the work group must report back to the legislature with any recommended changes, including how complaints should be reported and ensuring that complaints are properly referred.

(b) The department in coordination with the department of natural resources, in consultation with stakeholders, shall review how the state environmental policy act is used for aerial application of herbicides and provide recommendations to the forest practices board and the appropriate committees of the senate and house of representatives, including any recommendations for revisions to statute, rule, or guidance by October 31, 2020.

(18) \$126,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 5947 (sustainable farms and

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

fields). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

~~((19))~~ ~~(\$299,000 of the model toxics control operating account state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6518 (pesticide, chlorpyrifos). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((20))~~ \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Substitute Senate Bill No. 6306 (soil health initiative). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((21))~~ ~~(20)~~ \$320,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department of agriculture to contract with the northeast Washington wolf cattle collaborative, a nonprofit organization, for range riders to conduct proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves on United States forest service grazing allotments and adjoining private lands in the Kettle mountains in Ferry county north of United States highway 20. The contract must provide that the organization must share all relevant information with the department of fish and wildlife in a timely manner to aid in wolf management decisions. Additionally, range riders must document their activities with geo-referenced photo points and provide written description of their efforts to the department of fish and wildlife by December 31, 2020.

~~((22))~~ ~~(21)~~ \$17,000 of the general fund—state appropriation for fiscal year 2020 and \$64,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of House Bill No. 2524 (ag. product negotiations). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((24))~~ ~~(22)~~ \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$450,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for infrastructure and equipment grants to food banks and meal programs for the safe storage and distribution of perishable food. Of the amounts provided in this subsection:

(a) \$10,000 in fiscal year 2020 and \$5,000 in fiscal year 2021 are for the department to administer the grants and to convene a community stakeholder group to review the grant applications described in (b)(ii) and (iii) of this subsection. The community stakeholder group must include representatives from food banks and meal programs that are not applying for grants, community advocates, and people that use food banks or meal programs.

(b) \$40,000 in fiscal year 2020 and \$445,000 in fiscal year 2021 are for grants, divided into the following three categories:

(i) Thirty-five percent is for a rebate program for smaller food pantries and meal programs to purchase equipment costing up to \$2,000. To increase efficiency, the department may pass funding for this rebate program to larger food banks to administer the rebates;

(ii) Thirty percent is for requests for proposals for larger projects costing up to \$75,000, and which require a community match of at least thirty percent; and

(iii) Thirty-five percent is for larger projects that are collaborations between organizations and have a proposed impact to improve efficiency and capacity for a regional or statewide emergency food system, and which require a community match of at least fifty percent.

~~((25))~~ ~~(23)~~ \$40,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the department to provide to the sheriff's departments of Ferry county and Stevens

county to cooperate with the department and the department of fish and wildlife on wolf management activities. Of the amount provided in this subsection, \$20,000 is for the Ferry county sheriff's department and \$20,000 is for the Stevens county sheriff's department.

~~((26))~~ ~~(24)~~ \$38,000 of the general fund—state appropriation for fiscal year 2020 and ~~((63,000))~~ \$153,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing an Asian giant hornet eradication program.

~~((28))~~ ~~(25)~~ The appropriations in this section include sufficient funding for the department to work with representatives from Canada and other stakeholders to develop labeling standards regarding country of origin for beef and other meat products. The standards are for the purpose of clearly displaying the country of origin for beef or other meat products sold to the public. The department shall report and propose any legislation and administrative changes that may be needed to the appropriate committees of the legislature by December 31, 2020.

**Sec. 1210.** 2020 c 357 s 310 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State Appropriation .....	<del>((881,000))</del> <u>\$892,000</u>
Pollution Liability Insurance Program Trust Account—State Appropriation .....	<del>((1,749,000))</del> <u>\$1,737,000</u>
TOTAL APPROPRIATION .....	<del>((2,630,000))</del> <u>\$2,629,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$71,000 of the pollution liability insurance program trust account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6257 (underground storage tanks). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

(2) \$144,000 of the pollution liability insurance agency underground storage tank revolving account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6256 (heating oil insurance). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

**Sec. 1211.** 2020 c 357 s 311 (uncodified) is amended to read as follows:

**FOR THE PUGET SOUND PARTNERSHIP**

General Fund—State Appropriation (FY 2020) .....	\$4,717,000
General Fund—State Appropriation (FY 2021) <del>((4,798,000))</del>	<u>\$4,579,000</u>
General Fund—Federal Appropriation.....	<del>((12,728,000))</del> <u>\$12,638,000</u>
Aquatic Lands Enhancement Account—State Appropriation .....	<del>((1,444,000))</del> <u>\$1,432,000</u>
Model Toxics Control Operating Account—State Appropriation .....	<del>((755,000))</del> <u>\$741,000</u>
Pension Funding Stabilization Account—State Appropriation .....	\$276,000
TOTAL APPROPRIATION .....	<del>((24,718,000))</del> <u>\$24,383,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) By October 15, 2020, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2021-2023 capital and operating budget requests related to Puget Sound restoration.

(2) \$1,111,000 of the general fund—state appropriation for fiscal year 2020 and \$1,111,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the partnership to implement a competitive, peer-reviewed process for soliciting, prioritizing, and funding research projects designed to advance scientific understanding of Puget Sound recovery. Solicitations and project selection for effectiveness monitoring will be organized and overseen by the Puget Sound ecosystem monitoring program. Initial projects will focus on implementation and effectiveness of Chinook recovery efforts, effectiveness of actions to restore shellfish beds, and implementation of priority studies of the Salish Sea marine survival project. Monitoring reports must be provided in context to the overall success and progress of Puget Sound recovery efforts.

(3) \$237,000 of the general fund—state appropriation for fiscal year 2020 and \$263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for coordinating updates to the outdated Puget Sound chinook salmon recovery plan, provide support for adaptive management of local watershed chapters, and advance regional work on salmon and ecosystem recovery through local integrating organizations.

(4) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional monitoring and accountability actions in response to recommendations from the joint legislative audit and review committee.

**PART XIII  
TRANSPORTATION  
SUPPLEMENTAL**

**Sec. 1301.** 2020 c 357 s 401 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

General Fund—State Appropriation (FY 2020).....	\$3,805,000
General Fund—State Appropriation (FY 2021).( <del>(\$6,109,000)</del> )	
	<u>\$3,121,000</u>
Architects' License Account—State Appropriation	
.....( <del>(\$1,641,000)</del> )	
	<u>\$1,631,000</u>
Real Estate Commission Account—State Appropriation	
.....( <del>(\$14,422,000)</del> )	
	<u>\$13,273,000</u>
Uniform Commercial Code Account—State Appropriation	
.....( <del>(\$2,979,000)</del> )	
	<u>\$2,614,000</u>
Real Estate Education Program Account—State	
Appropriation.....	\$276,000
Real Estate Appraiser Commission Account—State	
Appropriation.....( <del>(\$1,707,000)</del> )	
	<u>\$1,575,000</u>
Business and Professions Account—State Appropriation	
.....( <del>(\$26,855,000)</del> )	
	<u>\$24,597,000</u>
Real Estate Research Account—State Appropriation	\$415,000
Firearms Range Account—State Appropriation .....	\$74,000
Landscape Architects' License Account—State	
Appropriation.....( <del>(\$126,000)</del> )	
	<u>\$124,000</u>
Appraisal Management Company Account—State	
Appropriation.....( <del>(\$442,000)</del> )	
	<u>\$435,000</u>
Concealed Pistol License Renewal Notification	

Account—State Appropriation.....	\$140,000
Geologists' Account—State Appropriation .....	( <del>(\$114,000)</del> )
	<u>\$113,000</u>
Pension Funding Stabilization Account—State	
Appropriation .....	\$96,000
Derelict Vessel Removal Account—State Appropriation	
.....	\$33,000
TOTAL APPROPRIATION .....	( <del>(\$59,234,000)</del> )
	<u>\$52,322,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Appropriations provided for the business and technology modernization project in this section are subject to the conditions, limitations, and review provided in section 701 of this act.

(2) \$72,000 of the real estate appraiser commission account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5480 (real estate appraisers).

(3) \$144,000 of the business and professions account—state appropriation is provided solely for implementation of Senate Bill No. 5641 (uniform law on notarial acts).

(4) \$95,000 of the general fund—state appropriation for fiscal year 2020 and \$99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to mail vessel registration renewal reminders.

(5) \$1,003,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$3,050,000)~~) \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the department to procure a commercial off-the-shelf solution to replace the legacy firearms system, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(6) \$72,000 of the general fund—state appropriation for fiscal year 2020 and \$601,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute House Bill No. 2555 (other firearms/background). (~~If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.~~)

(7) \$22,000 of the uniform commercial code account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6074 (financial fraud/theft crimes). (~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~)

(8) \$19,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the implementation of Second Substitute Senate Bill No. 6528 (derelict vessel prevention). (~~If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~)

**Sec. 1302.** 2020 c 357 s 402 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

General Fund—State Appropriation (FY 2020)....	\$57,529,000
General Fund—State Appropriation (FY 2021)	
.....( <del>(\$58,775,000)</del> )	
	<u>\$57,428,000</u>
General Fund—Federal Appropriation.....	( <del>(\$16,690,000)</del> )
	<u>\$16,641,000</u>
General Fund—Private/Local Appropriation .....	\$3,091,000
Death Investigations Account—State Appropriation	
.....( <del>(\$9,098,000)</del> )	
	<u>\$8,505,000</u>
County Criminal Justice Assistance Account—State	
Appropriation .....	( <del>(\$4,550,000)</del> )
	<u>\$4,488,000</u>
Municipal Criminal Justice Assistance Account—State	
Appropriation .....	( <del>(\$1,644,000)</del> )

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

	<u>\$1,618,000</u>
Fire Service Trust Account—State Appropriation.....	\$131,000
Vehicle License Fraud Account—State Appropriation	\$119,000
.....	\$119,000
Disaster Response Account—State Appropriation	(( <del>\$8,000,000</del> ))
.....	<u>\$15,530,000</u>
Washington Internet Crimes Against Children Account—	
State Appropriation.....	\$1,500,000
Fire Service Training Account—State Appropriation	(( <del>\$11,765,000</del> ))
.....	<u>\$10,023,000</u>
Model Toxics Control Operating Account—State	
Appropriation.....	(( <del>\$588,000</del> ))
.....	<u>\$584,000</u>
<del>(Aquatic Invasive Species Management Account—</del>	
<del>State Appropriation.....</del>	<del>\$54,000</del> )
Fingerprint Identification Account—State	
Appropriation.....	(( <del>\$16,447,000</del> ))
.....	<u>\$15,639,000</u>
Dedicated Marijuana Account—State Appropriation	
(FY 2020) .....	\$2,453,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021) .....	(( <del>\$2,793,000</del> ))
.....	<u>\$2,423,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$3,300,000
TOTAL APPROPRIATION.....	(( <del>\$198,527,000</del> ))
.....	<u>\$201,002,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,000,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) \$2,878,000 of the fingerprint identification account—state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) \$2,453,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and ~~((~~\$2,793,000~~))~~ \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol's drug enforcement task force. The amounts in this subsection are provided solely for the following:

(a) \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 and \$2,423,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to partner with multi-jurisdictional drug and gang task forces to detect, deter, and dismantle criminal organizations involved in criminal activity including diversion of marijuana from the legalized market and the illicit production and distribution of marijuana and marijuana-related products in Washington state.

(b) \$30,000 of the dedicated marijuana account—state appropriation for fiscal year 2020 ~~((and \$370,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are))~~ is provided solely for a case management system to serve as a repository for all information regarding criminal cases. This

system must allow state patrol investigators to enter information and to search to provide patterns, trends, and links which will allow the state patrol to identify connections on criminal investigations including efforts to dismantle marijuana and other drug trafficking organizations by identifying their established networks, and is subject to the conditions, limitations, and review provided in section 701 of this act.

(4) \$479,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5181 (invol. treatment procedures).

(5) \$13,000 of the general fund—state appropriation for fiscal year 2020 and \$2,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(6) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Senate Bill No. 5605 (marijuana misdemeanors).

(7) \$679,000 of the general fund—state appropriation for fiscal year 2020 and \$643,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for addressing a backlog of toxicology tests in the toxicology laboratory.

(8) \$1,500,000 of the Washington internet crimes against children account—state appropriation is provided solely for the missing and exploited children's task force within the patrol to help prevent possible abuse to children and other vulnerable citizens from sexual abuse.

(9) \$356,000 of the general fund—state appropriation for fiscal year 2020, \$356,000 of the general fund—state appropriation for fiscal year 2021, and \$298,000 of the death investigations account—state appropriations are provided solely for increased supply and maintenance costs for the crime laboratory division and toxicology laboratory division.

(10) \$5,770,000 of the general fund—state appropriation for fiscal year 2020, \$3,243,000 of the general fund—state appropriation for fiscal year 2021, and \$1,277,000 of the death investigations account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1166 (sexual assault).

(11) \$282,000 of the general fund—state appropriation for fiscal year 2020 and \$263,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1713 (Native American women).

(12) \$510,000 of the county criminal justice assistance account—state appropriation is provided solely for the Washington state patrol to support local police, sheriffs' departments, and multiagency task forces in the prosecution of criminals. However, the office of financial management must reduce the allotment of the amount provided in this subsection if allotment of the full appropriation will put the account into deficit.

(13) \$1,000,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(14) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state patrol to develop a plan for implementation of a centralized firearm background check system. Funding is sufficient to fund a consultant to design an information technology system to conduct firearm background checks through a centralized system and a Washington state patrol project

manager to design the implementation plan. The design should include recommendations to comply with the direction in RCW 9.41.139 and leverage the new firearms database system currently being procured by the department of licensing to create one streamlined system. The Washington state patrol shall convene an interagency work group to inform the centralized firearm background check system implementation plan, to include but not limited to the department of licensing, administrative office of the courts, health care authority, and office of financial management. Reports on the information technology system and the implementation plan shall be provided to the governor and appropriate committees of the legislature by December 1, 2020.

(15) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for collaboration with Washington State University to produce the report in section 604 of this act.

(16) \$34,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for Engrossed Substitute House Bill No. 2318 (criminal investigatory practices). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(17) \$100,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2793 (criminal records). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

**PART XIV  
EDUCATION  
SUPPLEMENTAL**

**Sec. 1401.** 2020 c 357 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund—State Appropriation (FY 2020)....	\$31,265,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$30,350,000)</del>
	<u>\$28,815,000</u>
General Fund—Federal Appropriation .....	<del>(\$99,355,000)</del>
	<u>\$104,201,000</u>
General Fund—Private/Local Appropriation.....	\$8,060,000
Washington Opportunity Pathways Account—State	
Appropriation.....	<del>(\$4,265,000)</del>
	<u>\$265,000</u>
Dedicated Marijuana Account—State Appropriation	
(FY 2020) .....	\$522,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021) .....	\$530,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$2,126,000
Performance Audits of Government Account—State	
Appropriation.....	\$213,000
TOTAL APPROPRIATION.....	<del>(\$176,686,000)</del>
	<u>\$175,997,000</u>

The appropriations in this section are subject to the following conditions and limitations:

**(1) BASE OPERATIONS AND EXPENSES OF THE OFFICE**

(a) \$11,109,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$11,883,000)~~ \$12,660,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(iii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 513 and 520 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iv) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(v) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(vi) The office of the superintendent of public instruction shall provide statewide oversight and coordination to the regional nursing corps program supported through the educational service districts.

(b) \$857,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,217,000)~~ \$1,209,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for maintenance of the apportionment system, including technical staff and the data governance working group.

(c) \$2,300,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for activities associated with the implementation of chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education) within the amounts provided in this subsection (1)(c), up to \$300,000 is for the office of the superintendent of public instruction to review the use of local revenues for compliance with enrichment requirements, including the preballot approval of enrichment levy spending plans approved by the superintendent of public instruction, and any supplemental contracts entered into under RCW 28A.400.200.

(d) \$494,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$494,000)~~ \$488,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(e)(i) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$76,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(ii) Within amounts provided in this subsection, the committee must review the Washington kindergarten inventory of developing skills, including professional development available to educators and other assessment materials and tools, and make recommendations to the office of the superintendent of public

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

instruction and the education committees of the legislature on the following topics:

(A) Opportunities for reducing bias in the observational assessment process and materials; and

(B) Barriers to implementation of the inventory.

(iii) The committee shall seek feedback from relevant stakeholders, including but not limited to:

(A) The office of the superintendent of public instruction;

(B) The department of children, youth, and families;

(C) Kindergarten teachers who are representative of or who teach in schools with diverse student subgroups;

(D) A representative from a tribal school who is currently using the inventory;

(E) Principals who are currently using the inventory;

(F) Parents who are representative of student populations that have historically scored low on the inventory, and who are recommended by an organization that serves parents of color;

(G) District assessment coordinators; and

(H) Early childhood providers.

(f) \$61,000 of the general fund—state appropriation for fiscal year 2020 and \$61,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(g) \$265,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(h) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(i) \$123,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$123,000)~~ \$122,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(j) \$250,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$250,000)~~ \$248,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(k) \$14,000 of the general fund—state appropriation for fiscal year 2020 and \$14,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(l) \$131,000 of the general fund—state appropriation for fiscal year 2020, ~~(\$131,000)~~ \$130,000 of the general fund—state appropriation for fiscal year 2021, and \$213,000 of the performance audits of government account—state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(m) \$117,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$117,000)~~ \$116,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 3, Laws of 2015 1st sp. sess. (computer science).

(n) \$250,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$250,000)~~ \$248,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators).

(o) \$235,000 of the general fund—state appropriation for fiscal year 2020 and \$385,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. Of the amounts provided in this subsection, \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for professional learning and technical assistance to support the ongoing implementation of since time immemorial tribal sovereignty curriculum, tribal consultation and engagement, government to government training, and data collection and identification of American Indian and Alaska Native students. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

(p) \$175,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$205,000)~~ \$203,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(q) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state.

(r) \$481,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$481,000)~~ \$478,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(s) The superintendent of public instruction must study and make recommendations for how Washington can make dual credit enrollment cost-free to students who are enrolled in running start, college in the high school, advanced placement, international baccalaureate, or other qualifying dual credit programs within existing basic education apportionments. While developing recommendations, the superintendent must collaborate and consult with K-12 and higher education stakeholders with expertise in dual credit instruction, transcription, and costs. The superintendent shall report the recommendations to the education policy and operating budget committees of the legislature by November 1, 2019. The recommendations must, at a minimum, consider:

(i) How to increase dual credit offerings and access for students that aligns with the student's high school and beyond plan and provides a pathway to education and training after high school, including careers, professional-technical education, apprenticeship, a college degree, or military service, among others.

(ii) How to ensure transfer of college credits earned by dual credit students to/among institutions of higher education.

(iii) How basic education funding will be used to provide for fees, books, and other direct costs charged by institutions of higher education and K-12 districts.

(iv) How K-12 and postsecondary institutions will equitably expand dual credit opportunities for students.

(v) How K-12 and postsecondary institutions will ensure coordinated advising and support services for students enrolled in, or considering enrollment in, dual credit programs.

(t) ~~(\$44,000 of the general fund—state appropriation for fiscal year 2020 (and \$44,000 of the general fund—state appropriation for fiscal year 2021 are))~~ is provided solely to pay for services for space in the state data center and networking charges.

(u) \$46,000 of the general fund—state appropriation for fiscal year 2020 and \$46,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a new server and backup application due to the move to the state data center.

(v) ~~(\$55,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the consolidated technology services to host the office's web site and for web site maintenance and support services.~~

~~(w))~~ Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

~~((x))~~ The office shall review and update the guidelines "prohibiting discrimination in Washington public schools," which must include religious accommodations. Students' sincerely held religious beliefs and practices must be reasonably accommodated with respect to all examinations and other requirements to successfully complete coursework.

~~(y))~~ ~~(w)~~ In section 116(8) of this act, the office of the education ombuds is directed to develop a plan to implement a program to promote skills, knowledge, and awareness concerning issues of diversity, equity, and inclusion among families with school-age children, with a report due to the governor and the appropriate committees in the legislature by September 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on the plan and report.

~~((z))~~ ~~(x)~~ In section 129(13) of this act, the office of financial management is directed to review and report on the pupil transportation funding system for K-12 education, the report is due to the governor and the appropriate committees in the legislature by August 1, 2020. Within amounts provided in this subsection, the office of the superintendent of public instruction shall collaborate on this review.

(y) \$2,485,000 of the general fund—federal appropriation (CRRSA/ESSER) for fiscal year 2021 is provided solely for the office to update the apportionment and accounting systems and to oversee grant administration. The office shall contract with an organization which specializes in developing tools to combine

internal and external data sets and provide data analytics and visualizations and custom workflows to match existing data processes, without requiring data science or technical expertise by the end user to provide accurate reporting and accountability regarding use of federal emergency relief funds. The organization must have demonstrated experience providing such tools to state education agencies in the past five years. The contract must provide access to the developed tools to the state education agency, selected educational service districts, and up to five local education agencies.

#### (2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,802,000)~~ \$1,796,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$1,221,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$281,000)~~ \$278,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$450,000)~~ \$449,000 of the general fund—state appropriation for fiscal year 2021 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

#### (3) WORK GROUPS

(a) \$335,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$335,000)~~ \$333,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 206, Laws of 2018 (career and college readiness).

(b) \$200,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$200,000)~~ \$198,000 of the general fund—state appropriation for fiscal year 2021 are provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) The office of the superintendent of public instruction, in collaboration with the department of social and health services developmental disabilities administration and division of vocational rehabilitation, shall explore the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, and shall provide all school districts with an opportunity to participate. The plan shall be submitted in compliance with RCW 43.01.036 by November 1, 2018, and the final report must be submitted by November 1, 2020, to the governor and appropriate legislative committees. The final report must include the following:

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(i) An examination of whether a data share agreement between the department of social and health services developmental disabilities administration, division of vocational rehabilitation, and the office of the superintendent of public instruction would improve coordination among the three agencies;

(ii) Defined roles for the associated stakeholders involved with the transition of students potentially eligible for services from the developmental disabilities administration, including but not limited to:

(A) The department of social and health services developmental disabilities administration;

(B) The office of the superintendent of public instruction;

(C) The division of vocational rehabilitation at the department of social and health services;

(D) School districts across the state of Washington; and

(E) Counties coordinating employment and day services.

(iii) An examination of the feasibility of a statewide developmental disabilities transition council, including representative positions, roles and responsibilities, costs, and data collection; and

(iv) Recommendations for supporting seamless transition from school to post-school life, up to and including potential legislation and funding, regional interagency transition networks, and coordination between counties, schools, and other partners for transition supports.

(d) \$40,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the legislative youth advisory council. The council of statewide members advises legislators on issues of importance to youth.

(e) \$118,000 of the general fund—state appropriation for fiscal year 2020 and \$118,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(f) \$183,000 of the general fund—state appropriation for fiscal year 2020 and \$48,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Substitute House Bill No. 1130 (pub. school language access).

(g) \$200,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$200,000)~~ \$198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5082 (social emotional learning).

(h) ~~((+))~~ (i) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to convene a work group to develop recommendations for integrating, in a regular and ongoing basis, African American history, examinations of racism, and the history of the civil rights movement into curriculum provided to students in grades seven through twelve. Recommendations developed in accordance with this subsection must be preceded by a work group review of pertinent curriculum that is available to school districts, and must include recommendations for the professional development needed to support educators in providing the instruction to students.

(ii) The work group must consist of one representative from each of the following: (A) The Washington state commission on African American affairs; (B) the educational opportunity gap oversight and accountability committee; and (C) a statewide organization representing teachers. The work group may also include other persons with unique and specific expertise, including but not limited to, Washington state historians and persons representing teacher preparation programs.

(iii) The office must report the findings and recommendations required by this subsection to the education committees of the legislature by November 15, 2020.

~~((+))~~ (i) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to participate in the work group established in section 922 of this act to create a family engagement framework for early learning through high school. At a minimum, the work group must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

~~((1)-(A))~~ Within amounts provided in this section, the office of the superintendent of public instruction shall convene a work group to:

~~(I)~~ Review provisions related to sexual health education in the health and physical education learning standards adopted in 2016;

~~(II)~~ Review existing sexual health education curricula in use in the state for the purpose of identifying gaps or potential inconsistencies with the health and physical education learning standards;

~~(III)~~ Consider revisions to sexual health education provisions in statute; and

~~(IV)~~ In meeting the requirements of this subsection (h), the work group shall consult with a broad array of stakeholders representing diverse opinions. For purposes of this subsection (h), "comprehensive sexual health education" means instruction in sexual health that, at a minimum, is evidence informed, medically and scientifically accurate, age appropriate, and inclusive for all students.

(B) In meeting the requirements of this subsection (h), the work group shall consult with a broad array of stakeholders representing diverse opinions.

(ii) The work group shall consist of the following members:

~~(A)~~ The superintendent of public instruction or the superintendent's designee;

~~(B)~~ Three representatives of school districts recommended by the Washington state school directors' association. To the extent possible, the school district representatives must reflect a diversity of student enrollment, geographic location, and urban, suburban, and rural locations;

~~(C)~~ Three school principals recommended by an association of Washington school principals, one each representing an elementary school, a middle school, and a high school. The three principals must represent the geographic diversity of urban, suburban, and rural locations;

~~(D)~~ Three public school health educators recommended by an association of Washington educators, one each representing grades kindergarten through five, grades six through eight, and grades nine through twelve. The three public school health educators must represent the geographic diversity of urban, suburban, and rural locations;

~~(E)~~ Three public health officials, at least two of whom are local public health officials with expertise in developing or presenting comprehensive sexual health education materials and resources, as recommended by the Washington state department of health. The three public health officials must represent the geographic diversity of urban, suburban, and rural locations; and

~~(F)~~ Three parents recommended in accordance with this subsection (3)(h)(ii)(F), one with a child enrolled in a public school west of the crest of the Cascade mountain range, one with a child enrolled in a public school east of the crest of the Cascade mountain range, and one with a child enrolled in a public school who is also receiving special education services. The recommendation for a parent of a public school student receiving special education services must be made by an association of

parents, teachers, and students that focuses on the needs of students receiving special education services. The recommendation for the other parents under this subsection must be made by an association of parents, teachers, and students.

(iii) The office of the superintendent of public instruction shall submit findings and recommendations required by this section to the state board of education, the department of health, and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2019.

(iv)(A) The office of the superintendent of public instruction and the Washington state school directors' association, shall collaborate with department of health to conduct a data survey of the availability of sexual health education in public schools and relevant health measures in those schools. All school districts shall submit to the office of the superintendent of public instruction, through the Washington school health profiles survey, or other reporting mechanisms, the curricula used in the district to teach sexual health education. The data survey must include a list of the schools within the boundaries of each school district that offer sexual health education and in which grade levels, and the curricula used to teach sexual health education, as reported according to RCW 28A.300.475(7). In addition, the data shall include, for each school district and inclusive of any charter schools that may be within the boundaries of the school district, the rate of teen pregnancy, sexually transmitted infections, suicide, depression, and adverse childhood experiences in each of the previous five years for which data is available. To the extent that the data allows, the information shall be collected by school district, inclusive of any charter schools that may be within the boundaries of the school district. To the extent allowed by existing data sources, the information must be disaggregated by age, race, ethnicity, free and reduced lunch eligibility, sexual orientation, gender identity and expression, and geography, including school district population density, and conveyed, to the maximum extent possible, in a manner that complies with WAC 392-117-060. The data survey may combine multiple years of data if necessary to comply with student privacy requirements.

(B) The office of the superintendent of public instruction shall utilize the information collected from the data survey to inform the work group established in (f) of this subsection. The office, in accordance with RCW 43.01.036, shall submit the data survey to the committees of the legislature with jurisdiction over matters related to education and health care and the governor by December 1, 2019.

~~(m))~~ (j) \$107,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to support the children and youth behavioral health work group created in Second Substitute House Bill No. 2737 (child, mental health wk. grp). (If this bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.)

#### (4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$2,590,000)~~ \$2,586,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$703,000)~~ \$698,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2020 and \$950,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps

members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$909,000 of the general fund—state appropriation for fiscal year 2020 and \$909,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (strengthening student educational outcomes).

(e) \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 102, Laws of 2014 (bilingual seal).

(f)(i) \$50,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$50,000)~~ \$49,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$1,268,000 of the general fund—state appropriation for fiscal year 2020 is provided solely to educational service districts for implementation of Second Substitute House Bill No. 1216 (school safety and well-being).

(iv) ~~(\$570,000)~~ \$568,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being). Within the amounts appropriated in this subsection (4)(f)(iv), \$200,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to schools or school districts for planning and integrating tiered suicide prevention and behavioral health supports. Grants must be awarded first to districts demonstrating the greatest need and readiness. Grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training.

(v) \$196,000 of the general fund—state appropriation for fiscal year 2020 and \$196,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(f)(v), \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(f)(v), \$96,000 of the general fund—state appropriation for fiscal year 2020 and \$96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(g)(i) \$162,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$162,000)~~ \$161,000 of the general fund—

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

state appropriation for fiscal year 2021 are provided solely for youth suicide prevention activities.

(ii) \$204,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 202, Laws of 2017 (children's mental health).

(iii) \$20,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 175, Laws of 2018 (children's mental health services).

(iv) \$76,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$76,000)~~) \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(h)(i) \$280,000 of the general fund—state appropriation for fiscal year 2020, \$280,000 of the general fund—state appropriation for fiscal year 2021, and \$1,052,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$522,000 of the dedicated marijuana account—state appropriation for fiscal year 2020, and \$530,000 of the dedicated marijuana account—state appropriation for fiscal year 2021 are provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$293,000)~~) \$288,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$178,000)~~) \$176,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(i) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(j) \$369,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$358,000)~~) \$355,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Second Substitute House Bill No. 1424 (CTE course equivalencies).

(k) \$400,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$196,000)~~) \$194,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1599 (high school graduation reqs.).

(l) \$60,000 of the general fund—state appropriation for fiscal year 2020, \$60,000 of the general fund—state appropriation for fiscal year 2021, and \$680,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section

103 of Engrossed Second Substitute House Bill No. 1139 relating to the regional recruiters program.

(m) \$66,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least twenty minutes. The office of the superintendent of public instruction shall, through an application-based process, select six public schools to serve as demonstration sites. Of the amounts provided in this subsection:

(i) \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual grant awards of \$5,000 each provided to the six school districts selected to serve as school demonstration sites;

(ii) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support;

(iii) \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide technical support to the demonstration sites and report its findings and recommendations to the education committees of the house of representatives and the senate by June 30, 2021; and

(iv) \$6,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Washington state school directors' association, in consultation with the office of the superintendent of public instruction, to adopt and make publicly available by February 14, 2020, a model policy and procedure that school districts may use to ensure that student lunch periods include a seated lunch duration of at least twenty minutes. In developing the model policy and procedure, the Washington state school directors' association shall, to the extent appropriate and feasible, incorporate pertinent recommendations from the office of the state auditor.

(n) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to publish a list of schools and districts that are not complying with RCW 28A.325.010 and 28A.325.050. The office must publish the list no later than December 30, 2020. Within amounts appropriated in this subsection, the office of the superintendent of public instruction must:

(i) Collaborate with associated student body executive boards statewide regarding district policies to reduce the extracurricular opportunity gap.

(ii) Require school districts to collect and report to the associated student body executive board the 2018-19 school year data related to students in possession of associated student body cards and student participation in school-based athletic programs by January 15, 2020. School districts with more than one high school must provide each high school's associated student body executive board only the data from each associated student body executive board's respective high school.

(A) Each school district with a high school must collect and publish on its website the following school-level data from each high school for the 2018-19 school year by January 15, 2020, for

the 2019-20 school year by April 15, 2020, and for the 2020-21 school year by April 15, 2021:

(I) The number of high school students who are eligible to participate in the federal free and reduced-price meals program;

(II) The purchase amount of an associated student body card for high school students;

(III) The discounted purchase amount of an associated student body card for high school students who are eligible to participate in the federal free and reduced-price meals program;

(IV) Athletic program participation fees and any discounted fees for high school students who are eligible to participate in the federal free and reduced-price meals program;

(V) The number of high school students who possess an associated student body card;

(VI) The number of high school students who are eligible to participate in the federal free and reduced-price meals program and possess an associated student body card;

(VII) The number of high school students participating in an athletic program; and

(VIII) The number of high school students participating in an athletic program who are eligible to participate in the federal free and reduced-price meals program.

(B) The data for the April 2020 and April 2021 reports must include at least two weeks of data from the beginning of spring athletics season.

(C) The office of the superintendent of public instruction must provide support to ensure that all districts comply with the data reporting requirements in this subsection.

(D) No later than January 15, 2020, the office of the superintendent of public instruction must publish a list of schools and districts that are not complying with RCW 28A.325.050.

(o) \$60,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$60,000)~~ \$59,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to collect and monitor restraint and isolation data pursuant to chapter 206, Laws of 2015, and to provide training, technical assistance, and other support to schools and districts to reduce the use of restraint and isolation.

(p) \$225,000 of the general fund—state appropriation in fiscal year 2020 and \$225,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funds provided under this section may only be used for recruiting, hiring, and training persons to be employed by Washington sensory disability services who must provide mentoring services in different geographic regions of the state, with the dual goals of: Providing services, beginning with the 2019-20 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

(q) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the office of the superintendent of public instruction to create a series of articles, videos, and educational curriculum on the history of agriculture in Washington state, including the role and impact of indigenous and immigrant farmers. The materials must be made available for free to schools, educators, and students. The office may collaborate with other agencies or entities in order to create the educational materials.

(r) \$61,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5023 (ethnic studies).

(s) \$63,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000 of the general fund—state appropriation for

fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5497 (immigrants in the workplace).

(t) Within existing resources, the office shall consult with the Washington student achievement council to adopt rules pursuant to Senate Bill No. 5088 (computer science).

(u) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to conduct a pilot program in five school districts of a dropout early warning and intervention data system as defined in RCW 28A.175.074, to identify students beginning in grade eight who are at risk of not graduating from high school and require additional supports. The system at a minimum must measure attendance, behavior, and course performance. The office of the superintendent of public instruction must report to the appropriate committees of the legislature the progress of all participating schools by December 15, 2020.

(v) ~~((yy))~~ Within existing resources, the office shall implement Substitute Senate Bill No. 5324 (homeless student support).

~~((zz))~~ (w) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

~~((bb))~~ (x) \$57,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2660 (school meals at no cost). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((ee))~~ (y) \$872,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute House Bill No. 2864 (running start summer pilot). If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.

~~((ff))~~ (z) \$10,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction, in consultation with the four-year institutions as defined in RCW 28B.76.020, the state board for community and technical colleges, and the workforce training and education coordinating board, to review and report on potential adjustments or alterations to the standardized high school transcript created under RCW 28A.230.125, including, but not limited to, granting the option of using a weighted grade point average to recognize accelerated coursework. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021.

~~((hh))~~ (aa) \$385,000 of the general fund—state appropriation for fiscal year 2020 and \$349,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 6521 (innovative learning pilot). ~~((If the bill is not enacted by June 30, 2020, the amounts provided in this subsection shall lapse.))~~

~~((ii))~~ (bb) \$6,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 6263 (data sharing/schools, tribes). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

**Sec. 1402.** 2020 c 357 s 503 (uncodified) is amended to read as follows:

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2020)	\$8,449,996,000
General Fund—State Appropriation (FY 2021)	<del>(\$8,942,348,000)</del>
	<u>\$8,531,759,000</u>
Education Legacy Trust Account—State Appropriation	\$1,955,730,000
TOTAL APPROPRIATION	<del>(\$19,348,074,000)</del>
	<u>\$18,937,485,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2019-20 and 2020-21 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2019, to August 31, 2019, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 299, Laws of 2018.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2019-20 and 2020-21 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

**(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS**

Allocations for certificated instructional staff salaries for the 2019-20 and 2020-21 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:				
Grade	RCW 28A.150.260	2019-20 School Year	2020-21 School Year	
Grade K		17.00	17.00	
Grade 1		17.00	17.00	
Grade 2		17.00	17.00	
Grade 3		17.00	17.00	
Grade 4		27.00	27.00	
Grades 5-6		27.00	27.00	
Grades 7-8		28.53	28.53	
Grades 9-12		28.74	28.74	

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii)(A) For the twenty schools with the lowest overall school score for all students in the 2018-19 school year, as determined by the Washington school improvement framework among elementary schools, middle schools, and other schools not serving students up to twelfth grade, having enrollments greater than one hundred fifty students, in addition to the allocation under (d)(i) of this subsection the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school ~~((in the 2019-20 school year))~~ as follows:

	Elementary	Middle
Guidance counselors	0.307	0.512

To receive additional allocations under ~~((d)(ii)(A) or (f))~~ this subsection, a school eligible to receive the allocation must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the staffing for guidance counselors in (d)(i) of this subsection and this subsection (2)(d)(ii)(A) for its prototypical school level. School districts must distribute the additional guidance counselors allocation in this subsection to the schools that generate the

allocation. The enhancement within this subsection is not part of the state's program of basic education.

(B) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2019-20 School Year	2020-21 School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

**(3) ADMINISTRATIVE STAFF ALLOCATIONS**

(a) Allocations for school building-level certificated administrative staff salaries for the 2019-20 and 2020-21 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors: Career and Technical Education students ..... 1.025  
Skill Center students ..... 1.198

**(4) CLASSIFIED STAFF ALLOCATIONS**

Allocations for classified staff units providing school building-level and district-wide support services for the 2019-20 and 2020-21 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

**(5) CENTRAL OFFICE ALLOCATIONS**

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2019-20 and 2020-21 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW

28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.50 percent in the 2019-20 school year and ~~((+2.52))~~ 12.60 percent in the 2020-21 school year for career and technical education students, and 17.83 percent in the 2019-20 school year and ~~((+7.85))~~ 17.94 percent in the 2020-21 school year for skill center students.

**(6) FRINGE BENEFIT ALLOCATIONS**

Fringe benefit allocations shall be calculated at a rate of 23.80 percent in the 2019-20 school year and 24.03 percent in the 2020-21 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.33 percent in the 2019-20 school year and 24.44 percent in the 2020-21 school year for classified salary allocations provided under subsections (4) and (5) of this section.

**(7) INSURANCE BENEFIT ALLOCATIONS**

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows:

(a) Until December 31, 2019 and for nonrepresented employees of educational service districts for the 2020-21 school year:

- (i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and
- (ii) The number of classified staff units determined in subsections (4) and (5) of this section.

(b) Beginning January 1, 2020, and except for nonrepresented employees of educational service districts for the 2020-21 school year, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in section 907 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

- (i) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and
- (ii) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(c) For health benefits payments to the health care authority for benefits provided to school employees in January 2020, school districts must provide payment to the health care authority within three business days of receiving the January 2020 allocation for insurance benefits. The health care authority and office of the superintendent of public instruction must coordinate with school districts to enable timely payment to the health care authority consistent with this subsection.

**(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS**

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	\$135.91	\$138.08
Utilities and Insurance	\$369.29	\$375.20
Curriculum and Textbooks	\$145.92	\$148.26
Other Supplies	\$289.00	\$293.62
Library Materials	\$20.79	\$21.12
Instructional Professional Development for Certificated and Classified Staff	\$22.57	\$22.93
Facilities Maintenance	\$182.94	\$185.87
Security and Central Office	\$126.74	\$128.77
<b>TOTAL BASIC EDUCATION MSOC/STUDENT FTE</b>	<b>\$1,293.16</b>	<b>\$1,313.85</b>

(ii) For the 2019-20 school year and 2020-21 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,529.98 for the 2019-20 school year and \$1,554.46 for the 2020-21 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,529.98 for the 2019-20 school year and \$1,554.46 for the 2020-21 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2019-20 School Year	2020-21 School Year
Technology	\$39.08	\$39.70
Curriculum and Textbooks	\$42.63	\$43.32
Other Supplies	\$83.04	\$84.37
Library Materials	\$5.78	\$5.87
Instructional Professional Development for Certified and Classified Staff	\$7.11	\$7.22
<b>TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE</b>	<b>\$177.64</b>	<b>\$180.48</b>

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2019-20 and 2020-21 school years, funding for substitute costs for classroom teachers is based on four (4) funded

substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2019, to August 31, 2019, are adjusted to reflect provisions of chapter 299, Laws of 2018 (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2019-20 school year and 2020-21 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school

plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW

84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2020 and 2021 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2020 and \$650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2020 and \$436,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 521 of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2022. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 521 of this act, and the amount expended from this section for those students.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system. (19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year. (20)(a) Indirect cost charges by a school district to approved career and technical

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support. (21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2019-2021 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

Sec. 1403. 2020 c 357 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2020)..	\$387,359,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$644,562,000)</del>
	<u>\$621,918,000</u>
TOTAL APPROPRIATION.....	<del>(\$1,031,921,000)</del>
	<u>\$1,009,277,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are 2.0 percent for the 2019-20 school year, and 1.6 percent for the 2020-21 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of two days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2019-20, and three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in school year 2020-21 must be used to train school district staff on racial literacy, cultural responsiveness, and stereotype threat for purposes of closing persistent opportunity gaps.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 23.16 percent for the 2019-20 school year and 23.39 percent for the 2020-21 school year for certificated instructional and certificated administrative staff and 20.83 percent for the 2019-20 school year and 20.94 percent for the 2020-21 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 503 and 504 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for

educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 503 and 504 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in section 907 of this act and reflect the incremental change in cost of allocating rates as follows:

(a) For the 2019-20 school year, \$973.00 per month from September 1, 2019, to December 31, 2019, \$994 per month from January 1, 2020, to June 30, 2020, and \$1,056 per month from July 1, 2020, to August 31, 2020; and

(b) For the 2020-21 school year, \$1,000 per month.

(5) When bargaining for funding for school employees health benefits for the 2021-2023 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(6) The rates specified in this section are subject to revision each year by the legislature.

(7)(a) \$1,226,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(b) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

Sec. 1404. 2020 c 357 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2020) ..	\$646,545,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$626,529,000)</del>
	<u>\$397,685,000</u>
<del>((Education Legacy Trust Account—State</del>	
<del>Appropriation .....</del>	<del>\$29,500,000))</del>
TOTAL APPROPRIATION .....	<del>(\$1,302,574,000)</del>
	<u>\$1,044,230,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 299, Laws of 2018.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2020 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2021 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of this fiscal year 2020 appropriation and a maximum of \$939,000 of the fiscal year 2021 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(9) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

~~((44))~~ (10) The office of the superintendent of public instruction must subtract pupil transportation amounts carried over from the 2018-19 school year to the 2019-20 school year from the prior year's expenditures used to determine the student transportation allocation for the 2020-21 school year.

~~((42))~~ (11) \$21,508,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for one-time hold harmless pupil transportation payments to school districts to address lower pupil transportation payments for the 2019-2020 school year that were the result of corrections to the pupil transportation allocation methodology as implemented by the superintendent.

**Sec. 1405.** 2020 c 357 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2020)	\$1,406,767,000
General Fund—State Appropriation (FY 2021)	<del>(\$1,463,248,000)</del>
	<u>\$1,380,605,000</u>
General Fund—Federal Appropriation	\$514,008,000

Education Legacy Trust Account—State Appropriation	\$54,694,000
Pension Funding Stabilization Account—State Appropriation	\$20,000
TOTAL APPROPRIATION	<del>(\$3,438,737,000)</del>
	<u>\$3,356,094,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 503 and 505 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390 as amended by chapter 266, Laws of 2018 (basic education), except that the calculation of the base allocation also includes allocations provided under section 503 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 299, Laws of 2018.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(7) \$63,609,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$91,500,000)~~) \$94,630,000 of the general fund—state appropriation for fiscal year 2021, and \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2019-20 and 2020-21 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$50,000 of the general fund—state appropriation for fiscal year 2020, \$50,000 of the general fund—state appropriation for fiscal year 2021, and \$100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12) \$30,746,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for changes to the special education cost multiplier as specified in Engrossed Second Substitute Senate Bill No. 5091 (special education funding).

(13) Within amounts appropriated in this section, funding is provided for fiscal year 2021 for changes to the special education cost multiplier as specified in chapter 387, Laws of 2019 (special education funding).

(14) \$5,200,000 of the general fund—state appropriation for fiscal year 2020 and \$19,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public

schools with the highest percentage of students with individualized education programs aged six through twenty-one who spend the least amount of time in general education classrooms.

(15) Beginning September 1, 2020, funding for payments to providers for the early support for infants and toddlers program is transferred to the department of children, youth, and families to implement Substitute House Bill No. 2787 (infants and toddlers program). The amount of the transfer and related funding requirements are included in section 225(4)(ff) of this act.

**Sec. 1406.** 2020 c 357 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State Appropriation (FY 2020) ..	\$353,213,000
General Fund—State Appropriation (FY 2021)	
.....	( <del>(\$332,158,000)</del> )
	<u>\$348,926,000</u>
TOTAL APPROPRIATION .....	( <del>(\$685,371,000)</del> )
	<u>\$702,139,000</u>

The appropriations in this section are subject to the following conditions and limitations:

\$25,170,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$20,593,000)~~) \$13,098,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a one-time hold harmless for local effort assistance in calendar year 2020.

**Sec. 1407.** 2020 c 357 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2020) ....	\$15,501,000
General Fund—State Appropriation (FY 2021)	
.....	( <del>(\$16,707,000)</del> )
	<u>\$14,678,000</u>
TOTAL APPROPRIATION .....	( <del>(\$32,208,000)</del> )
	<u>\$30,179,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2020 and \$701,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department

of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) \$999,000 of the general fund—state appropriation for fiscal year 2020 and \$2,113,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility.

(7)(a) \$100,000 of the general fund—state appropriation in fiscal year 2020 is provided solely to support one student records coordinator in the Issaquah school district to manage the transmission of academic records with the Echo Glen children's center.

(b) \$300,000 of the general fund—state appropriation in fiscal year 2021 is provided solely to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center, the Chehalis school district for Green Hill academic school, and the Naselle-Grays River Valley school district for Naselle youth camp school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

**Sec. 1408.** 2020 c 357 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2020)....	\$30,504,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$31,696,000)</del>
	<u>\$30,541,000</u>
TOTAL APPROPRIATION.....	<del>(\$62,200,000)</del>
	<u>\$61,045,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 299, Laws of 2018.

**Sec. 1409.** 2020 c 357 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2020)..	\$131,298,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$135,955,000)</del>

	<u>\$135,126,000</u>
General Fund—Federal Appropriation.....	\$96,576,000
General Fund—Private/Local Appropriation .....	\$1,450,000
Education Legacy Trust Account—State Appropriation	
.....	\$1,636,000
Pension Funding Stabilization Account—State	
Appropriation .....	\$765,000
TOTAL APPROPRIATION .....	<del>(\$367,680,000)</del>
	<u>\$366,851,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ACCOUNTABILITY

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$26,975,000)~~) \$26,936,000 of the general fund—state appropriation for fiscal year 2021, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$14,352,000)~~) \$14,343,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) \$69,237,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$73,797,000)~~) \$73,034,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,505 per teacher in the 2019-20 school year and a bonus of \$5,593 per teacher in the 2020-21 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2019-20 and 2020-21 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$3,418,000)~~ \$3,413,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2020 and \$477,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2020 and \$810,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) \$10,500,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$10,500,000)~~ \$10,497,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2020 and \$4,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

**Sec. 1410.** 2020 c 357 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2020).....	\$205,270,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$216,650,000)</del>
	<u>\$208,065,000</u>
General Fund—Federal Appropriation.....	\$102,242,000
Pension Funding Stabilization Account—State	

Appropriation.....	\$4,000
TOTAL APPROPRIATION .....	<del>(\$524,166,000)</del>
	<u>\$515,581,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2019-20 and 2020-21; (ii) additional instruction of 3.0000 hours per week in school years 2019-20 and 2020-21 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 299, Laws of 2018.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: 1.93 percent for school year 2019-20 and ~~(4.89)~~ 2.0 percent for school year 2020-21.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2020 and \$35,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to track current and former transitional bilingual program students.

(6) \$1,023,000 of the general fund—state appropriation in fiscal year 2020 and \$1,185,000 of the general fund—state appropriation in fiscal year 2021 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

**Sec. 1411.** 2020 c 357 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2020).....	\$416,973,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$430,591,000)</del>
	<u>\$430,191,000</u>
General Fund—Federal Appropriation.....	\$533,481,000
TOTAL APPROPRIATION .....	<del>(\$1,381,045,000)</del>
	<u>\$1,380,645,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2019-20 and 2020-21 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2019-20 and 2020-21 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2019, to August 31, 2019, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 299, Laws of 2018.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2019-20 and 2020-21 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

**Sec. 1412.** 2020 c 357 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS**

Statewide Average Allocations			
Per Annual Average Full-Time Equivalent Student			
Basic	Education	2019-20	2020-21
Program		School	School Year
		Year	

General	\$9,176	<del>(\$9,398)</del>
Apportionment		<u>\$9,332</u>
Pupil Transportation	\$586	<del>(\$586)</del> <u>\$344</u>
Special Education Programs	\$9,611	<del>(\$10,107)</del> <u>\$10,097</u>
Institutional Education Programs	\$19,186	<del>(\$20,540)</del> <u>\$21,354</u>
Programs for Highly Capable Students	\$598	\$609
Transitional Bilingual Programs	\$1,365	<del>(\$1,390)</del> <u>\$1,397</u>
Learning Assistance Program	\$932	<del>(\$950)</del> <u>\$890</u>

**Sec. 1413.** 2020 c 357 s 517 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, ~~(2020)~~ 2021, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2020 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) Appropriations in sections 503 and 505 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in section 907 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in section 907 of this act. (7) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

school authorizer oversight fee for the charter school commission to the charter school oversight account.

Sec. 1414. 2020 c 357 s 518 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS**

Washington Opportunity Pathways Account—State	
Appropriation.....	<del>(\$93,986,000)</del>
	<u>\$86,943,000</u>
TOTAL APPROPRIATION.....	<del>(\$93,986,000)</del>
	<u>\$86,943,000</u>

The appropriation in this section is subject to the following conditions and limitations: The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

Sec. 1415. 2020 c 357 s 519 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION**

Washington Opportunity Pathways Account—State	
Appropriation.....	\$294,000
Charter Schools Oversight Account—State	
Appropriation.....	<del>(\$2,454,000)</del>
	<u>\$2,150,000</u>
TOTAL APPROPRIATION.....	<del>(\$2,748,000)</del>
	<u>\$2,444,000</u>

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

Sec. 1416. 2020 c 357 s 520 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2020)....	\$35,491,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$36,704,000)</del>
	<u>\$34,513,000</u>
<u>COVID-19 Resiliency and Reopening Nonappropriated</u>	
<u>Account—State Appropriation</u> .....	<u>\$200,000,000</u>
TOTAL APPROPRIATION.....	<del>(\$72,195,000)</del>
	<u>\$270,004,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,894,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$4,894,000)~~ \$4,890,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants for implementation of dual credit programs and subsidized advanced placement exam fees, international baccalaureate class fees, and exam and course fees for low-income students.

For expenditures related to subsidized exam fees, the superintendent of public instruction shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(2)(a) \$2,052,000 of the general fund—state appropriation for fiscal year 2020 and \$2,052,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,075,000 of the 2020 appropriation and \$1,075,000 of the 2021 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection, \$100,000 of the fiscal year 2020 appropriation and \$100,000 of the fiscal year 2021 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(b) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(c) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2020, a high school must have offered a foundational project lead the way course during the 2018-19 school year. The 2020 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2019-20 school year. To be eligible for funding in 2021, a high school must have offered a foundational project lead the way course during the 2019-20 school year. The 2020 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2020-21 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(d) \$2,127,000 of the general fund—state appropriation for fiscal year 2020 and \$2,127,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime, construction, aerospace, and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment or certification in maritime, construction, aerospace, or advanced manufacturing industries, as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection:

(i) \$900,000 of the general fund—state appropriation for fiscal year 2020 and \$900,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs.

(ii) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in construction programs.

(iii) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state

appropriation for fiscal year 2021 are provided solely for annual startup, expansion, or maintenance of existing programs in maritime programs.

(iv) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to expand the current employer engagement program to support schools, teachers, and students.

(v) \$427,000 of the general fund—state appropriation for fiscal year 2020 and \$427,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit entity to provide management, development, assessment, and outreach of the programs.

(3)(a) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2020 and \$15,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$384,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$373,000)~~ \$371,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund—state appropriation for fiscal year 2020 and \$10,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(c) \$30,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to develop civics education materials for grades K-5. The office must contract for the production of the materials with an experienced Washington state organization that produces civics education materials currently posted as an open education resource at the office of the superintendent of public instruction.

(4)(a) \$31,000 of the general fund—state appropriation for fiscal year 2020 and \$55,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(b) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(c) \$3,000,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$3,000,000)~~ \$2,998,000 of the general

fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(6) \$3,145,000 of the general fund—state appropriation for fiscal year 2020 and \$3,395,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(a) Of the amount provided in this subsection (6), \$446,000 of the general fund—state appropriation for fiscal year 2020 and \$446,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection (6), \$1,015,000 of the general fund—state appropriation for fiscal year 2020 and \$1,015,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) Of the amounts provided in this subsection (6), \$684,000 of the general fund—state appropriation for fiscal year 2020 and \$684,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(7) \$2,541,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(8)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,200,000)~~ \$1,198,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(b) \$36,000 of the general fund—state appropriation for fiscal year 2020 and \$36,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(9) \$375,000 of the general fund—state appropriation for fiscal year 2020 and \$375,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(10) \$1,425,000 of the general fund—state appropriation for fiscal year 2020 and \$1,425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for dual language grants to grow capacity for high quality dual language learning. Of the amounts provided in this subsection:

(a) \$1,425,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(33), chapter 299, Laws of 2018.

(b) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to establish a new dual language program.

(c) \$225,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to expand an existing dual language program.

(d) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to create heritage language programs for immigrant and refugee students.

(e) \$400,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to create indigenous language programs for native students.

(11)(a) \$4,940,000 of the general fund—state appropriation for fiscal year 2020 and \$4,940,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. Of the amounts provided: \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college success foundation to establish programming in new regions throughout the state. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$1,454,000 of the general fund—state appropriation for fiscal year 2020 and \$1,454,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(c) \$181,000 of the general fund—state appropriation for fiscal year 2020 and \$181,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(12)(a) \$356,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(b) \$3,000,000 of the general fund—state appropriation for fiscal year 2020 and \$3,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools. The office must require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework. The report must include the number of students served disaggregated by gender, race, ethnicity, and free-and-reduced lunch eligibility as well as the number of industry certificates attained by type of certificate.

(c) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$1,000,000)~~ \$999,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000 each year, without a matching requirement, to districts with greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(e) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least seventeen years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(f) \$62,000 of the general fund—state appropriation for fiscal year 2020 and \$62,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP

computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(g) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(13) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the centrum program at Fort Worden state park.

(14) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of the superintendent of public instruction to provide learning experiences for student-athletes in the science, technology, engineering, and math sectors. The office must contract with a nonprofit to offer student-athlete classes, programs, and scholarships to improve school performance and advancement across diverse communities.

(15) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2020-21 school year to school districts by August 10, 2020.

(a) Grant awards must be prioritized in the following order:

(i) High schools implementing the United States department of agriculture community eligibility provision;

(ii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price means program; and

(iii) High schools located in school districts enrolling five thousand or fewer students.

(b) The office of the superintendent of public instruction shall award grants of up to five thousand dollars per high school per year. The office may award additional funding if:

(i) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(ii) The applicant shows a demonstrated need for additional support.

(16) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with state-based nonprofit organizations that provide direct services to military-connected students exclusively through one-to-one volunteer mentoring. The goal of the mentoring is to build resiliency in military connected students and increase their ability to cope with the stress of parental deployment and frequent moves, which will help promote good decision-making by youth, help increase attachment and a positive attitude toward school, and develop positive peer relationships. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently

provides direct one-to-one volunteer mentoring services to military connected elementary students in the state and has been providing military mentoring to students in the state for at least twenty-four months prior to application.

(17) \$83,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Substitute Senate Bill No. 5612 (holocaust education).

(18) \$250,000 of the general fund—state appropriation in fiscal year 2020 and \$130,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a grant to the pacific science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to develop a new computer science program and outfit a van with program resources in order to expand statewide outreach.

(19) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to the department that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application.

(20) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$50,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for grants to school districts to provide school resource officer training, as required in Second Substitute House Bill No. 1216 (student mental health and well-being).

(21) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Bethel school district to expand post-secondary education opportunities at Graham-Kapowsin high school.

(22) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the south Kitsap school district to develop pathways for high school diplomas and post-secondary credentials through controls programmer apprenticeships.

(23) \$255,000 of the general fund—state appropriation for fiscal year 2020 and \$255,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a math improvement pilot program for school districts to improve math scores. Of the amounts provided in this subsection:

(a) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Spokane school district to improve math scores.

(b) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Chehalis school district to improve math scores.

(c) \$85,000 of the general fund—state appropriation for fiscal year 2020 and \$85,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bremerton school district to improve math scores.

(24) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state

EIGHTY FIRST DAY, APRIL 1, 2021

appropriation for fiscal year 2021 are provided solely for the office to establish the media literacy grant program.

(25) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Seattle education access program to ensure students on nontraditional educational pathways have the mentorship and technical assistance needed to navigate higher education and financial aid. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

~~((29))~~ (26) \$250,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle and King county and has previously established an after-school and summer learning program.

~~((30))~~ (27) \$150,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the office to contract with the Yakama nation for a feasibility study to determine the scope, design, planning, and budget for the construction of a new state-tribal compact school.

~~((31))~~ (28) \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for grants to school districts to create systems, policies, and practices to address racial discipline gaps consistent with RCW 28A.415.410. The office of superintendent of public instruction, in coordination with a state association representing both certificated and classified staff, an association representing principals, an association representing school superintendents, the Washington state school directors association, and an association representing parents, will guide grant recipients using existing training materials and resources. Grant recipients must develop systems that provide tiered supports for intervention, restorative approaches to behavior, and eliminate zero-tolerance policies that contribute to racial disparities.

~~((32))~~ (29) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the south Kitsap school district to co-develop a pilot strategy to increase completion rates for the free application for federal student aid (FAFSA).

~~((33))~~ (30) \$50,000 of the general fund—state appropriation for fiscal year 2021 is provided solely to the Renton school district to expand early learning opportunities with the Somali parent's education board.

**PART XV  
HIGHER EDUCATION  
SUPPLEMENTAL**

**Sec. 1501.** 2020 c 357 s 602 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2020).....	\$678,312,000
General Fund—State Appropriation (FY 2021)	..... <del>(\$709,756,000)</del>
	<u>\$701,905,000</u>
Community/Technical College Capital Projects	
Account—State Appropriation .....	\$23,505,000
Education Legacy Trust Account—State Appropriation	..... <del>(\$158,532,000)</del>
	<u>\$158,499,000</u>

Pension Funding Stabilization Account—State	
Appropriation .....	\$67,784,000
TOTAL APPROPRIATION .....	<del>(\$1,637,889,000)</del>
	<u>\$1,630,005,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2020 and \$33,261,000 of the general fund—state appropriation for fiscal year 2021 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2020 and at least 7,170 full-time equivalent students in fiscal year 2021.

(2) \$2,443,000 of the general fund—state appropriation for fiscal year 2021 and \$5,450,000 of the education legacy trust account—state appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2020 and \$425,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Seattle central college's expansion of allied health programs.

(4) \$5,250,000 of the general fund—state appropriation for fiscal year 2020 and \$5,250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2020, and \$1,610,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) \$19,759,000 of the general fund—state appropriation for fiscal year 2020 and \$20,194,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2020 and \$157,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) The state board for community and technical colleges shall collaborate with a permanently registered Washington sector intermediary to integrate and offer related supplemental instruction for information technology apprentices by the 2020-21 academic year.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(14) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(15)(a) The state board must provide quality assurance reports on the ctLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctLink project without approval of the chief information officer. The ctLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 701 of this act.

(16) \$216,000 of the general fund—state appropriation for fiscal year 2020 and \$216,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the opportunity center for employment and education at North Seattle College.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(18) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$350,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

- (a) Medical assisting, 40 students;
- (b) Nursing assistant, 60 students; and
- (c) Registered nursing, 32 students.

(19) \$338,000 of the general fund—state appropriation for fiscal year 2020 and \$338,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state labor education and research center at South Seattle College.

(20) \$75,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Washington family and community and engagement trust and Everett Community College to continue and expand a civic education and leadership program for underserved adults and youth.

(21) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(22) \$750,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1893 (student assistance grants).

(23) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$348,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students).

(24) \$1,500,000 of the general fund—state appropriation for fiscal year 2020 and \$1,500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(25) \$132,000 of the general fund—state appropriation for fiscal year 2020 and \$24,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the state board to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(26) \$784,000 of the general fund—state appropriation for fiscal year 2020 and \$779,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for legal costs related to the *Wolf vs State Board for Community and Technical Colleges* litigation.

~~((30))~~ (27) \$197,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

**Sec. 1502.** 2020 c 357 s 603 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund—State Appropriation (FY 2020)	
.....	<del>((340,784,000))</del>
	<u>\$340,744,000</u>
General Fund—State Appropriation (FY 2021)	
.....	<del>((358,083,000))</del>
	<u>\$352,105,000</u>
Aquatic Lands Enhancement Account—State	
Appropriation .....	<del>((1,606,000))</del>
	<u>\$1,595,000</u>
University of Washington Building Account—State	

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

Appropriation.....	\$1,546,000
Education Legacy Trust Account—State Appropriation	
.....	(\$36,731,000)
	<u>\$36,595,000</u>
Economic Development Strategic Reserve Account—State	
Appropriation.....	(\$3,087,000)
	<u>\$3,080,000</u>
Geoduck Aquaculture Research Account—State	
Appropriation.....	\$800,000
Biotoxin Account—State Appropriation.....	(\$612,000)
	<u>\$611,000</u>
Dedicated Marijuana Account—State Appropriation	
(FY 2020) .....	\$256,000
Dedicated Marijuana Account—State Appropriation	
(FY 2021) .....	(\$272,000)
	<u>\$266,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$50,906,000
Accident Account—State Appropriation .....	(\$7,907,000)
	<u>\$7,850,000</u>
Medical Aid Account—State Appropriation.....	(\$7,507,000)
	<u>\$7,457,000</u>
<u>COVID-19 Resiliency and Reopening Account—State</u>	
<u>Appropriation.....</u>	<u>\$35,000,000</u>
<u>TOTAL APPROPRIATION.....</u>	<u>(\$810,097,000)</u>
	<u>\$838,811,000</u>

The appropriations in this section are subject to the following conditions and limitations: (1) \$41,010,000 of the general fund—state appropriation for fiscal year 2020 and \$41,913,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$251,000 of the general fund—state appropriation for fiscal year 2021 and \$1,550,000 of the aquatic lands enhancement account—state appropriation are provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. The center must continue to make quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

(6) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(7) \$1,549,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(8) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(9) \$7,345,000 of the general fund—state appropriation for fiscal year 2020 and \$7,345,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(10) \$2,625,000 of the general fund—state appropriation for fiscal year 2020 and \$2,625,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(11) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(12) \$600,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(13)(a) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$172,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area. The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(14) \$5,000,000 of the general fund—state appropriation for fiscal year 2020 and \$5,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to support the operations and teaching mission of the Harborview Medical Center and the University of Washington Medical Center.

(15) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—appropriation for fiscal year 2021 are provided solely for the University of Washington's psychiatry integrated care training program.

(16) \$400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program at the University of Washington to complete a three-year study to identify best management practices related to shellfish production. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the office of the governor and the appropriate legislative committees by December 1st of each year.

(17) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(18) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the pre-law pipeline and social justice program at the University of Washington Tacoma.

(19) \$200,000 of the general fund—state appropriation for fiscal year 2020 and \$200,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Bothell branch to develop series of online courses for school district staff related to behavioral health. The standards for the online courses must be consistent with any knowledge, skill, and performance standards related to mental health and well-being of public school students. Among other things, the online courses must:

- (a) Teach participants relevant laws, including laws around physical restraint and isolation;
- (b) Provide foundational knowledge in behavioral health, mental health, and mental illness;
- (c) Describe how to assess, intervene upon, and refer behavioral health and substance use issues; and
- (d) Teach approaches to promote health and positively influence student health behaviors.

(20) \$110,000 of the general fund—state appropriation for fiscal year 2020 and \$110,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for core operations at forefront to achieve its mission of reducing suicide.

(21) \$138,000 of the general fund—state appropriation for fiscal year 2020 and \$138,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to collaborate with the northwest Parkinson's foundation and the state department of veterans affairs to study Parkinson's diagnoses treatment and specialist care across ethnic and racial groups and to develop a pilot program that helps people with Parkinson's better access specialist care and community services.

(22) \$256,000 of the general fund—state appropriation for fiscal year 2020 and \$226,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the

university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding fifteen to twenty providers from smaller clinics and practices per year.

(23) \$102,000 of the general fund—state appropriation for fiscal year 2020 and \$102,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's center for international trade in forest products.

(24) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Latino center for health.

(25) \$150,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Latino center for health to:

- (a) Estimate the number of practicing Latino physicians in Washington including age and gender distributions;
- (b) Create a profile of Latino physicians that includes their geographic distribution, medical and surgical specialties, training and certifications, and language access;
- (c) Develop a set of policy recommendations to meet the growing needs of Latino communities in urban and rural communities throughout Washington. The center must provide the report to the university and the appropriate committees of the legislature by December 31, 2020.

(26) To ensure transparency and accountability, in the 2019-2021 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(27) \$50,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's school of public health to study home-sharing for privately-owned residential properties. The study must include:

- (a) An analysis of home-sharing programs across the country, including population served, costs, duration of stays, and size of programs;
- (b) An analysis of similar initiatives in Washington state and potential barriers to expansion;
- (c) A review of best practices and policies; and
- (d) Recommendations for the establishment and continuation of home-sharing programs.

(28) \$150,000 of the general fund—state appropriation for fiscal year 2020 and \$150,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to expand the project extension for community health care outcomes (ECHO) to include training related to people with autism and developmental disabilities. Project ECHO for autism and developmental disabilities must focus on supporting existing autism centers of excellence. The project will disseminate evidence-based diagnoses and treatments to increase access to medical services for people across the state.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(29) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in part 9 of this act.

(30) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital in consultation with the office of the superintendent of public instruction to plan for and implement a two-year pilot program of school mental health education and consultations for students at middle schools, junior high, and high schools in one school district on east side of Cascades and one school district on west side of Cascades. The pilot program must:

(a) Develop and provide behavioral health trainings for school counselors, social workers, psychologists, nurses, teachers, administrators, and classified staff by January 1, 2020; and

(b) Beginning with the 2020-21 school year:

(i) Provide school counselors access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to support school staff in managing children with challenging behavior; and

(ii) Provide students access to teleconsultations with psychologists and psychiatrists at Seattle children's hospital or the University of Washington department of psychiatry to provide crisis management services when assessed as clinically appropriate.

(31) \$213,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health).

(32) \$50,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence).

(33)(a) \$463,000 of the general fund—state appropriation for fiscal year 2020 and \$400,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the climate impacts group in the college of the environment.

(b) \$63,000 of the general fund—state appropriation for fiscal year 2020 in (a) of this subsection is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5116 (clean energy).

(34) \$25,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(35) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a firearm policy research program. The program will:

(a) Support investigations of firearm death and injury risk factors;

(b) Evaluate the effectiveness of state firearm laws and policies;

(c) Assess the consequences of firearm violence; and

(d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(36) \$100,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Evans school of public affairs to complete the business plan for a publicly owned Washington state depository bank as directed by section 129, chapter 299, Laws of 2018.

(37) \$350,000 of the general fund—state appropriation for fiscal year 2020 and \$139,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5330 (small forestland owners).

(38) \$95,000 of the general fund—state appropriation for fiscal year 2020 and \$95,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the college of education to partner with school districts on a pilot program to improve the math scores of K-12 students.

(39) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for matching nonstate funding contributions for a study of the feasibility of constructing of a biorefinery in southwest Washington. No state moneys may be expended until nonstate funding contributions are received. The study must:

(a) Assess the supply of biomass, including poplar feedstock grown on low-value lands and hardwood sawmill residuals;

(b) Assess the potential for using poplar simultaneously for water treatment and as a biorefinery feedstock;

(c) Assess southwest Washington landowner interest in growing poplar feedstock;

(d) Evaluate options for locating a biorefinery in southwest Washington that considers potential for integration of future biorefineries with existing facilities such as power plants and pulp mills; and

(e) Result in a comprehensive technical and economic evaluation for southwest Washington biorefineries that will be used by biorefinery technology companies to develop their business plans and to attract potential investors.

(40) \$300,000 of the general fund—state appropriation for fiscal year 2020 and \$300,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

(41) \$400,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program crab team to continue work to protect against the impacts of invasive European green crab.

~~((45))~~ (42) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for:

(a) Increased training in rural areas for sexual assault nurse examiners; and

(b) Expansion of web-based services for training of sexual assault nurse examiners to include webinars, live streamed trainings, and web-based consultations.

~~((47))~~ (43) \$135,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1521 (government contracting). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(48))~~ (44) \$364,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~(51))~~ (45) \$60,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of

Substitute Senate Bill No. 6061 (telemedicine training). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.~~

~~((52)) (46) \$1,549,000 of the economic development strategic reserve account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 6139 (aerospace tech. innovation). ((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(47) \$35,000,000 of the COVID-19 resiliency and reopening nonappropriated account—state appropriation is provided solely for costs during the fiscal biennium related to testing, contact tracing, and other activities in the university's response to COVID-19 that were previously funded with \$35,000,000 of general fund—federal (CRF) through the unanticipated receipts process. The university is directed to enter a journal voucher or other entry into the state's accounting system to reflect this change in fund source, and to the extent it is necessary, enter into an interagency agreement with the department of health to facilitate this transaction.

**Sec. 1503.** 2020 c 357 s 604 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2020)	(( <del>\$222,642,000</del> ))
	<u>\$222,508,000</u>
General Fund—State Appropriation (FY 2021)	(( <del>\$233,649,000</del> ))
	<u>\$228,656,000</u>
<u>General Fund—Federal Appropriation</u>	<u>\$500,000</u>
Washington State University Building Account—State Appropriation	\$792,000
Education Legacy Trust Account—State Appropriation	\$33,995,000
<del>((Model Toxics Control Stormwater Account—State Appropriation</del>	<del>((<u>\$50,000</u>))</del>
Dedicated Marijuana Account—State Appropriation (FY 2020)	\$138,000
Dedicated Marijuana Account—State Appropriation (FY 2021)	\$138,000
Pension Funding Stabilization Account—State Appropriation	\$30,954,000
TOTAL APPROPRIATION	(( <del>\$522,358,000</del> ))
	<u>\$517,681,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund—state appropriation for fiscal year 2020 and \$90,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2020 and \$7,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2020 and \$135,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a honey bee biology research position.

(7) \$29,152,000 of the general fund—state appropriation for fiscal year 2020 and \$29,793,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$376,000 of the general fund—state appropriation for fiscal year 2020 and \$376,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

(9) \$580,000 of the general fund—state appropriation for fiscal year 2020 and \$580,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(10) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(11) \$585,000 of the general fund—state appropriation for fiscal year 2020 and \$585,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(12) \$630,000 of the general fund—state appropriation for fiscal year 2020 and \$630,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(13) \$1,370,000 of the general fund—state appropriation for fiscal year 2020 and \$1,370,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(14) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(15) \$1,119,000 of the general fund—state appropriation for fiscal year 2020 and \$1,154,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(16) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the joint center for deployment and research in earth abundant materials.

(17) \$20,000 of the general fund—state appropriation for fiscal year 2020 and \$20,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the office of clean technology at Washington State University to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide recommendations to the governor and the appropriate committees of the legislature by December 1, 2020.

(18) \$113,000 of the general fund—state appropriation for fiscal year 2020 and \$60,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1517 (domestic violence).

(19) \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$75,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the William D. Ruckelshaus center to partner with the University of Washington and the Washington State University to provide staff support and facilitation services to the task force established in section 9 of this act.

(20) \$264,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 5903 (children's mental health).

(21) \$37,000 of the general fund—state appropriation for fiscal year 2020 and \$16,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

(22) \$85,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the William D. Ruckelshaus center to coordinate a work group and process to develop options and recommendations to improve consistency, simplicity, transparency, and accountability in higher education data systems. The work group and process must be collaborative and include representatives from relevant agencies and stakeholders, including but not limited to: The Washington student achievement council, the workforce training and education coordinating board, the employment security department, the state board for community and technical colleges, the four-year institutions of higher education, the education data center, the office of the superintendent of public instruction, the Washington state institute for public policy, the joint legislative audit and review committee, and at least one representative from a nongovernmental organization that uses longitudinal data for research and decision making. The William D. Ruckelshaus center must facilitate meetings and discussions with stakeholders and provide a report to the appropriate committees of the legislature by December 1, 2019. The process must analyze and make recommendations on:

(a) Opportunities to increase postsecondary transparency and accountability across all institutions of higher education that receive state financial aid dollars while minimizing duplication of existing data reporting requirements;

(b) Opportunities to link labor market data with postsecondary data including degree production and postsecondary opportunities to help prospective postsecondary students navigate potential career and degree pathways;

(c) Opportunities to leverage existing data collection efforts across agencies and postsecondary sectors to minimize duplication, centralize data reporting, and create administrative efficiencies;

(d) Opportunities to develop a single, easy to navigate, postsecondary data system and dashboard to meet multiple state goals including transparency in postsecondary outcomes, clear linkages between data on postsecondary degrees and programs and labor market data, and linkages with P-20 data where appropriate. This includes a review of the efficacy, purpose, and cost of potential options for service and management of a statewide postsecondary dashboard; and

(e) Opportunities to increase state agency, legislative, and external researcher access to P-20 data systems in service to state educational goals.

(23) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

~~((27))~~ (24)(a) \$25,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the collaboration with the Washington state patrol, to produce a report focused on recommendations to inform a longitudinal study regarding bias in traffic stops. The report shall include the following information and any additional items identified in the collaboration:

(i) Analysis of traffic stops data for evidence of biased policing in stops, levels of enforcement, and searches;

(ii) Statewide survey of Washington state residents' perception of the Washington state patrol, with a focus on communities and individuals of color; and

(iii) The driving population, Washington state patrol crash data, Washington state patrol calls for service or assistance data, and any other potential data sources and appropriate geographic-level analysis.

(b) The framework shall outline any needed policy changes necessary to perform a longitudinal study, including public engagement. The report shall be submitted to the appropriate committees of the legislature by December 31, 2020.

~~((28))~~ (25) \$130,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(26) \$500,000 of the general fund—federal appropriation is provided solely to support farm stress programs in response to the COVID-19 pandemic, as authorized in section 766, division N, consolidated appropriations act, 2021, P.L. 116-260.

Sec. 1504. 2020 c 357 s 605 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020) .....	\$55,128,000
General Fund—State Appropriation (FY 2021)	
.....	<del>((57,943,000))</del>
	\$56,856,000

Education Legacy Trust Account—State Appropriation	\$16,794,000
TOTAL APPROPRIATION.....	<del>(\$129,865,000)</del>
	<u>\$128,778,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2020 and at least \$200,000 of the general fund—state appropriation for fiscal year 2021 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) \$10,472,000 of the general fund—state appropriation for fiscal year 2020 and \$10,702,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) \$125,000 of the general fund—state appropriation for fiscal year 2020 and \$125,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for gathering and archiving time-sensitive histories and materials and planning for a Lucy Covington center.

(7) \$73,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$73,000)~~ \$17,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for a comprehensive analysis of the deep lake watershed involving land owners, ranchers, lake owners, one or more conservation districts, the department of ecology, and the department of natural resources.

(8) \$21,000 of the general fund—state appropriation for fiscal year 2020 and \$11,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

~~((4))~~ (9) \$73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

**Sec. 1505.** 2020 c 357 s 606 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020)	<del>(\$54,520,000)</del>
	<u>\$54,365,000</u>
General Fund—State Appropriation (FY 2021)	<del>(\$57,179,000)</del>
	<u>\$56,301,000</u>

Central Washington University Capital Projects Account—State Appropriation ..... \$76,000

Education Legacy Trust Account—State Appropriation	\$19,076,000
Pension Funding Stabilization Account—State Appropriation .....	\$3,924,000
TOTAL APPROPRIATION .....	<del>(\$134,775,000)</del>
	<u>\$133,742,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$11,803,000 of the general fund—state appropriation for fiscal year 2020 and \$12,063,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$221,000 of the general fund—state appropriation for fiscal year 2020 and \$221,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the game on! program, which provides underserved middle and high school students with training in leadership and science, technology, engineering, and math. The program is expected to serve approximately five hundred students per year.

(6) \$53,000 of the general fund—state appropriation for fiscal year 2020 and \$32,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

~~((4))~~ (7) \$53,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

**Sec. 1506.** 2020 c 357 s 607 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2020) .....	\$30,208,000
General Fund—State Appropriation (FY 2021)	<del>(\$31,303,000)</del>
	<u>\$30,839,000</u>

The Evergreen State College Capital Projects Account—State Appropriation.....	\$80,000
Education Legacy Trust Account—State Appropriation .....	\$5,450,000
Pension Funding Stabilization Account—State Appropriation .....	\$2,000
TOTAL APPROPRIATION .....	<del>(\$67,043,000)</del>
	<u>\$66,579,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,590,000 of the general fund—state appropriation for fiscal year 2020 and \$3,669,000 of the general fund—state

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) Within the amounts appropriated in this section, The Evergreen State College must provide the funding necessary to enable employees of the Washington state institute for public policy to receive the salary increases provided in part 9 of this act.

(5) \$2,437,000 of the general fund—state appropriation for fiscal year 2020 and ~~(\$2,754,000)~~ \$2,638,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (5):

(a) \$999,000 of the amounts in fiscal year 2020 and \$1,294,000 of the amounts in fiscal year 2021 are provided for administration and core operations.

(b) \$1,388,000 of the amounts in fiscal year 2020 and ~~(\$1,177,000)~~ \$1,061,000 of the amounts in fiscal year 2021 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) \$50,000 of the amounts in fiscal year 2020 and \$25,000 of the amounts in fiscal year 2021 are provided solely for the Washington state institute for public policy to evaluate the outcomes of resource and assessment centers licensed under RCW 74.15.311 and contracted with the department of children, youth, and families. By December 1, 2020, and in compliance with RCW 43.01.036, the institute shall report the results of its evaluation to the appropriate legislative committees; the governor; the department of children, youth, and families; and the oversight board for children, youth, and families. For the evaluation, the institute shall collect data regarding:

(i) The type of placement children experience following placement at a resource and assessment center;

(ii) The number of placement changes that children experience following placement in a resource and assessment center compared with other foster children;

(iii) The length of stay in foster care that children experience following placement in a resource and assessment center compared with other foster children;

(iv) The likelihood that children placed in a resource and assessment center will be placed with siblings; and

(v) The length of time that licensed foster families accepting children placed in resource and assessment centers maintain their licensure compared to licensed foster families receiving children directly from child protective services.

(d) \$115,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1391 (early achievers recommendations).

(e) \$33,000 of the amounts in fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1646 (juvenile rehab. confinement).

(f) ~~((+))~~ Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2019-21 work plan as necessary to efficiently manage workload.

(6) \$86,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

**Sec. 1507.** 2020 c 357 s 608 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2020) ....\$78,664,000  
General Fund—State Appropriation (FY 2021)  
..... ~~(\$82,923,000)~~  
..... \$81,724,000

Western Washington University Capital Projects  
Account—State Appropriation..... \$1,424,000  
Education Legacy Trust Account—State Appropriation  
.....\$13,831,000  
TOTAL APPROPRIATION ..... ~~(\$176,842,000)~~  
..... \$175,643,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$16,291,000 of the general fund—state appropriation for fiscal year 2020 and \$16,649,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) \$700,000 of the general fund—state appropriation for fiscal year 2020 and \$700,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(5) \$1,306,000 of the general fund—state appropriation for fiscal year 2020 and \$1,306,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for Western Washington University to develop a new program in marine, coastal, and watershed sciences.

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(7) \$250,000 of the general fund—state appropriation for fiscal year 2020 and \$250,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for campus connect to develop a student civic leaders initiative that will provide opportunities for students to gain work experience focused on addressing the following critical issues facing communities and campuses: Housing and food insecurities, mental health, civic education (higher education and K-12), breaking the prison pipeline, and the opioid epidemic. Students will:

(a) Participate in civic internships and receive wages to work on one or more of these critical issues on their campus and or in their community, or both;

(b) Receive training on civic education, civil discourse, and learn how to analyze policies that impact community issues; and

(c) Research issues and develop and implement strategies in teams to address them.

(8) \$45,000 of the general fund—state appropriation for fiscal year 2020 and \$25,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the university to develop a plan for the maintenance and administration of opioid overdose medication in and around residence halls housing at least 100 students and for the training of designated personnel to administer opioid overdose medication to respond to symptoms of an opioid-related overdose.

~~((40))~~ (9) \$87,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute House Bill No. 2327 (sexual misconduct/postsec.). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

~~((11))~~ (10) \$886,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates. Tuition reductions resulting from this section must go into effect beginning in the 2020-21 academic year.

Sec. 1508. 2020 c 357 s 609 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—  
POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2020).	<del>(\$6,459,000)</del>
	<u>\$6,434,000</u>
General Fund—State Appropriation (FY 2021).	<del>(\$7,704,000)</del>
	<u>\$6,612,000</u>
General Fund—Federal Appropriation .....	<del>(\$4,927,000)</del>
	<u>\$4,912,000</u>
Pension Funding Stabilization Account—State Appropriation.....	\$534,000
TOTAL APPROPRIATION.....	<del>(\$19,624,000)</del>
	<u>\$18,492,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$126,000 of the general fund—state appropriation for fiscal year 2020 and \$126,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the consumer protection unit.

(2) \$104,000 of the general fund—state appropriation for fiscal year 2020 and \$174,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute Senate Bill No. 5800 (homeless college students).

(3) \$150,000 of the general fund—state appropriation is provided solely to create a career connected learning statewide program inventory as required in RCW 28C.30.040(1) (f) through (g).

~~((6))~~ (4) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

~~((8))~~ (5) \$208,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of

Senate Bill No. 5197 (national guard ed. grants). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

Sec. 1509. 2020 c 357 s 610 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—  
OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2020) ..	\$273,435,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$288,093,000)</del>
	<u>\$290,727,000</u>
General Fund—Federal Appropriation.....	<del>(\$12,038,000)</del>
	<u>\$11,999,000</u>
General Fund—Private/Local Appropriation .....	\$300,000
Education Legacy Trust Account—State Appropriation	
.....	\$93,488,000
Washington Opportunity Pathways Account—State Appropriation .....	<del>(\$114,229,000)</del>
	<u>\$102,197,000</u>
Aerospace Training Student Loan Account—State Appropriation .....	<del>(\$216,000)</del>
	<u>\$215,000</u>
Workforce Education Investment Account—State Appropriation .....	<del>(\$14,824,000)</del>
	<u>\$1,079,000</u>
Pension Funding Stabilization Account—State Appropriation .....	\$18,000
Health Professionals Loan Repayment and Scholarship Program Account—State Appropriation .....	\$1,720,000
State Educational Trust Fund Account—State Appropriation .....	\$6,000,000
State Financial Aid Account—State Appropriation	\$1,500,000
TOTAL APPROPRIATION .....	<del>(\$805,861,000)</del>
	<u>\$782,678,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, all references made in this section to the state need grant program are deemed made to the Washington college grant program.

(2) \$255,327,000 of the general fund—state appropriation for fiscal year 2020, \$7,935,000 of the general fund—state appropriation for fiscal year 2021, \$45,527,000 of the education legacy trust account—state appropriation, \$6,000,000 of the state educational trust fund nonappropriated account—state appropriation, and \$38,350,000 of the Washington opportunity pathways account—state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.

(3) \$258,593,000 of the general fund—state appropriation for fiscal year 2021, ~~(\$14,824,000)~~ \$15,931,000 of the workforce education investment account—state appropriation, \$32,112,000 of the education legacy trust fund—state appropriation, and \$56,950,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(4) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2019-2021 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

(5) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI. If Engrossed Second Substitute House Bill No. 2158 (workforce education) is enacted by June 30, 2019, then the eligibility and proration provisions of that bill supersede the provisions of this subsection.

(6) Of the amounts provided in subsection (2) of this section, \$100,000 of the general fund—state appropriation for fiscal year 2020 and \$100,000 of the general fund—state appropriation for fiscal year 2021 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(7) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(8) \$972,000 of the general fund—state appropriation for fiscal year 2020, (~~(\$1,165,000)~~) \$3,640,000 of the general fund—state appropriation for fiscal year 2021, \$15,849,000 of the education legacy trust account—state appropriation, and \$18,929,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(9) \$2,759,000 of the general fund—state appropriation for fiscal year 2020 and \$2,795,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2020 and 2021 for this purpose.

(10) \$2,536,000 of the general fund—state appropriation for fiscal year 2020 and (~~(\$4,432,000)~~) \$7,229,000 of the general fund—state appropriation for fiscal year 2021 are provided solely to meet state match requirements associated with the opportunity

scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(11) \$3,800,000 of the general fund—state appropriation for fiscal year 2020 and \$3,800,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2021-2023 fiscal biennium on the basis of these contractual obligations.

(12) \$850,000 of the general fund—state appropriation for fiscal year 2020 and \$750,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1973 (dual enrollment scholarship).

(13) \$1,000,000 of the general fund—state appropriation for fiscal year 2020 and \$1,000,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Second Substitute House Bill No. 1668 (Washington health corps). Within amounts provided in this subsection, the student achievement council, in consultation with the department of health, shall study the need, feasibility, and potential design of a grant program to provide funding to behavioral health students completing unpaid pregraduation internships and postgraduation supervised hours for licensure.

(14) Sufficient amounts are appropriated within this section to implement Engrossed Second Substitute House Bill No. 1311 (college bound).

(15) \$1,896,000 of the general fund—state appropriation for fiscal year 2020 and \$1,673,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1139 (educator workforce supply). Of the amounts appropriated in this subsection, \$1,650,000 of the general fund—state appropriation for fiscal year 2020 and \$1,650,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for funding of the student teaching grant program, the teacher endorsement and certification help program, and the educator conditional scholarship and loan repayment programs under chapter 28B.102 RCW, including the pipeline for paraeducators program, the retooling to teach conditional loan programs, the

teacher shortage conditional scholarship program, the career and technical education conditional scholarship program, and the federal student loan repayment in exchange for teaching service program.

(16) \$500,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for a state match associated with the rural jobs program. The legislature will evaluate appropriations in future biennia to the rural jobs program based on the extent that additional private contributions are made.

(17) \$625,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Senate Bill No. 5197 (national guard ed. grants). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(18) \$1,500,000 of the state financial aid account—state appropriation is provided solely for passport to career program scholarship awards.

(19) \$161,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6141 (higher education access). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

(20) \$396,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for implementation of Second Substitute Senate Bill No. 6561 (undocumented student support). ~~((If the bill is not enacted by June 30, 2020, the amount provided in this subsection shall lapse.))~~

**Sec. 1510.** 2020 c 357 s 611 (uncodified) is amended to read as follows:

**FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund—State Appropriation (FY 2020).....	\$2,270,000
General Fund—State Appropriation (FY 2021). <del>((<u>\$2,300,000</u>))</del>	<u>\$2,279,000</u>
General Fund—Federal Appropriation .....	<del>((<u>\$55,511,000</u>))</del>
	<u>\$55,441,000</u>
General Fund—Private/Local Appropriation.....	<del>((<u>\$211,000</u>))</del>
	<u>\$210,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$176,000
TOTAL APPROPRIATION.....	<del>((<u>\$60,468,000</u>))</del>
	<u>\$60,376,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2019-2021 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) \$240,000 of the general fund—state appropriation for fiscal year 2020 and \$240,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs.

(3) \$260,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of chapter 294, Laws of 2018 (future of work task force).

(4) \$28,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for implementation of Substitute Senate Bill No. 5166 (postsecondary religious acc.).

(5) \$300,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the board to provide a one-time grant to an accredited university offering a doctorate in osteopathic medicine. The grant must be used to purchase up to twelve fully-equipped VSee telemedicine kits for student training purposes in rural and underserved communities.

**Sec. 1511.** 2020 c 357 s 617 (uncodified) is amended to read as follows:

The appropriations in this section are provided to the state board for community and technical colleges and are subject to the following conditions and limitations:

(1) \$6,220,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$7,610,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(2) \$6,220,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$7,610,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(3)(a) \$2,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$30,124,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely to implement guided pathways at each of the state's community and technical colleges by academic year 2020-21. Guided pathways is a research-based approach that provides clear, structured, educational experiences for students with four elements: Clarify paths to students' end goals, help students choose and enter a pathway, help students stay on path, and ensure that students are learning.

(b) Guided pathways implementation includes:

(i) Increased student support services, including advising and counseling;

(ii) Faculty teaching and planning time to redesign curriculum, develop meta-majors, and engage in interdepartmental planning on pathways;

(iii) Data analytics and student tracking technology to help advisors and students address challenges that may impede a student's progress; and

(iv) Research and evaluation to ensure reforms lead to improvements for all students.

(c) The state board for community and technical colleges shall report to the legislature on an annual basis beginning December 1, 2020, on the impacts of guided pathways on postsecondary outcomes, including credential completion, transfer pathways, credit accumulation, grade point averages, and persistence.

(4) \$20,400,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$20,400,000, or as

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely to increase nurse educator salaries. The fiscal year 2020 and fiscal year 2021 appropriations can also be used for nursing program equipment, including simulation lab equipment.

(5) \$20,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for increasing high-demand program faculty salaries, including but not limited to nursing educators, other health-related professions, information technology, computer science, and trades, including welding. Contract negotiations relating to salary increases must consider, and to the extent practicable establish, salaries that are comparable to industry professionals, and no less than the average salary identified by the college and university professional association for human resources or a similar organization.

(6) \$1,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$2,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for enrollments in new career launch programs as defined in RCW 28C.30.020.

(7) \$500,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account provided solely for purchase of equipment for a regional training facility in Bothell to offer a simulated good manufacturing practice experience in partnership with a community college. The regional training facility must be located on the campus of a manufacturer of protein-based therapeutics. The state board for community and technical colleges must use a written agreement to ensure the equipment is used in a way that provides adequate public benefit.

Sec. 1512. 2020 c 357 s 612 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

Table with 2 columns: Description and Amount. Rows include General Fund—State Appropriation (FY 2020) \$9,001,000, General Fund—State Appropriation (FY 2021) (\$9,275,000), General Fund—Private/Local Appropriation \$34,000, Pension Funding Stabilization Account—State Appropriation \$590,000, and TOTAL APPROPRIATION (\$18,900,000).

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the school to offer to students enrolled in grades ~~((nine))~~ six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$149,000 of the general fund—state appropriation for fiscal year 2020 and \$99,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for migration to the state data center, and are subject to the conditions, limitations, and review provided in section 701 of this act.

Sec. 1513. 2020 c 357 s 613 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

Table with 2 columns: Description and Amount. Rows include General Fund—State Appropriation (FY 2020) \$14,463,000, General Fund—State Appropriation (FY 2021) (\$14,581,000).

Table with 2 columns: Description and Amount. Rows include Pension Funding Stabilization Account—State Appropriation \$728,000, and TOTAL APPROPRIATION (((\$29,772,000)) \$29,092,000).

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

(2) \$12,319,000 of the general fund—state appropriation for fiscal year 2020 and \$12,319,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for operations, expenses, and direct service to students at the state school for the deaf referenced in RCW 72.40.015(2)(a).

(3) \$73,000 of the general fund—state appropriation for fiscal year 2021 is provided solely for the Washington center for deaf and hard of hearing youth to provide American sign language coaching to agency staff.

Sec. 1514. 2020 c 357 s 614 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

Table with 2 columns: Description and Amount. Rows include General Fund—State Appropriation (FY 2020) \$2,222,000, General Fund—State Appropriation (FY 2021) (((\$2,513,000)) \$2,467,000), General Fund—Federal Appropriation (((\$2,160,000)) \$2,145,000), General Fund—Private/Local Appropriation \$50,000, Pension Funding Stabilization Account—State Appropriation \$122,000, and TOTAL APPROPRIATION (((\$7,067,000)) \$7,006,000).

The appropriations in this section are subject to the following conditions and limitations:

(1) \$175,000 of the general fund—state appropriation for fiscal year 2020 and \$175,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the folk and traditional arts apprenticeship and jobs stimulation program.

(2) \$104,000 of the general fund—state appropriation for fiscal year 2020 and \$96,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for the completion and maintenance of the my public art portal project.

~~((4))~~ (3) \$172,000 of the general fund—state appropriation for fiscal year 2020 and \$324,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for an arts-integration program that encourages kindergarten readiness in partnership with educational service districts, the office of the superintendent of public instruction, and the department of children, youth, and families.

Sec. 1515. 2020 c 357 s 615 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Table with 2 columns: Description and Amount. Rows include General Fund—State Appropriation (FY 2020) \$3,709,000, General Fund—State Appropriation (FY 2021) (((\$3,818,000)) \$3,739,000), Pension Funding Stabilization Account—State Appropriation \$230,000, and TOTAL APPROPRIATION (((\$7,757,000)) \$7,678,000).

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the Washington state historical society.

(2) \$109,000 of the general fund—state appropriation for fiscal year 2020 and \$94,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration of the agency's servers to the cloud environment and is subject to the conditions, limitations, and review provided in section 701 of this act.

Sec. 1516. 2020 c 357 s 616 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2020).....	\$2,751,000
General Fund—State Appropriation (FY 2021).( <del>(\$2,841,000)</del> )	
	<u>\$2,907,000</u>
Pension Funding Stabilization Account—State	
Appropriation.....	\$214,000
TOTAL APPROPRIATION.....( <del>(\$5,806,000)</del> )	
	<u>\$5,872,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2020 and \$500,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for general support and operations of the eastern Washington state historical society.

(2) \$67,000 of the general fund—state appropriation for fiscal year 2020 and \$30,000 of the general fund—state appropriation for fiscal year 2021 are provided solely for supporting migration to the state data center and is subject to the conditions, limitations, and review provided in section 701 of this act.

**PART XVI  
SPECIAL APPROPRIATIONS  
SUPPLEMENTAL**

Sec. 1601. 2020 c 357 s 702 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2020)	\$1,179,075,000
General Fund—State Appropriation (FY 2021)	( <del>(\$1,224,915,000)</del> )
	<u>\$1,205,579,000</u>
State Building Construction Account—State	
Appropriation.....( <del>(\$6,273,000)</del> )	
	<u>\$7,596,000</u>
Columbia River Basin Water Supply Development	
Account—State Appropriation .....	\$30,000
Watershed Restoration and Enhancement Bond Account—	
State Appropriation.....	\$46,000
State Taxable Building Construction Account—State	
Appropriation.....( <del>(\$277,000)</del> )	
	<u>\$89,000</u>
Debt-Limit Reimbursable Bond Retirement Account—	
State Appropriation.....	\$566,000
TOTAL APPROPRIATION.....( <del>(\$2,411,182,000)</del> )	
	<u>\$2,392,981,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

NEW SECTION. Sec. 1602. A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE STATE**

**TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

Nondebt-Limit Reimbursable Bond Retirement Account—	
State Appropriation .....	\$152,528,000
School Construction and Skill Centers Building	
Account—State Appropriation .....	\$5,000
TOTAL APPROPRIATION .....	<u>\$152,533,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the nondebt-limit general fund bond retirement account.

Sec. 1603. 2020 c 357 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund—State Appropriation (FY 2020) .....	\$1,400,000
General Fund—State Appropriation (FY 2021) .....	\$1,400,000
State Building Construction Account—State	
Appropriation .....	( <del>(\$1,052,000)</del> )
	<u>\$1,730,000</u>

Columbia River Basin Water Supply Development	
Account—State Appropriation.....	\$6,000
School Construction and Skill Centers Building	
Account—State Appropriation.....	\$2,000
Watershed Restoration and Enhancement Bond Account—	
State Appropriation .....	\$9,000
State Taxable Building Construction Account—State	
Appropriation .....	( <del>(\$55,000)</del> )
	<u>\$38,000</u>
TOTAL APPROPRIATION .....	( <del>(\$3,924,000)</del> )
	<u>\$4,585,000</u>

Sec. 1604. 2020 c 357 s 704 (uncodified) is amended to read as follows:

**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2020 or fiscal year 2021, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (1) Gerardo Rodarte Gonzalez, claim number 99970260 ..... \$24,385
- (2) Edward Bushnell, claim number 99970261 ..... \$153,357
- (3) Shaun Beveridge, claim number 99970262 ..... \$56,514
- (4) Brandon Wheeler, claim number 9991001053 .... \$123,464
- (5) Johnathan Paine, claim number 9991001583..... \$22,246
- (6) Michael Welsh, claim number 9991001600 ..... \$5,000
- (7) Douglas Bartlett, claim number 9991001646 ..... \$5,500
- (8) Brian Minniear, claim number 9991001941 ..... \$111,956
- (9) Thomas Carey, claim number 9991001917 ..... \$122,431
- (10) Clayton Nicholas, claim number 9991003704 ..... \$15,014
- (11) Corey Ellis, claim number 9991003458..... \$3,830
- (12) Sean Tuley, claim number 9991003888..... \$47,901

Sec. 1605. 2020 c 357 s 706 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

EIGHTY FIRST DAY, APRIL 1, 2021

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2020).....	\$73,000,000
General Fund—State Appropriation (FY 2021)	
.....	<del>(\$75,800,000)</del>
	\$78,800,000
TOTAL APPROPRIATION.....	<del>(\$148,800,000)</del>
	\$151,800,000

(3) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2020).....	\$1,545,000
Pension Funding Stabilization Account—State	
Appropriation.....	\$13,855,000
TOTAL APPROPRIATION.....	\$15,400,000

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2020).....	\$400,000
General Fund—State Appropriation (FY 2021).....	\$400,000
TOTAL APPROPRIATION.....	\$800,000

**Sec. 1606.** 2020 c 357 s 707 (uncodified) is amended to read as follows:

**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

There is appropriated for state contributions to the volunteer firefighters' and reserve officers' relief and pension principal fund:

Volunteer Firefighters' and Reserve Officers'	
Administrative Account—State Appropriation( <del>(\$15,532,000)</del> )	
	\$10,132,000
TOTAL APPROPRIATION.....( <del>(\$15,532,000)</del> )	
	\$10,132,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation provided in this section is the maximum amount that may be expended. In addition, the office of financial management must reduce the allotment of the amount provided in this section if allotment of the full appropriation will put the account into deficit.

**NEW SECTION. Sec. 1607.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—MEDICAID FRAUD PENALTY ACCOUNT**

General Fund—State Appropriation (FY 2021).....	\$1,405,000
TOTAL APPROPRIATION.....	\$1,405,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the medicaid fraud penalty account created in RCW 74.09.215.

**NEW SECTION. Sec. 1608.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 RESILIENCY AND REOPENING ACCOUNT—RESPONSE**

General Fund—Federal Appropriation .....	\$438,000,000
TOTAL APPROPRIATION.....	\$438,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (CRRSA) is provided solely for expenditure into

the COVID-19 resiliency and reopening account, from which the department of health may make expenditures from this sum solely for the statewide response to the COVID-19 pandemic.

**NEW SECTION. Sec. 1609.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 RESILIENCY AND REOPENING ACCOUNT—VACCINES**

General Fund—Federal Appropriation.....	\$68,000,000
TOTAL APPROPRIATION .....	\$68,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation (CRRSA) is provided solely for expenditure into the COVID-19 resiliency and reopening account, from which the department of health may make expenditures from this sum solely for the statewide response to the COVID-19 pandemic.

**NEW SECTION. Sec. 1610.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 RESILIENCY AND REOPENING ACCOUNT—EPIDEMIOLOGY AND LABORATORY CAPACITY**

General Fund—Federal Appropriation.....	\$177,000,000
TOTAL APPROPRIATION .....	\$177,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—federal appropriation is provided solely for expenditure into the COVID-19 resiliency and reopening account, from which the department of health may make expenditures from this sum solely for the statewide response to the COVID-19 pandemic.

**NEW SECTION. Sec. 1611.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—COVID-19 RESPONSE**

General Fund—State Appropriation (FY 2021) .....	\$80,000,000
TOTAL APPROPRIATION .....	\$80,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for allocation to state agencies for necessary and unanticipated expenses related to response to the COVID-19 pandemic. If Senate Bill No. 5039 (gubernatorial emergencies) is not enacted by June 30, 2021, the amount provided in this section shall lapse.

**NEW SECTION. Sec. 1612.** A new section is added to 2020 c 357 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—CORONAVIRUS LOCAL FISCAL RECOVERY FUND**

General Fund—Federal Appropriation (ARPA).....	\$438,000,000
TOTAL APPROPRIATION .....	\$438,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for distribution to nonentitlement units of local government pursuant to section 9901, section 603(a)(2), American rescue plan act of 2021, P.L. 117-2.

**PART XVII  
OTHER TRANSFERS AND APPROPRIATIONS  
SUPPLEMENTAL**

**Sec. 1701.** 2020 c 357 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance	
premium distributions .....	<del>(\$10,883,000)</del>
	\$10,001,000

General Fund Appropriation for prosecuting attorney	
distributions.....	<del>(\$7,618,000)</del>

	<u>\$8,165,000</u>
General Fund Appropriation for boating safety and education distributions.....	(( <del>\$4,000,000</del> ))
	<u>\$3,559,000</u>
General Fund Appropriation for public utility district excise tax distributions.....	(( <del>\$65,249,000</del> ))
	<u>\$64,274,000</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies .....	(( <del>\$3,464,000</del> ))
	<u>\$3,557,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distributions .....	\$140,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties.....	(( <del>\$79,337,000</del> ))
	<u>\$67,172,000</u>
County Criminal Justice Assistance Appropriation .....	(( <del>\$103,457,000</del> ))
	<u>\$102,364,000</u>
Municipal Criminal Justice Assistance Appropriation .....	(( <del>\$40,310,000</del> ))
	<u>\$40,451,000</u>
City-County Assistance Appropriation.....	(( <del>\$35,507,000</del> ))
	<u>\$43,279,000</u>
Liquor Excise Tax Account Appropriation for liquor excise tax distribution.....	(( <del>\$67,362,000</del> ))
	<u>\$73,676,000</u>
<del>((Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes .....</del>	<del>(\$1,937,000))</del>
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation .....	\$8,364,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians .....	\$5,728,000
Liquor Revolving Account Appropriation for liquor profits distribution .....	\$98,876,000
General Fund Appropriation for other tax distributions .....	(( <del>\$80,000</del> ))
	<u>\$88,120</u>
General Fund Appropriation for Marijuana Excise Tax distributions .....	\$30,000,000
General Fund Appropriation for Habitat Conservation Program distributions.....	(( <del>\$5,754,000</del> ))
	<u>\$4,867,000</u>
General Fund Appropriation for payment in-lieu of taxes to counties under Department of Fish and Wildlife program .....	(( <del>\$4,040,000</del> ))
	<u>\$3,830,000</u>
Puget Sound Taxpayer Accountability Account Appropriation for distribution to counties in amounts not to exceed actual deposits into the account and attributable to those counties' share pursuant to RCW 43.79.520. If a county eligible for distributions under RCW 43.79.520 has not adopted a sales and use tax under RCW 82.14.460 before July 1, 2019, then to prevent these distributions from supplanting existing local funding for vulnerable populations, the distributions are subject to the procedural requirements in this section. Before the county may receive distributions, it must provide a final budget for the distributions, submit the	

final budget to the department of commerce, and publish the final budget on its web site. To develop this final budget, under RCW 36.40.040 the county must develop and hold hearings on a preliminary budget that is separate from other appropriations ordinances or resolutions, and it must consult stakeholders, including community service organizations, and must consider input received during this process. Before holding a hearing on the preliminary budget, the county must notify local governments in the county that are within the borders of the regional transit authority, and legislators whose districts are within those borders. The county must then adopt a final budget under RCW 36.40.080 for the distributions that is separate from other appropriations ordinances or resolutions. After the county submits its final budget for the distributions to the department of commerce, the department must notify the state treasurer, who may then make the distributions to the county.....

((~~\$28,683,000~~))

\$16,999,000

TOTAL APPROPRIATION .....

((~~\$607,516,000~~))

\$585,390,120

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 1702.** 2020 c 357 s 804 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Dedicated Marijuana Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020, \$213,000,000 and this amount for fiscal year 2021, ((~~\$213,000,000~~)) \$263,000,000..... ((~~\$426,000,000~~))

\$476,000,000

Dedicated Marijuana Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2020, \$152,000,000 and this amount for fiscal year 2021, ((~~\$152,000,000~~)) \$202,000,000..... ((~~\$304,000,000~~))

\$354,000,000

Aquatic Lands Enhancement Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2), chapter 2, Laws of 2012 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), in an amount not to exceed the actual amount of the total remaining principal and interest of the loan, \$620,000 for fiscal year 2020 and \$640,000 for fiscal year 2021 .....

\$1,260,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2020.....

\$90,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2021.....

\$90,000,000

General Fund: For transfer to the statewide tourism

EIGHTY FIRST DAY, APRIL 1, 2021

2021 REGULAR SESSION

marketing account, \$1,500,000 for fiscal year 2020 and \$1,500,000 for fiscal year 2021..... \$3,000,000  
 ((General Fund: For transfer to the streamlined sales and use tax account, for fiscal year 2020 ..... \$1,937,000  
 General Fund: For transfer to the manufacturing and warehousing jobs centers account for fiscal year 2021..... \$6,727,000))  
 Criminal Justice Treatment Account: For transfer to the home security fund, for fiscal year 2020..... \$4,500,000  
 State Treasurer's Service Account: For transfer to the state general fund, \$8,000,000 for fiscal year 2020 and \$8,000,000 for fiscal year 2021 ..... \$16,000,000  
 Disaster Response Account: For transfer to the state general fund, ((~~\$13,726,000~~) \$111,207,000 for fiscal year 2021..... ((~~\$13,726,000~~) \$111,207,000)  
 General Fund: For transfer to the fair fund under RCW 15.76.115, \$2,000,000 for fiscal year 2020 and \$2,000,000 for fiscal year 2021..... \$4,000,000  
 Energy Freedom Account: For transfer to the general fund, \$1,000,000 or as much thereof that represents the balance in the account for fiscal year 2020..... \$1,000,000  
 Financial Services Regulation Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2020 and \$3,500,000 for fiscal year 2021 ..... \$7,000,000  
 Aquatic Lands Enhancement Account: For transfer to the geoduck aquaculture research account, \$400,000 for fiscal year 2020 and \$400,000 for fiscal year 2021..... \$800,000  
 Public Works Assistance Account: For transfer to the education legacy trust account, \$80,000,000 for fiscal year 2020 and \$80,000,000 for fiscal year 2021 ..... \$160,000,000  
 Model Toxics Control Operating Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2), chapter 2, Laws of 2012 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), in an amount not to exceed the actual amount of the total remaining principal and interest of the loan, \$620,000 for fiscal year 2020 and \$640,000 for fiscal year 2021 ..... \$1,260,000  
 Marine Resources Stewardship Trust Account: For transfer to the aquatic lands enhancement account, \$160,000 for fiscal year 2020..... \$160,000  
 Water Pollution Control Revolving Administration Account: For transfer to the water pollution control revolving account, \$4,500,000 for fiscal year 2020..... \$4,500,000  
 Oil Spill Response Account: For transfer to the oil spill prevention account for the military department to continue assisting local emergency planning committees statewide with hazardous materials plans that meet minimum federal requirements, \$520,000 for fiscal year 2020 and \$520,000 for fiscal year 2021..... \$1,040,000  
 General Fund: For transfer to the sea cucumber dive fishery account, in an amount not to exceed the actual amount to correct the cash deficit for fiscal year 2020..... \$4,000  
 General Fund: For transfer to the sea urchin diver fishery account, in an amount not to exceed the

actual amount to correct the cash deficit for fiscal year 2020 ..... \$1,000  
 ((~~Gambling Revolving Account: For transfer to the state general fund as repayment of the loan pursuant to Engrossed Substitute House Bill No. 2638 (sports wagering/compacts), \$6,000,000 for fiscal year 2021 ..... \$6,000,000~~)  
 General Fund: For transfer to the home security fund, \$4,500,000 for fiscal year 2021..... \$4,500,000  
 Child Care Facility Revolving Account: For transfer to the general fund, \$1,500,000 for fiscal year 2021 ..... \$1,500,000  
 General Fund: For transfer to the economic development strategic reserve account, \$1,000,000 for fiscal year 2021 ..... \$1,000,000  
 General Fund: For transfer to the community preservation and development authority account, \$1,500,000 for fiscal year 2020 ..... \$1,500,000  
School Employees' Insurance Account: For transfer to the state general fund as repayment of the loan pursuant to section 704, chapter 299, Laws of 2018 (operating budget, supplemental), \$24,060,000 for fiscal year 2021..... \$24,060,000

**PART XVIII  
 MISCELLANEOUS  
 SUPPLEMENTAL**

**Sec. 1801.** 2019 c 406 s 4 (uncodified) is amended to read as follows:

The appropriations in this section are provided to the Washington student achievement council and are subject to the following conditions and limitations:

- (1) \$39,735,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and ((~~\$99,377,000~~) \$69,461,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for the Washington college grant program under chapter 28B.92 RCW to fund:
  - (a) The backlog of students eligible for a grant, but who did not receive a grant due to funding limitations in previous years, with one-third of the backlog funded in fiscal year 2020;
  - (b) The maximum Washington college grant, as defined in RCW 28B.92.030, increase to full tuition and fees; and
  - (c) Grants for apprenticeship programs.
- (2) \$21,218,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for expanding the income eligibility threshold for the Washington college grant program as described in section 20 of this act.
- (3) \$580,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$575,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for the student achievement council to increase the number of high school seniors and college bound scholars that complete the free application for federal student aid and the Washington application for state financial aid through digital engagement tools, expanded training, and increased events at high schools. The student achievement council must report back to the appropriate committees of the legislature by December 1, 2020, on the effectiveness of the tools

and increased events on increasing the number of financial aid applications completed.

(4) \$1,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$1,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for the future teachers conditional scholarship and loan repayment program established in chapter 28B.102 RCW.

(5) \$1,098,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$1,097,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for the Washington student loan refinancing program created in section 51 of this act.

**Sec. 1802.** RCW 43.88.058 and 2018 c 208 s 5 are each amended to read as follows:

For the purposes of this chapter, expenditures for the following foster care, adoption support and related services, and child protective services must be forecasted and budgeted as maintenance level costs:

- (1) Behavioral rehabilitation services placements;
- (2) Social worker and related staff to receive, refer, and respond to screened-in reports of child abuse or neglect;
- (3) Court-ordered parent-child and sibling visitations delivered by contractors; and
- (4) Those activities currently being treated as maintenance level costs for budgeting or forecasting purposes on June 7, 2018, including, but not limited to: (a) Adoption support and other adoption-related expenses; (b) foster care maintenance payments; (c) child-placing agency management fees; (d) support goods such as clothing vouchers; (e) child aides; and (f) child care for children in foster or relative placements when the caregiver is at work or in school.

This section is suspended during fiscal year 2021.

**NEW SECTION. Sec. 1803.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The COVID-19 resiliency and reopening account is created in the custody of the state treasurer. Moneys in the account shall consist of funds appropriated or transferred by the legislature. The secretary of the department of health, or the secretary's designee, may authorize expenditures from the account. Expenditures from the account may be used only for expenses related to public health response to COVID-19, subject to any limitations imposed by grant funding deposited into the account. The COVID-19 resiliency and reopening account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The legislature may appropriate funds from the account to state agencies and the secretary must take whatever action is necessary to facilitate the implementation of the appropriation.

(2) When making expenditures from the account, the first priority of the department must be a rapid, effective, and comprehensive distribution of the vaccine for COVID-19. Expenditures for vaccination planning and delivery must be maximized to the fullest extent allowable under limitations imposed by the grant funding deposited into the account.

(3) When making expenditures from the account related to testing and contact tracing, the department must prioritize providing support and resources to facilitate the safe reopening of schools while minimizing community spread of the virus.

(4)(a) The department must report to the fiscal and health care committees of the legislature on a monthly basis regarding its COVID-19 response. To the extent that it is available, the report

must include data regarding vaccine distribution, testing, and contact tracing, as follows:

(i) The number of vaccines administered per day, including regional data regarding the location and age groups of persons receiving the vaccine, specifically identifying hard-to-reach communities in which vaccines were administered; and

(ii) The number of tests conducted per week, including data specifically addressing testing conducted in hard-to-reach communities and in support of school reopening.

(b) The first monthly report is due no later than one month from the effective date of this section. Monthly reports are no longer required upon the department's determination that the remaining balance of the COVID-19 response account is less than \$100,000.

**Sec. 1804.** 2020 c 7 s 2 (uncodified) is amended to read as follows:

The sum of (~~one hundred seventy five million dollars~~) \$77,519,000 is appropriated from the disaster response account and the sum of twenty-five million dollars is appropriated from the general fund—federal to the office of financial management for the fiscal biennium ending June 30, 2021, and are provided solely for allotment to state agencies and for distribution to local governments and federally recognized tribes for response to the novel coronavirus pursuant to the gubernatorial declaration of emergency of February 29, 2020. The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management must provide monthly updates on spending from this appropriation to the fiscal committees of the legislature.

(2) Funding from this section may not be used to supplant existing federal, state, tribal, and local funds for services and activities that will assist in the response to the novel coronavirus.

(3) Agencies, federally recognized tribes, and local governments must demonstrate maximum use of available federal funds for novel coronavirus response and recovery efforts before seeking funding from this appropriation. If an agency, federally recognized tribe, or local government subsequently receives reimbursement from federal sources of amounts spent from the appropriation in this section, the agency, federally recognized tribe, or local government must remit the federal funding to the state treasurer for reimbursement to the budget stabilization account.

(4) By July 1, 2021, the office of financial management must certify to the state treasurer the amount of any unobligated moneys in the disaster response account that are attributable to the budget stabilization account appropriation in section 1 of this act, and the treasurer must transfer those moneys back to the budget stabilization account.

(5) In order to facilitate the monthly reporting required by subsection (1) of this section and to increase transparency, the office of financial management must create unique appropriation and expenditure codes to be used in the statewide accounting and financial reporting system that must be used by state agencies and institutions of higher education to separately identify state spending by the appropriations in this act and for other unanticipated spending in response to the coronavirus (COVID-19) outbreak funded by appropriations in the omnibus operating appropriations act.

**Sec. 1805.** 2019 c 415 s 1 (uncodified) is amended to read as follows:

(1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1,

EIGHTY FIRST DAY, APRIL 1, 2021

2019, and ending June 30, 2021, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "ARPA" means funds attributable to the American rescue plan act of 2021, P.L. 117-2.

(b) "CRF" means funds attributable to the coronavirus relief fund created by section 5001, the coronavirus aid, relief, and economic security act, P.L. 116-136, division A.

(c) "CRRSA" means funds attributable to the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(d) "CRRSA/ESSER" means funds attributable to the elementary and secondary school emergency relief fund, as modified by the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(e) "Fiscal year 2020" or "FY 2020" means the fiscal year ending June 30, 2020.

~~((b))~~ (f) "Fiscal year 2021" or "FY 2021" means the fiscal year ending June 30, 2021.

~~((c))~~ (g) "FMAP" means federal medical assistance percentage, including funds attributable to the temporary increase of medicaid FMAP by section 6008, the families first coronavirus response act, P.L. 116-127, division F.

(h) "FTE" means full time equivalent.

~~((d))~~ (i) "Lapse" or "revert" means the amount shall return to an unappropriated status.

~~((e))~~ (j) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

**NEW SECTION. Sec. 1806.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION. Sec. 1807.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 1808.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, beginning on line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 28C.04.535, 41.06.280, 41.45.230, 43.08.190, 43.09.475, 43.79.195, 43.101.200, 43.101.220, 43.185C.060, 43.320.110, 43.330.250, 70A.305.180, 79.64.040, 79.105.150, 86.26.007, and 43.88.058; amending 2020 c 127 s 14, 2020 c 357 ss 101, 102, 103, 104, 105, 106, 107, 108, 113, 115, 116, 117, 118, 119, 120, 121, 122, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 503, 505, 506, 507, 509, 510, 511, 513, 514, 515, 516, 517, 518, 519, 520, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 617, 612, 613, 614, 615, 616, 702, 703, 704, 706, 707, 801, and 804,

2019 c 406 s 4, 2020 c 7 s 2, and 2019 c 415 s 1 (uncodified); reenacting and amending RCW 28B.115.070, 43.155.050, 69.50.540, and 79.64.110; adding new sections to 2020 c 357 (uncodified); adding new sections to chapter 43.79 RCW; adding a new section to chapter 43.70 RCW; creating new sections; making appropriations; and declaring an emergency."

Senators Wilson, L., Fortunato, Brown, Wagoner, Braun, Sheldon, Muzzall and Ericksen spoke in favor of adoption of the striking amendment.

Senator Rolfes spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 515 by Senator Wilson, L. to Substitute Senate Bill No. 5092.

The motion by Senator Wilson, L. did not carry and striking floor amendment no. 515 was not adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 5092 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Robinson and Wilson, C. spoke in favor of passage of the bill.

Senators Wilson, L., Short and Braun spoke against passage of the bill.

POINT OF INQUIRY

Senator Nguyen: "Will Senator Rolfes yield for a question?"

Senator Rolfes: "Yes."

Senator Nguyen: "Senator Rolfes, Section 120 of the operating budget addresses the Public Disclosure Commission. Subsection 2 prohibits the commission from establishing an electronic directory, archive, or other compilation of political advertising. Am I correct to understand that this limitation is only related to ones established and maintained by the commission itself and that it does not prohibit the commission from providing assistance to commercial advertisers who establish their own directory, archive, or compilation in order to comply with state disclosure requirements?"

Senator Rolfes: "Why Senator Nguyen, what an excellent question. Our staff, here at the Legislature, believes in our state and in our democracy so strongly that they make incredible sacrifices to ensure that we complete the people's work on time, even during a global pandemic. Whoops, that is the wrong thing. Sorry. Senator Nguyen, here's the right answer. Yes.

Yes, Senator Hunt worked with me on this provision, and we are in agreement that this provision does not limit the commission in assisting or collaborating with commercial advertisers on directories, archives, or compilations managed by those commercial advertisers in accordance with existing state disclosure requirements."

Senators Nguyen, Kuderer and Randall spoke in favor of passage of the bill.

Senators Schoesler, Ericksen, Padden and Fortunato spoke against passage of the bill

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5092.

## MOTION

At 1:27 p.m., on motion of Senator Liias, the Senate adjourned until 12:30 p.m. Friday, April 2, 2021.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5092 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

ENGROSSED SUBSTITUTE SENATE BILL NO. 5092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Rolfes: “Mr. President, I wanted, before we adjourn, give a special thank you to the Ways & Means staff and key members of the body. So, may I proceed?”

President Heck: “Yes.”

Senator Rolfes: “Mr. President, the whole session's been online. I wanted to do another shout out LEG-TECH for helping the Ways & Means Committee so adeptly handle all of our public hearings, our executive sessions and just kind of keeping the train on the tracks. For this budget, it's almost a thousand-page budget, and then the staff wrote 680 or so page budget twice for the Republicans, so they have done a ton of work this year. I want to really call out Liza Weeks, Mary Cho and Brenna Price who folks know, folks on the committee, you know keep the committees running on track. And also, I'd like to shout out, I'd like to call out the names of the Ways & Means staff and thank them personally and I think that the members of this group would probably agree. Michael Bezanson; James Kettel; Jeff Mitchell; Richard Ramsey; Julie Murray; Michele Alishahi; Amanda Cecil; Sarah Emmans; Kayla Hammer; Jed Herman; Maria Hovde; Alia Kennedy; Jeff Naas; Corban Nemeth; and Trevor Price; and Sarian Scott; and Sandy Stith. And before we conclude, I'd also really like to welcome Senator Robinson to the Senate and thank her in particular for being an awesome vice chair thus far. We, she and I, have a ton of work to do, but she has been an incredible addition to the Senate and the committee and we're really really lucky that she joined us. And then finally, I want to thank Senators Brown and Wilson for the collegiality which they bring to their jobs. And I guess I'd like to ask the few of us who are here to do a round of applause for the committee staff and. Partisan staff Matt bridges and Ryan Brown as well can we do that”.

EDITOR'S NOTE: The Senate stood in applause to thank the staff of the Committee on Ways & Means.

## EIGHTY SECOND DAY

## AFTERNOON SESSION

Senate Chamber, Olympia  
Friday, April 2, 2021

The Senate was called to order at 12:31 p.m. by the President of the Senate, Lt. Governor Heck presiding. No roll call was taken.

## MOTIONS

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

## REPORTS OF STANDING COMMITTEES

April 1, 2021

E3SHB 1091 Prime Sponsor, Committee on Transportation: Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

## MOTIONS

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

On motion of Senator Liias, the Senate advanced to the eighth order of business.

## MOTION

Senator Stanford moved adoption of the following resolution:

SENATE RESOLUTION  
8619

By Senators Stanford, Dhingra, and Frockt

WHEREAS, Dr. Michelle Reid was selected as the 2021 National Superintendent of the Year by the American Association of School Administrators, following her selection as the 2021 Washington State Superintendent of the Year; and

WHEREAS, Dr. Reid has served with distinction as superintendent of the Northshore School District since July 2016; and

WHEREAS, Dr. Reid previously served as a high school principal and deputy superintendent in the Port Angeles School District, and superintendent of the South Kitsap School District; and

WHEREAS, Dr. Reid received her doctorate in Educational Leadership and her master's degree in Educational Administration from the University of Washington, and received her bachelor's degree in Natural Science/Chemistry from the University of Puget Sound; and

WHEREAS, In 2001, Dr. Reid served on the Washington State Attorney General's Task Force to help craft House Bill 1444, requiring schools to adopt policies prohibiting harassment, intimidation, and bullying; and

WHEREAS, In 2005, Dr. Reid was appointed by Governor Gregoire to the Washington Learns Task Force to contribute to the development of a world-class student-focused education system in Washington state; and

WHEREAS, Dr. Reid has been committed to serving the next generation of educators by serving as a leadership facilitator for the University of Washington's Center for Education Leadership and the Harvard Institute for School Leadership; and

WHEREAS, Dr. Reid led Northshore School District through an unprecedented pandemic response to allow learning to continue while prioritizing student well-being, which required mobilizing resources to ensure students, their families, and the community had internet and digital device access, mental health resources, food assistance, and other supports; and

WHEREAS, Dr. Reid has been a tireless advocate for educational equity, leading the implementation of one of the most comprehensive equity policies in Washington state, creating a caring and welcoming learning environment for each student and family, redesigning programs and removing barriers to increase representation and outcomes for every student in Northshore regardless of their race, ethnicity, gender, ability, socioeconomic status, gender identity, sexual orientation, or religion;

NOW, THEREFORE, BE IT RESOLVED, That the Senate congratulate Dr. Michelle Reid on her selection as the 2021 National Superintendent of the Year, and honor her exemplary service to the Northshore School District community.

Senators Stanford and Dhingra spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8619.

The motion by Senator Stanford carried and the resolution was adopted by voice vote.

## MOTION

At 12:41 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purpose of receiving committee reports later in the day.

---

The Senate was called to order at 7:05 p.m. by President Heck.

## MOTION

On motion of Senator Liias, the Senate reverted to the first order of business.

## SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 2, 2021

SB 5478 Prime Sponsor, Senator Keiser: Concerning unemployment insurance relief for certain employers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5478 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1015 Prime Sponsor, Committee on Finance: Creating the Washington equitable access to credit act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Conway; Darneille; Gildon; Hasegawa; Hunt; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Carlyle.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Dhingra and Keiser.

Referred to Committee on Rules for second reading.

April 2, 2021

SHB 1016 Prime Sponsor, Committee on Appropriations: Making Juneteenth a legal holiday. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Rivers; Van De Wege; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Muzzall and Wagoner.

Referred to Committee on Rules for second reading.

April 2, 2021

2SHB 1033 Prime Sponsor, Committee on Finance: Concerning the Washington customized employment training program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

April 2, 2021

EHB 1049 Prime Sponsor, Representative Kirby: Concerning the off-site delivery of a vehicle by a vehicle dealer licensed under chapter 46.70 RCW. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hobbs, Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1050 Prime Sponsor, Committee on Appropriations: Reducing greenhouse gas emissions from fluorinated gases. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Rivers; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

April 2, 2021

2SHB 1061 Prime Sponsor, Committee on Appropriations: Concerning youth eligible for developmental disability services who are expected to exit the child welfare system. Reported by Committee on Ways & Means

EIGHTY SECOND DAY, APRIL 2, 2021

2021 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1073 Prime Sponsor, Committee on Appropriations: Expanding coverage of the paid family and medical leave program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1086 Prime Sponsor, Committee on Appropriations: Creating the state office of behavioral health consumer advocacy. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1117 Prime Sponsor, Committee on Appropriations: Promoting salmon recovery through revisions to the state's comprehensive planning framework. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Pedersen and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member,

Capital; Braun; Gildon; Mullet; Muzzall; Rivers; Van De Wege; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

April 2, 2021

HB 1119 Prime Sponsor, Representative Jacobsen: Notifying students of courses with low-cost instructional materials and open educational resources at the four-year institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carlyle.

Referred to Committee on Rules for second reading.

April 2, 2021

2SHB 1127 Prime Sponsor, Committee on Appropriations: Protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; Gildon; Muzzall; Rivers and Warnick.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1139 Prime Sponsor, Committee on Appropriations: Taking action to address lead in drinking water. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

April 2, 2021

ESHB 1140 Prime Sponsor, Committee on Civil Rights & Judiciary: Concerning juvenile access to attorneys when contacted by law enforcement. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital Schoesler, Assistant Ranking Member, Capital.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1152 Prime Sponsor, Committee on Appropriations: Establishing comprehensive health services districts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rolfes, Chair.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

April 2, 2021

SHB 1166 Prime Sponsor, Committee on Appropriations: Expanding access to the homeless and foster care college students pilot program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Carlyle; Conway; Darneille; Dhingra;

Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital Schoesler, Assistant Ranking Member, Capital.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wagoner.

Referred to Committee on Rules for second reading.

April 2, 2021

HB 1167 Prime Sponsor, Representative Bateman: Concerning Thurston county superior court judges. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

April 2, 2021

2SHB 1168 Prime Sponsor, Committee on Appropriations: Concerning long-term forest health and the reduction of wildfire dangers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Van De Wege.

Referred to Committee on Rules for second reading.

April 2, 2021

SHB 1170 Prime Sponsor, Committee on Community & Economic Development: Concerning building economic strength through manufacturing. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

EIGHTY SECOND DAY, APRIL 2, 2021

2021 REGULAR SESSION

April 2, 2021

2SHB 1173 Prime Sponsor, Committee on Capital Budget: Concerning state lands development authorities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Assistant Ranking Member, Capital.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1186 Prime Sponsor, Committee on Appropriations: Concerning juvenile rehabilitation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Rivers; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1194 Prime Sponsor, Committee on Appropriations: Strengthening parent-child visitation during child welfare proceedings. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

April 2, 2021

ESHB 1196 Prime Sponsor, Committee on Health Care & Wellness: Concerning audio-only telemedicine. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair and Hasegawa.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1216 Prime Sponsor, Committee on Appropriations: Concerning urban and community forestry. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital and Braun.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating and Muzzall.

Referred to Committee on Rules for second reading.

April 2, 2021

SHB 1218 Prime Sponsor, Committee on Health Care & Wellness: Improving health, safety, and quality of life for residents in long-term care facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Gildon; Rivers; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital and Muzzall.

Referred to Committee on Rules for second reading.

April 2, 2021

2SHB 1219 Prime Sponsor, Committee on Appropriations: Concerning the appointment of counsel for youth in dependency court proceedings. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1220 Prime Sponsor, Committee on Appropriations: Supporting emergency shelters and housing through local planning and development regulations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Darneille; Dhingra; Gildon; Hunt; Liias; Mullet; Pedersen; Rivers; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Conway; Hasegawa; Keiser; Muzzall and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital and Wagoner.

Referred to Committee on Rules for second reading.

April 2, 2021

SHB 1223 Prime Sponsor, Committee on Transportation: Enacting the uniform electronic recordation of custodial interrogations act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

April 2, 2021

SHB 1225 Prime Sponsor, Committee on Health Care & Wellness: Concerning school-based health centers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1227 Prime Sponsor, Committee on Appropriations: Protecting the rights of families responding to allegations of abuse or neglect of a child. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

April 2, 2021

ESHB 1232 Prime Sponsor, Committee on Local Government: Planning for affordable housing under the growth management act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Rivers; Van De Wege; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Rolfes, Chair; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Pedersen and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Braun; Darneille and Muzzall.

Referred to Committee on Rules for second reading.

April 2, 2021

ESHB 1241 Prime Sponsor, Committee on Local Government: Planning under the growth management act. Reported by Committee on Ways & Means

EIGHTY SECOND DAY, APRIL 2, 2021

2021 REGULAR SESSION

April 2, 2021

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

ESHB 1267 Prime Sponsor, Committee on Public Safety: Concerning investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents. Reported by Committee on Ways & Means

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler, Assistant Ranking Member, Capital and Gildon.

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Braun; Muzzall; Rivers; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; Gildon and Muzzall.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Rivers; Van De Wege; Wagoner and Warnick.

April 2, 2021

E2SHB 1258 Prime Sponsor, Committee on Appropriations: Concerning the operation, authorization, and permitting of microenterprise home kitchens. Reported by Committee on Ways & Means

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Darneille; Dhingra; Hasegawa; Hunt; Liias; Mullet; Pedersen; Wagoner and Wellman.

April 2, 2021

E2SHB 1272 Prime Sponsor, Committee on Appropriations: Concerning health system transparency. Reported by Committee on Ways & Means

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Rivers; Van De Wege and Warnick.

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway and Keiser.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Gildon; Muzzall; Rivers; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating and Braun.

April 2, 2021

SHB 1259 Prime Sponsor, Committee on Appropriations: Expanding public contracting opportunities for women and minority business enterprises by increasing the regulatory oversight and accountability of the office of minority and women's business enterprises. Reported by Committee on Ways & Means

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

April 2, 2021

ESHB 1273 Prime Sponsor, Committee on Appropriations: Concerning menstrual products in schools. Reported by Committee on Ways & Means

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford, Assistant Ranking Member, Capital.

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

April 2, 2021

SHB 1279 Prime Sponsor, Committee on Finance: Modifying the Washington main street program tax incentive to respond to the economic impacts of the COVID-19 pandemic. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1287 Prime Sponsor, Committee on Transportation: Concerning preparedness for a zero emissions transportation future. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; Cleveland; Das; Hawkins; Lovelett; Nguyen; Nobles; Randall and Wilson, C.

MINORITY recommendation: Do not pass. Signed by Senators Fortunato; Padden and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King, Ranking Member and Wilson, J.

Referred to Committee on Rules for second reading.

April 2, 2021

ESHB 1297 Prime Sponsor, Committee on Appropriations: Concerning working families tax exemption. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital Schoesler, Assistant Ranking Member, Capital.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; Mullet and Warnick.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1310 Prime Sponsor, Committee on Appropriations: Concerning permissible uses of force by law enforcement and

correctional officers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Gildon; Muzzall; Rivers; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1320 Prime Sponsor, Committee on Appropriations: Modernizing, harmonizing, and improving the efficacy and accessibility of laws concerning civil protection orders. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers and Wagoner.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall and Warnick.

Referred to Committee on Rules for second reading.

April 2, 2021

2SHB 1325 Prime Sponsor, Committee on Appropriations: Implementing policies related to children and youth behavioral health. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1335 Prime Sponsor, Committee on Appropriations: Concerning review and property owner notification of recorded documents with unlawful racial restrictions. Reported by Committee on Ways & Means

EIGHTY SECOND DAY, APRIL 2, 2021

2021 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

April 2, 2021

SHB 1355 Prime Sponsor, Committee on Rural Development, Agriculture & Natural Resources: Concerning noxious weeds. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1365 Prime Sponsor, Committee on Appropriations: Procuring and supporting appropriate computers and devices for public school students and instructional staff. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Gildon; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun; Muzzall and Rivers.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1382 Prime Sponsor, Committee on Appropriations: Streamlining the environmental permitting process for salmon recovery projects. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital;

Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

April 2, 2021

ESHB 1418 Prime Sponsor, Committee on Transportation: Enhancing rail safety governance by expanding the role of the utilities and transportation commission. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland; Das; Fortunato; Hawkins; Lovelett; Nguyen; Nobles; Padden; Randall; Sheldon; Wilson, C. and Wilson, J.

Referred to Committee on Rules for second reading.

April 2, 2021

E2SHB 1504 Prime Sponsor, Committee on Appropriations: Modifying the workforce education investment act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Carlyle; Conway; Darneille; Dhingra; Hasegawa; Hunt; Keiser; Liias; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Gildon; Muzzall; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rivers.

Referred to Committee on Rules for second reading.

April 2, 2021

SHB 1508 Prime Sponsor, Committee on Rural Development, Agriculture & Natural Resources: Concerning the sanitary control of shellfish. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Braun; Carlyle; Conway; Darneille; Dhingra; Gildon; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Hasegawa and Liias.

Referred to Committee on Rules for second reading.

April 2, 2021

SHB 1514 Prime Sponsor, Committee on Transportation:  
Addressing transportation demand management. Reported by  
Committee on Ways & Means

MAJORITY recommendation: Do pass as amended.  
Signed by Senators Rolfes, Chair; Frockt, Vice Chair,  
Capital; Robinson, Vice Chair, Operating & Revenue;  
Wilson, L., Ranking Member; Brown, Assistant Ranking  
Member, Operating; Honeyford, Assistant Ranking Member,  
Capital; Braun; Carlyle; Conway; Darneille; Dhingra;  
Gildon; Hasegawa; Hunt; Keiser; Liias; Mullet; Muzzall;  
Pedersen; Rivers; Van De Wege; Wagoner; Warnick and  
Wellman.

MINORITY recommendation: Do not pass. Signed by  
Senator Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Liias, all measures listed on the Standing  
Committee report were referred to the committees as designated.

At 7:15 p.m., on motion of Senator Liias, the Senate adjourned  
until 11:00 o'clock a.m. Saturday, April 3, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**EIGHTY THIRD DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Saturday, April 3, 2021

The Senate was called to order at 11:01 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Holy and Van De Wege.

The Washington State Patrol Honor Guard presented the Colors.

Miss Haley Slate and Miss Emma Reisman led the Senate in the Pledge of Allegiance. Miss Slate and Miss Reisman are students at Lake Washington High School, Kirkland and guests of Senator Dhingra.

The prayer was offered by Senator Padden of 4<sup>th</sup> Legislative District, Spokane.

**MOTIONS**

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

At 11:06 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

**AFTERNOON SESSION**

The Senate was called to order at 12:13 p.m. by President Heck.

**MOTION**

On motion of Senator Liias, the Senate advanced to the sixth order of business.

**SECOND READING**

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1108, by House Committee on Civil Rights & Judiciary (originally sponsored by Orwall, Ortiz-Self, Kloba, Hackney, Chopp, Santos, Macri, Pollet and Harris-Talley)

Maintaining funding and assistance for homeowners navigating the foreclosure process.

The measure was read the second time.

**MOTION**

Senator Mullet moved that the following committee striking amendment by the Committee on Business, Financial Services & Trade be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that whether mediation, reporting, and payment provisions of the foreclosure fairness act apply to any particular beneficiary in a

given year is tied to the number of trustee's sales and number of notices of trustee's sale recorded in the preceding year. The legislature further finds that, due to the federal foreclosure moratorium in place from at least March of 2020 through December of 2020 and into the year 2021, it is likely that, absent legislative action, the mediation, reporting, and payment provisions of the foreclosure fairness act will apply to very few if any beneficiaries in calendar year 2021 or 2022 because the threshold numbers that trigger application of these provisions will not be met. The legislature therefore intends to put in place a temporary stopgap remedy so that vital assistance provisions of the foreclosure fairness act are not lost at the very time that foreclosure activity is likely to be increasing.

**Sec. 2.** RCW 61.24.005 and 2014 c 164 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affiliate of beneficiary" means any entity which controls, is controlled by, or is under common control with a beneficiary.

(2) "Beneficiary" means the holder of the instrument or document evidencing the obligations secured by the deed of trust, excluding persons holding the same as security for a different obligation.

(3) "Borrower" means a person or a general partner in a partnership, including a joint venture, that is liable for all or part of the obligations secured by the deed of trust under the instrument or other document that is the principal evidence of those obligations, or the person's successors if they are liable for those obligations under a written agreement with the beneficiary.

(4) "Commercial loan" means a loan that is not made primarily for personal, family, or household purposes.

(5) "Department" means the department of commerce or its designee.

(6) "Fair value" means the value of the property encumbered by a deed of trust that is sold pursuant to a trustee's sale. This value shall be determined by the court or other appropriate adjudicator by reference to the most probable price, as of the date of the trustee's sale, which would be paid in cash or other immediately available funds, after deduction of prior liens and encumbrances with interest to the date of the trustee's sale, for which the property would sell on such date after reasonable exposure in the market under conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under duress.

(7) "Grantor" means a person, or its successors, who executes a deed of trust to encumber the person's interest in property as security for the performance of all or part of the borrower's obligations.

(8) "Guarantor" means any person and its successors who is not a borrower and who guarantees any of the obligations secured by a deed of trust in any written agreement other than the deed of trust.

(9) "Housing counselor" means a housing counselor that has been approved by the United States department of housing and urban development or approved by the Washington state housing finance commission.

(10) "Owner-occupied" means property that is the principal residence of the borrower.

(11) "Person" means any natural person, or legal or governmental entity.

(12) "Record" and "recorded" includes the appropriate registration proceedings, in the instance of registered land.

(13) "Residential real property" means property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit. For the purposes of the application of RCW 61.24.163, ((owner-occupied)) residential real property includes residential real property of up to four units.

(14) "Senior beneficiary" means the beneficiary of a deed of trust that has priority over any other deeds of trust encumbering the same residential real property.

(15) "Tenant-occupied property" means property consisting solely of residential real property that is the principal residence of a tenant subject to chapter 59.18 RCW or other building with four or fewer residential units that is the principal residence of a tenant subject to chapter 59.18 RCW.

(16) "Trustee" means the person designated as the trustee in the deed of trust or appointed under RCW 61.24.010(2).

(17) "Trustee's sale" means a nonjudicial sale under a deed of trust undertaken pursuant to this chapter.

**Sec. 3.** RCW 61.24.030 and 2018 c 306 s 1 are each amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver, or the filing of a civil case to obtain court approval to access, secure, maintain, and preserve property from waste or nuisance, shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address;

(7)(a) That, for residential real property of up to four units, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the holder of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the holder of any promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW;

(8) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default and, for residential real property of up to four units, the beneficiary declaration specified in subsection (7)(a) of this section shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future, or no less than one hundred fifty days in the future if the borrower received a letter under RCW 61.24.031;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground;

(k) In the event the property secured by the deed of trust is ((owner-occupied)) residential real property of up to four units, a statement, prominently set out at the beginning of the notice, which shall state as follows:

**"THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

You may be eligible for mediation in front of a neutral third party to help save your home.

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW** to assess your situation and refer you to mediation if you might benefit. Mediation **MUST** be requested between the time you receive the Notice of Default and no later than twenty days after the Notice of Trustee Sale is recorded.

EIGHTY THIRD DAY, APRIL 3, 2021

2021 REGULAR SESSION

**DO NOT DELAY.** If you do nothing, a notice of sale may be issued as soon as 30 days from the date of this notice of default. The notice of sale will provide a minimum of 120 days' notice of the date of the actual foreclosure sale.

**BE CAREFUL** of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

**REFER TO THE CONTACTS BELOW** for sources of assistance.

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . ."

The beneficiary or trustee shall obtain the toll-free numbers and website information from the department for inclusion in the notice;

(l) In the event the property secured by the deed of trust is residential real property of up to four units, the name and address of the holder of any promissory note or other obligation secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust;

(m) For notices issued after June 30, 2018, on the top of the first page of the notice:

- (i) The current beneficiary of the deed of trust;
- (ii) The current mortgage servicer for the deed of trust; and
- (iii) The current trustee for the deed of trust;

(9) That, for ((owner-occupied)) residential real property of up to four units, before the notice of the trustee's sale is recorded, transmitted, or served, the beneficiary has complied with RCW 61.24.031 and, if applicable, RCW 61.24.163;

(10) That, in the case where the borrower or grantor is known to the mortgage servicer or trustee to be deceased, the notice required under subsection (8) of this section must be sent to any spouse, child, or parent of the borrower or grantor known to the trustee or mortgage servicer, and to any owner of record of the property, at any address provided to the trustee or mortgage servicer, and to the property addressed to the heirs and devisees of the borrower.

(a) If the name or address of any spouse, child, or parent of such deceased borrower or grantor cannot be ascertained with use of reasonable diligence, the trustee must execute and record with the notice of sale a declaration attesting to the same.

(b) Reasonable diligence for the purposes of this subsection (10) means the trustee shall search in the county where the property is located, the public records and information for any obituary, will, death certificate, or case in probate within the county for the borrower and grantor;

(11) Upon written notice identifying the property address and the name of the borrower to the servicer or trustee by someone claiming to be a successor in interest to the borrower's or grantor's property rights, but who is not a party to the loan or promissory note or other obligation secured by the deed of trust, a trustee shall

not record a notice of sale pursuant to RCW 61.24.040 until the trustee or mortgage servicer completes the following:

(a) Acknowledges the notice in writing and requests reasonable documentation of the death of the borrower or grantor from the claimant including, but not limited to, a death certificate or other written evidence of the death of the borrower or grantor. The claimant must be allowed thirty days from the date of this request to present this documentation. If the trustee or mortgage servicer has already obtained sufficient proof of the borrower's death, it may proceed by acknowledging the claimant's notice in writing and issuing a request under (b) of this subsection.

(b) If the mortgage servicer or trustee obtains or receives written documentation of the death of the borrower or grantor from the claimant, or otherwise independently confirms the death of the borrower or grantor, then the servicer or trustee must request in writing documentation from the claimant demonstrating the ownership interest of the claimant in the real property. A claimant has sixty days from the date of the request to present this documentation.

(c) If the mortgage servicer or trustee receives written documentation demonstrating the ownership interest of the claimant prior to the expiration of the sixty days provided in (b) of this subsection, then the servicer or trustee must, within twenty days of receipt of proof of ownership interest, provide the claimant with, at a minimum, the loan balance, interest rate and interest reset dates and amounts, balloon payments if any, prepayment penalties if any, the basis for the default, the monthly payment amount, reinstatement amounts or conditions, payoff amounts, and information on how and where payments should be made. The mortgage servicers shall also provide the claimant application materials and information, or a description of the process, necessary to request a loan assumption and modification.

(d) Upon receipt by the trustee or the mortgage servicer of the documentation establishing claimant's ownership interest in the real property, that claimant shall be deemed a "successor in interest" for the purposes of this section.

(e) There may be more than one successor in interest to the borrower's property rights. The trustee and mortgage servicer shall apply the provisions of this section to each successor in interest. In the case of multiple successors in interest, where one or more do not wish to assume the loan as coborrowers or coapplicants, a mortgage servicer may require any nonapplicant successor in interest to consent in writing to the application for loan assumption.

(f) The existence of a successor in interest under this section does not impose an affirmative duty on a mortgage servicer or alter any obligation the mortgage servicer has to provide a loan modification to the successor in interest. If a successor in interest assumes the loan, he or she may be required to otherwise qualify for available foreclosure prevention alternatives offered by the mortgage servicer.

(g) (c), (e), and (f) of this subsection (11) do not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW; and

(12) Nothing in this section shall prejudice the right of the mortgage servicer or beneficiary from discontinuing any foreclosure action initiated under the deed of trust act in favor of other allowed methods for pursuit of foreclosure of the security interest or deed of trust security interest.

**Sec. 4.** RCW 61.24.031 and 2014 c 164 s 2 are each amended to read as follows:

(1)(a) A trustee, beneficiary, or authorized agent may not issue a notice of default under RCW 61.24.030(8) until: (i) Thirty days after satisfying the due diligence requirements as described in subsection (5) of this section and the borrower has not responded;

or (ii) if the borrower responds to the initial contact, ninety days after the initial contact with the borrower was initiated.

(b) A beneficiary or authorized agent shall make initial contact with the borrower by letter to provide the borrower with information required under (c) of this subsection and by telephone as required under subsection (5) of this section. The letter required under this subsection must be mailed in accordance with subsection (5)(a) of this section and must include the information described in (c) of this subsection and subsection (5)(e)(i) through (iv) of this section.

(c) The letter required under this subsection, developed by the department pursuant to RCW 61.24.033, at a minimum shall include:

(i) A paragraph printed in no less than twelve-point font and bolded that reads:

"You must respond within thirty days of the date of this letter. IF YOU DO NOT RESPOND within thirty days, a notice of default may be issued and you may lose your home in foreclosure.

IF YOU DO RESPOND within thirty days of the date of this letter, you will have an additional sixty days to meet with your lender before a notice of default may be issued.

You should contact a housing counselor or attorney as soon as possible. Failure to contact a housing counselor or attorney may result in your losing certain opportunities, such as meeting with your lender or participating in mediation in front of a neutral third party. A housing counselor or attorney can help you work with your lender to avoid foreclosure.

If you filed bankruptcy or have been discharged in bankruptcy, this communication is not intended as an attempt to collect a debt from you personally, but is notice of enforcement of the deed of trust lien against the property. If you wish to avoid foreclosure and keep your property, this notice sets forth your rights and options.";

(ii) The toll-free telephone number from the United States department of housing and urban development to find a department-approved housing counseling agency, the toll-free numbers for the statewide foreclosure hotline recommended by the housing finance commission, and the statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys;

(iii) A paragraph stating that a housing counselor may be available at little or no cost to the borrower and that whether or not the borrower contacts a housing counselor or attorney, the borrower has the right to request a meeting with the beneficiary; and

(iv) A paragraph explaining how the borrower may respond to the letter and stating that after responding the borrower will have an opportunity to meet with his or her beneficiary in an attempt to resolve and try to work out an alternative to the foreclosure and that, after ninety days from the date of the letter, a notice of default may be issued, which starts the foreclosure process.

(d) If the beneficiary has exercised due diligence as required under subsection (5) of this section and the borrower does not respond by contacting the beneficiary within thirty days of the initial contact, the notice of default may be issued. "Initial contact" with the borrower is considered made three days after the date the letter required in (b) of this subsection is sent.

(e) If a meeting is requested by the borrower or the borrower's housing counselor or attorney, the beneficiary or authorized agent shall schedule the meeting to occur before the notice of default is issued. An assessment of the borrower's financial ability to modify or restructure the loan obligation and a discussion of options must occur during the meeting scheduled for that purpose.

(f) The meeting scheduled to assess the borrower's financial ability to modify or restructure the loan obligation and discuss options to avoid foreclosure may be held telephonically, unless

the borrower or borrower's representative requests in writing that a meeting be held in person. The written request for an in-person meeting must be made within thirty days of the initial contact with the borrower. If the meeting is requested to be held in person, the meeting must be held in the county where the property is located unless the parties agree otherwise. A person who is authorized to agree to a resolution, including modifying or restructuring the loan obligation or other alternative resolution to foreclosure on behalf of the beneficiary, must be present either in person or on the telephone or videoconference during the meeting.

(2) A notice of default issued under RCW 61.24.030(8) must include a declaration, as provided in subsection (9) of this section, from the beneficiary or authorized agent that it has contacted the borrower as provided in subsection (1) of this section, it has tried with due diligence to contact the borrower under subsection (5) of this section, or the borrower has surrendered the property to the trustee, beneficiary, or authorized agent. Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the declaration as evidence that the requirements of this section have been satisfied, and the trustee is not liable for the beneficiary's or its authorized agent's failure to comply with the requirements of this section.

(3) If, after the initial contact under subsection (1) of this section, a borrower has designated a housing counseling agency, housing counselor, or attorney to discuss with the beneficiary or authorized agent, on the borrower's behalf, options for the borrower to avoid foreclosure, the borrower shall inform the beneficiary or authorized agent and provide the contact information to the beneficiary or authorized agent. The beneficiary or authorized agent shall contact the designated representative for the borrower to meet.

(4) The beneficiary or authorized agent and the borrower or the borrower's representative shall attempt to reach a resolution for the borrower within the ninety days from the time the initial contact is sent and the notice of default is issued. A resolution may include, but is not limited to, a loan modification, an agreement to conduct a short sale, or a deed in lieu of foreclosure transaction, or some other workout plan. Any modification or workout plan offered at the meeting with the borrower's designated representative by the beneficiary or authorized agent is subject to approval by the borrower.

(5) A notice of default may be issued under RCW 61.24.030(8) if a beneficiary or authorized agent has initiated contact with the borrower as required under subsection (1)(b) of this section and the failure to meet with the borrower occurred despite the due diligence of the beneficiary or authorized agent. Due diligence requires the following:

(a) A beneficiary or authorized agent shall first attempt to contact a borrower by sending, by both first-class and either registered or certified mail, return receipt requested, a letter to the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must be the letter described in subsection (1)(c) of this section.

(b)(i) After the letter has been sent, the beneficiary or authorized agent shall attempt to contact the borrower by telephone at least three times at different hours and on different days. Telephone calls must be made to the primary and secondary telephone numbers on file with the beneficiary or authorized agent.

(ii) A beneficiary or authorized agent may attempt to contact a borrower using an automated system to dial borrowers if the telephone call, when answered, is connected to a live representative of the beneficiary or authorized agent.

(iii) A beneficiary or authorized agent satisfies the telephone contact requirements of this subsection (5)(b) if the beneficiary or

EIGHTY THIRD DAY, APRIL 3, 2021

2021 REGULAR SESSION

authorized agent determines, after attempting contact under this subsection (5)(b), that the borrower's primary telephone number and secondary telephone number or numbers on file, if any, have been disconnected or are not good contact numbers for the borrower.

(iv) The telephonic contact under this subsection (5)(b) does not constitute the meeting under subsection (1)(f) of this section.

(c) If the borrower does not respond within fourteen days after the telephone call requirements of (b) of this subsection have been satisfied, the beneficiary or authorized agent shall send a certified letter, with return receipt requested, to the borrower at the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must include the information described in (e)(i) through (iv) of this subsection. The letter must also include a paragraph stating: "Your failure to contact a housing counselor or attorney may result in your losing certain opportunities, such as meeting with your lender or participating in mediation in front of a neutral third party."

(d) The beneficiary or authorized agent shall provide a means for the borrower to contact the beneficiary or authorized agent in a timely manner, including a toll-free telephone number or charge-free equivalent that will provide access to a live representative during business hours for the purpose of initiating and scheduling the meeting under subsection (1)(f) of this section.

(e) The beneficiary or authorized agent shall post a link on the home page of the beneficiary's or authorized agent's internet website, if any, to the following information:

(i) Options that may be available to borrowers who are unable to afford their mortgage payments and who wish to avoid foreclosure, and instructions to borrowers advising them on steps to take to explore those options;

(ii) A list of financial documents borrowers should collect and be prepared to present to the beneficiary or authorized agent when discussing options for avoiding foreclosure;

(iii) A toll-free telephone number or charge-free equivalent for borrowers who wish to discuss options for avoiding foreclosure with their beneficiary or authorized agent; and

(iv) The toll-free telephone number or charge-free equivalent made available by the department to find a department-approved housing counseling agency.

(6) Subsections (1) and (5) of this section do not apply if the borrower has surrendered the property as evidenced by either a letter confirming the surrender or delivery of the keys to the property to the trustee, beneficiary, or authorized agent.

(7)(a) This section applies only to deeds of trust that are recorded against ((owner-occupied)) residential real property of up to four units. This section does not apply to deeds of trust: (i) Securing a commercial loan; (ii) securing obligations of a grantor who is not the borrower or a guarantor; or (iii) securing a purchaser's obligations under a seller-financed sale.

(b) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(8) As used in this section:

(a) "Department" means the United States department of housing and urban development.

(b) "Seller-financed sale" means a residential real property transaction where the seller finances all or part of the purchase price, and that financed amount is secured by a deed of trust against the subject residential real property.

(9) The form of declaration to be provided by the beneficiary or authorized agent as required under subsection (2) of this section must be in substantially the following form:

**"FORECLOSURE LOSS MITIGATION FORM**

**Please select applicable option(s) below.**

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares under the penalty of perjury that [check the applicable box and fill in any blanks so that the beneficiary, authorized agent, or trustee can insert, on the beneficiary's behalf, the applicable declaration in the notice of default required under chapter 61.24 RCW]:

(1)  The beneficiary or beneficiary's authorized agent has contacted the borrower under, and has complied with, RCW 61.24.031 (contact provision to "assess the borrower's financial ability to pay the debt secured by the deed of trust and explore options for the borrower to avoid foreclosure") and the borrower responded but did not request a meeting.

(2)  The beneficiary or beneficiary's authorized agent has contacted the borrower as required under RCW 61.24.031 and the borrower or the borrower's designated representative requested a meeting. A meeting was held on (insert date, time, and location/telephonic here) in compliance with RCW 61.24.031.

(3)  The beneficiary or beneficiary's authorized agent has contacted the borrower as required in RCW 61.24.031 and the borrower or the borrower's designated representative requested a meeting. A meeting was scheduled for (insert date, time, and location/telephonic here) and neither the borrower nor the borrower's designated representative appeared.

(4)  The beneficiary or beneficiary's authorized agent has exercised due diligence to contact the borrower as required in RCW 61.24.031(5) and the borrower did not respond.

(5)  The borrower has surrendered the secured property as evidenced by either a letter confirming the surrender or by delivery of the keys to the secured property to the beneficiary, the beneficiary's authorized agent or to the trustee.

Additional Optional Explanatory Comments:

**Sec. 5.** RCW 61.24.135 and 2016 c 196 s 3 are each amended to read as follows:

(1) It is an unfair or deceptive act or practice under the consumer protection act, chapter 19.86 RCW, for any person, acting alone or in concert with others, to offer, or offer to accept or accept from another, any consideration of any type not to bid, or to reduce a bid, at a sale of property conducted pursuant to a power of sale in a deed of trust. The trustee may decline to complete a sale or deliver the trustee's deed and refund the purchase price, if it appears that the bidding has been collusive or defective, or that the sale might have been void. However, it is not an unfair or deceptive act or practice for any person, including a trustee, to state that a property subject to a recorded notice of trustee's sale or subject to a sale conducted pursuant to this chapter is being sold in an "as-is" condition, or for the beneficiary to arrange to provide financing for a particular bidder or to reach any good faith agreement with the borrower, grantor, any guarantor, or any junior lienholder.

(2) It is an unfair or deceptive act in trade or commerce and an unfair method of competition in violation of the consumer protection act, chapter 19.86 RCW, for any person or entity to: (a) Violate the duty of good faith under RCW 61.24.163; (b) fail to comply with the requirements of RCW 61.24.174, as it existed prior to July 1, 2016, ((or)) RCW 61.24.173, or section 11 of this act; or (c) fail to initiate contact with a borrower and exercise due diligence as required under RCW 61.24.031.

**Sec. 6.** RCW 61.24.165 and 2014 c 164 s 4 are each amended to read as follows:

(1) RCW 61.24.163 applies only to deeds of trust that are recorded against ((owner-occupied)) residential real property of up to four units. ((The property must have been owner-occupied as of the date the initial contact under RCW 61.24.031 was made.))

(2) ((A borrower under a deed of trust on owner-occupied residential real property who has received a notice of default on or before July 22, 2011, may be referred to mediation under RCW 61.24.163 by a housing counselor or attorney.

(3))) RCW 61.24.163 does not apply to deeds of trust:

(a) Securing a commercial loan;

(b) Securing obligations of a grantor who is not the borrower or a guarantor; ((or))

(c) Securing a purchaser's obligations under a seller-financed sale; or

(d) Where the grantor is a partnership, corporation, or limited liability company, or where the property is vested in a partnership, corporation, or limited liability company at the time the notice of default is issued.

((4)) (3) RCW 61.24.163 does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

((5)) (4) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the borrower is deceased and the person is a successor in interest of the deceased borrower who occupies the property as his or her primary residence. The referring counselor or attorney must determine a person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

((6)) (5) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the person has been awarded title to the property in a proceeding for dissolution or legal separation. The referring counselor or attorney must determine the person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

**Sec. 7.** RCW 61.24.166 and 2011 c 58 s 9 are each amended to read as follows:

((The)) Beginning on January 1, 2023, the provisions of RCW 61.24.163 do not apply to any federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), that certifies to the department under penalty of perjury that it was not a beneficiary of deeds of trust in more than two hundred fifty trustee sales of ((owner-occupied)) residential real property of up to four units that occurred in this state during the preceding calendar year. A federally insured depository institution certifying that RCW 61.24.163 does not apply must do so annually, beginning no later than ((thirty days after July 22, 2011)) January 31, 2023, and no later than January 31st of each year thereafter.

**NEW SECTION. Sec. 8.** (1) During the 2021 calendar year, the provisions of RCW 61.24.163 do not apply to any federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), that certifies to the department under penalty of perjury that it was not a beneficiary of deeds of trust in more than 250 trustee sales of owner-occupied residential real property that occurred in this state during 2019. A federally insured depository institution certifying that RCW 61.24.163 does not apply pursuant to this subsection must do so no later than 30 days after the effective date of this section.

(2) During the 2022 calendar year, the provisions of RCW 61.24.163 do not apply to any federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), that certifies to the department under penalty of perjury that it was not a beneficiary of deeds of trust in more than 250 trustee sales of

owner-occupied residential property that occurred in this state during 2019. A federally insured depository institution certifying that RCW 61.24.163 does not apply pursuant to this subsection must do so no later than January 31, 2022.

(3) This section expires December 31, 2022.

**Sec. 9.** RCW 61.24.172 and 2016 c 196 s 1 are each amended to read as follows:

The foreclosure fairness account is created in the custody of the state treasurer. All receipts received under RCW 61.24.174, as it existed prior to July 1, 2016, ((and)) RCW 61.24.173, and section 11 of this act must be deposited into the account. Only the director of the department of commerce or the director's designee may authorize expenditures from the account. Funding to agencies and organizations under this section must be provided by the department through an interagency agreement or other applicable contract instrument. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Biennial expenditures from the account must be used as follows: Four hundred thousand dollars to fund the counselor referral hotline. The remaining funds shall be distributed as follows: (1) Sixty-nine percent for the purposes of providing housing counseling activities to benefit borrowers; (2) eight percent to the office of the attorney general to be used by the consumer protection division to enforce this chapter; (3) six percent to the office of civil legal aid to be used for the purpose of contracting with qualified legal aid programs for legal representation of homeowners in matters relating to foreclosure. Funds provided under this subsection (3) must be used to supplement, not supplant, other federal, state, and local funds; and (4) seventeen percent to the department to be used for implementation and operation of the foreclosure fairness act.

The department shall enter into interagency agreements to contract with the Washington state housing finance commission and other appropriate entities to implement the foreclosure fairness act.

**Sec. 10.** RCW 61.24.173 and 2018 c 306 s 7 are each amended to read as follows:

(1) Except as provided in subsections (5) and (6) of this section, beginning July 1, 2016, and every quarter thereafter, every beneficiary on whose behalf a notice of trustee's sale has been recorded pursuant to RCW 61.24.040 on residential real property under this chapter must:

(a) Report to the department the number of notices of trustee's sale recorded for each residential property during the previous quarter;

(b) Remit the amount required under subsection (2) of this section; and

(c) Report and update beneficiary contact information for the person and work group responsible for the beneficiary's compliance with the requirements of the foreclosure fairness act created in this chapter.

(2) For each notice of trustee's sale recorded on residential real property, the beneficiary on whose behalf the notice of trustee's sale has been recorded shall remit ((three hundred twenty-five dollars)) §325 to the department to be deposited, as provided under RCW 61.24.172, into the foreclosure fairness account. The ((three hundred twenty-five dollar)) §325 payment is required for every recorded notice of trustee's sale for noncommercial loans on residential real property, but does not apply to the recording of an amended notice of trustee's sale. No later than January 1, 2020, the department may from time to time adjust the amount of the fee, not to exceed ((three hundred twenty-five dollars)) §325, at a sufficient level to defray the costs of the program. The beneficiary shall remit the total amount required in a lump sum each quarter.

(3) Any adjustment to the amount of the fee, pursuant to the authority of subsection (2) of this section, shall be made by rule

EIGHTY THIRD DAY, APRIL 3, 2021

2021 REGULAR SESSION

adopted by the department in accordance with the provisions of chapter 34.05 RCW.

(4) Reporting and payments under subsections (1) and (2) of this section are due within ((forty-five)) 45 days of the end of each quarter.

(5) ((This)) (a) Except as provided in (b) of this subsection, this section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that fewer than ((fifty)) 50 notices of trustee's sale were recorded on its behalf in the preceding year.

(b) During the 2021 and 2022 calendar years, this section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that fewer than 50 notices of trustee's sale were recorded on its behalf in 2019.

(6) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(7) For purposes of this section, "residential real property" includes residential real property with up to four dwelling units, whether or not the property or any part thereof is owner-occupied.

(8) After the effective date of section 11 of this act, the requirements of this section apply only with respect to notices of trustee's sale for which remittance and reporting on a notice of default for that same residential real property was not made pursuant to section 11 of this act.

NEW SECTION. Sec. 11. A new section is added to chapter 61.24 RCW to read as follows:

(1) Except as provided in subsections (6) and (7) of this section, beginning January 1, 2022, and every quarter thereafter, every beneficiary issuing notices of default, or causing notices of default to be issued on its behalf, on residential real property under this chapter must:

(a) Report to the department, on a form approved by the department, the total number of residential real properties for which the beneficiary has issued a notice of default during the previous quarter, together with the street address, city, and zip code;

(b) Remit the amount required under subsection (2) of this section; and

(c) Report and update beneficiary contact information for the person and work group responsible for the beneficiary's compliance with the requirements of the foreclosure fairness act created in this chapter.

(2) For each residential real property for which a notice of default has been issued, the beneficiary issuing the notice of default, or causing the notice of default to be issued on the beneficiary's behalf, shall remit \$250 to the department to be deposited, as provided under RCW 61.24.172, into the foreclosure fairness account. The \$250 payment is required per property and not per notice of default. The beneficiary shall remit the total amount required in a lump sum each quarter.

(3) Reporting and payments under subsections (1) and (2) of this section are due within 45 days of the end of each quarter.

(4) For purposes of this section, "residential real property" includes residential real property with up to four dwelling units, whether or not the property or any part thereof is owner occupied.

(5) The department, including its officials and employees, may not be held civilly liable for damages arising from any release of information or the failure to release information related to the reporting required under this section, so long as the release was without gross negligence.

(6) Beginning on January 1, 2023, this section does not apply to any beneficiary or loan servicer that is a federally insured

depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that it has issued, or has directed a trustee or authorized agent to issue, fewer than 250 notices of default in the preceding year.

(7) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

NEW SECTION. Sec. 12. A new section is added to chapter 42.56 RCW to read as follows:

Information obtained by the department of commerce under section 11 of this act that reveals the name or other personal information of the borrower or the street address of the residential real property on which a notice of default was issued is exempt from disclosure under this chapter.

NEW SECTION. Sec. 13. RCW 61.24.173 (Required payment for each property subject to notice of trustee's sale—Residential real property—Exceptions—Deposit into foreclosure fairness account) and 2018 c 306 s 7 & 2016 c 196 s 2 are each repealed.

NEW SECTION. Sec. 14. The repeal in section 13 of this act does not affect any existing right acquired or liability or obligation incurred under the section repealed or under any rule or order adopted under that section, nor does it affect any proceeding instituted under that section.

NEW SECTION. Sec. 15. Sections 1 through 4, 6 through 8, and 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 16. Sections 5, 9, 11, and 12 of this act take effect January 1, 2022.

NEW SECTION. Sec. 17. Sections 13 and 14 of this act take effect June 30, 2023."

On page 1, line 2 of the title, after "process;" strike the remainder of the title and insert "amending RCW 61.24.005, 61.24.030, 61.24.031, 61.24.135, 61.24.165, 61.24.166, 61.24.172, and 61.24.173; adding a new section to chapter 61.24 RCW; adding a new section to chapter 42.56 RCW; creating new sections; repealing RCW 61.24.173; providing effective dates; providing an expiration date; and declaring an emergency."

Senator Mullet spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Business, Financial Services & Trade to Engrossed Substitute House Bill No. 1108.

The motion by Senator Mullet carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Randall, Senator Van De Wege was excused.

MOTION

On motion of Senator Wagoner, Senators Holy and McCune were excused.

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute House Bill No. 1108, as amended by the

Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1108 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1108, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy, McCune and Van De Wege

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1108, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1295, by House Committee on Appropriations (originally sponsored by Callan, Eslick, Ramel, Leavitt, Simmons, Springer, Fitzgibbon, Dolan, Bateman, Shewmake, J. Johnson, Senn, Sutherland, Walen, Peterson, Davis, Goodman, Hackney, Kloba, Fey, Ramos, Frame, Ryu, Macri, Bergquist, Pollet and Stonier)

Providing public education to youth in or released from institutional education facilities.

The measure was read the second time.

#### MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that students in Washington's secure facilities have been unable to access the education and supports they need to make life-changing academic progress. As a result, these students have experienced dismal graduation and recidivism rates, and have lost invaluable opportunities for hope and transformation.

(2) In 2020, the legislature enacted chapter 226, Laws of 2020, and established the task force on improving institutional education programs and outcomes. The task force efforts resulted in a series of well-considered recommendations that inform this act and, perhaps more importantly, offer a new opportunity to make critical policy advances for students and dedicated staff that are too often overlooked.

(3) The legislature acknowledges that institutional education facilities are part of the public school system and that the students

in secure facilities deserve full access to the state's basic education program and its promise of an opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship.

(4) The legislature finds that key reforms are needed to the institutional education system, including the development of an education program that is both student-centered and anchored in the principle that student improvement through education must be the system's primary objective. The legislature further finds that an effective institutional education system must have sufficient funding and proper administrative structures to assure effective functionality, oversight, and accountability.

(5) Although the task of making meaningful reforms to the institutional education system cannot be accomplished through a single legislative act, the legislature intends for this act to be a significant step of progress in better meeting the needs of students who are in or have been involved with the traditional components of the juvenile justice system, with subsequent legislative efforts to be focused on the education of students in other institutional settings, including those in long-term inpatient programs and those with exceptional mental or physical needs.

(6) The legislature, therefore, intends to establish new and modified requirements for the institutional education system that promote student success through improved agency and education provider practices, updated credit-awarding practices, new data collection and reporting requirements, and the development of expert recommendations that will create an implementable blueprint for successfully meeting complex student needs and improving education and postrelease outcomes.

**Sec. 2.** RCW 28A.150.200 and 2017 3rd sp.s. c 13 s 401 are each amended to read as follows:

(1) The program of basic education established under this chapter is deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex," and is adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools."

(2) The legislature defines the program of basic education under this chapter as that which is necessary to provide the opportunity to develop the knowledge and skills necessary to meet the state-established high school graduation requirements that are intended to allow students to have the opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship. Basic education by necessity is an evolving program of instruction intended to reflect the changing educational opportunities that are needed to equip students for their role as productive citizens and includes the following:

(a) The instructional program of basic education the minimum components of which are described in RCW 28A.150.220;

(b) The program of education provided by chapter 28A.190 RCW for students in residential schools as defined by ((RCW 28A.190.020)) section 3 of this act and for juveniles in detention facilities as identified by RCW 28A.190.010;

(c) The program of education provided by chapter 28A.193 RCW for individuals under the age of eighteen who are incarcerated in adult correctional facilities;

(d) Transportation and transportation services to and from school for eligible students as provided under RCW 28A.160.150 through 28A.160.180; and

(e) Statewide salary allocations necessary to hire and retain qualified staff for the state's statutory program of basic education.

EIGHTY THIRD DAY, APRIL 3, 2021

2021 REGULAR SESSION

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.190 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Institutional education facility" means residential habilitation and child study and treatment centers operated by the department of social and health services, state long-term juvenile institutions operated by the department of children, youth, and families, state-operated community facilities, county juvenile detention centers, and facilities of the department of corrections that incarcerate juveniles committed as adults.

(2) "Institutional education program" means the program of education that is provided to youth in institutional education facilities as a mandatory component of the program of basic education under RCW 28A.150.200.

(3) "Institutional education provider" or "provider" means a school district, educational service district, or other entity providing education services to youth in an institutional education facility.

(4) "Postresident youth" means a person who is under the age of 21 and a former resident of an institutional education facility. A postresident youth may be a public school student or a person who is eligible to be a public school student but who is not enrolled in a school or otherwise receiving basic education services.

(5) "Residential school" means the following institutional education facilities: Green Hill school, Naselle Youth Camp, Echo Glen, Lakeland Village, Rainier school, Yakima Valley school, Fircrest school, the Child Study and Treatment Center and Secondary School of western state hospital, and other schools, camps, and centers established by the department of social and health services or the department of children, youth, and families for the diagnosis, confinement, and rehabilitation of juveniles committed by the courts or for the care and treatment of persons who are exceptional in their needs by reason of mental or physical deficiency. "Residential school" does not include the state schools for the blind, the Washington state center for childhood deafness and hearing loss, or adult correctional institutions.

(6) "School district" has the same meaning as in RCW 28A.315.025 and includes any educational service district that has entered into an agreement to provide a program of education for residents at an institutional education facility on behalf of the school district as a cooperative service program pursuant to RCW 28A.310.180.

(7) "Youth" means a person who is under the age of 21 who is a resident of an institutional education facility. A youth may be a public school student or a person who is eligible to be a public school student but who is not enrolled in a school or otherwise receiving basic education services.

**Sec. 4.** RCW 28A.320.192 and 2017 c 166 s 1 and 2017 c 40 s 1 are each reenacted and amended to read as follows:

(1) In order to eliminate barriers and facilitate the on-time grade level progression and graduation of students who are homeless as described in RCW 28A.300.542, dependent pursuant to chapter 13.34 RCW, ~~((¶))~~ at-risk youth or children in need of services pursuant to chapter 13.32A RCW, or in or have been released from an institutional education facility, school districts must incorporate the procedures in this section.

(2) School districts must waive specific courses required for graduation if similar coursework has been satisfactorily completed in another school district or must provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school district, the receiving school district must provide an alternative

means of acquiring required coursework so that graduation may occur on time.

(3) School districts must consolidate partial credit, unresolved, or incomplete coursework and provide opportunities for credit accrual in a manner that eliminates academic and nonacademic barriers for the student.

(4) For students in or released from an institutional education facility, school districts must provide students with access to world language proficiency tests, American sign language proficiency tests, and general education development tests. Access to the tests may not be conditioned or otherwise dependent upon a student's request. School districts must award at least one high school credit to students upon meeting the standard established by the state board of education under subsection (9) of this section on a world language or American sign language proficiency test or a general education development test. Additional credits may be awarded by the district if a student has completed a course or courses of study to prepare for the test. If the school district has a local policy for awarding mastery-based credit on state or local assessments, the school district must apply this policy for students in or released from an institutional education facility.

(5) For students who have been unable to complete an academic course and receive full credit due to withdrawal or transfer, school districts must grant partial credit for coursework completed before the date of withdrawal or transfer and the receiving school must accept those credits, apply them to the student's academic progress or graduation or both, and allow the student to earn credits regardless of the student's date of enrollment in the receiving school.

~~((5))~~ (6) Should a student who is transferring at the beginning or during the student's junior or senior year be ineligible to graduate from the receiving school district after all alternatives have been considered, the sending and receiving districts must ensure the receipt of a diploma from the sending district if the student meets the graduation requirements of the sending district.

~~((6))~~ (7) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural obligations of school districts to implement these provisions.

~~((7))~~ (8) Should a student have enrolled in three or more school districts as a high school student and have met state requirements but be ineligible to graduate from the receiving school district after all alternatives have been considered, the receiving school district must waive its local requirements and ensure the receipt of a diploma.

(9) The state board of education, in consultation with the office of the superintendent of public instruction, shall identify the scores students must achieve in order to meet the standard on world language or American sign language proficiency tests and general education development tests in accordance with subsection (4) of this section.

(10) For purposes of this section, "institutional education facility" and "school district" have the same meaning as in section 3 of this act.

**NEW SECTION. Sec. 5.** (1) The office of the superintendent of public instruction shall examine the dropout prevention, intervention, and retrieval system established under chapter 28A.175 RCW, including associated rules. The purpose of the examination is to recommend new or modified dropout reengagement requirements and practices that will promote credit earning and high school completion by youth and postresident youth.

(2) Findings and recommendations resulting from the examination required by this section must be submitted by

November 1, 2021, to the governor and the appropriate committees of the house of representatives and the senate in accordance with RCW 43.01.036.

(3) For purposes of this section, "postresident youth" and "youth" have the same meaning as in section 3 of this act.

(4) This section expires June 30, 2022.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28A.190 RCW to read as follows:

Beginning in the 2021-22 school year, enrollments for students in residential schools as defined in section 3 of this act, for juveniles in detention facilities as identified by RCW 28A.190.010, and for individuals under the age of 18 who are incarcerated in adult correctional facilities may be funded above one full-time equivalent, provided that enrollments above one full-time equivalent allow for participation in dropout reengagement programs as defined in RCW 28A.175.105. State funding for enrollments in dropout reengagement programs in addition to institutional education facility enrollments must be allocated pursuant to RCW 28A.175.110 excluding administrative fees. The office of the superintendent of public instruction shall develop procedures for school districts to report student enrollment in institutional education facilities and dropout reengagement programs.

**Sec. 7.** RCW 28A.175.105 and 2013 c 39 s 5 are each amended to read as follows:

The definitions in this section apply throughout RCW 28A.175.100 through 28A.175.110 unless the context clearly requires otherwise:

(1) "Dropout reengagement program" means an educational program that offers at least the following instruction and services:

(a) Academic instruction, including but not limited to preparation to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with rules adopted under RCW 28A.305.190, academic skills instruction, and college and work readiness preparation, that generates credits that can be applied to a high school diploma from the student's school district or from a community or technical college under RCW 28B.50.535 and has the goal of enabling the student to obtain the academic and work readiness skills necessary for employment or postsecondary study. A dropout reengagement program is not required to offer instruction in only those subject areas where a student is deficient in accumulated credits. Academic instruction must be provided by teachers certified by the Washington professional educator standards board or by instructors employed by a community or technical college whose required credentials are established by the college;

(b) Case management, academic and career counseling, and assistance with accessing services and resources that support at-risk youth and reduce barriers to educational success; and

(c) If the program provider is a community or technical college, the opportunity for qualified students to enroll in college courses that lead to a postsecondary degree or certificate. The college may not charge an eligible student tuition for such enrollment.

(2) "Eligible student" means a student who:

(a) Is at least sixteen but less than twenty-one years of age at the beginning of the school year;

(b) Is not accumulating sufficient credits toward a high school diploma to reasonably complete a high school diploma from a public school before the age of twenty-one or is recommended for the program by case managers from the department of social and health services or the juvenile justice system; and

(c) Is enrolled or enrolls in the school district in which the student resides, or is enrolled or enrolls in an institutional education program as defined in section 3 of this act or a nonresident school district under RCW 28A.225.220 through 28A.225.230.

(3) "Full-time equivalent eligible student" means an eligible student whose enrollment and attendance meet criteria adopted by the office of the superintendent of public instruction specifically for dropout reengagement programs. The criteria shall be:

(a) Based on the community or technical college credits generated by the student if the program provider is a community or technical college; and

(b) Based on a minimum amount of planned programming or instruction and minimum attendance by the student rather than hours of seat time if the program provider is a community-based organization.

**NEW SECTION. Sec. 8.** A new section is added to chapter 28A.190 RCW to read as follows:

(1) Institutional education providers shall annually deliver to all staff providing an institutional education program one day of professional development that builds pedagogical strategies to navigate the intersectionality of factors impacting student learning, including trauma, and physical, mental, and behavioral health in order to achieve academic milestone progression. At a minimum, the professional development must include training on the following topics:

(a) The cognitive, psychosocial, and emotional development of adolescents;

(b) Mental and behavioral health literacy;

(c) The complex needs of students involved in the juvenile justice system, including the trauma associated with incarceration or voluntary or involuntary commitment in a long-term psychiatric inpatient program;

(d) Racial literacy and cultural competency, as defined in RCW 28A.410.260; and

(e) Working with adolescents with many adverse childhood experiences.

(2) In addition to the professional learning allocations provided in RCW 28A.150.415, the legislature shall provide and the superintendent of public instruction shall allocate to institutional education providers one professional learning day of funding to provide the professional development required under this section.

**NEW SECTION. Sec. 9.** A new section is added to chapter 28A.190 RCW to read as follows:

With respect to students in institutional education facilities governed by this chapter, the department of children, youth, and families must:

(1) Identify data needed by the department and institutional education facilities to evaluate the facilities' administrative and operational role in providing education to students and supporting students' educational outcomes. This data must include attendance, discipline rates, course and certificate completion rates, and other educational metrics;

(2) Analyze, and make a plan to resolve, department and institutional education facilities policies and practices that suspend the provision of educational services to a student as a disciplinary action, so that students are never denied the opportunity to engage in educational activities; and

(3) Review and resolve department and institutional education facility policies and practices that create barriers to students participating in meaningful learning opportunities, for example, career and technical education and postsecondary opportunities, in whatever location and format those opportunities are provided.

(4) In meeting the requirements of this section, the department of children, youth, and families must seek input from institutional education providers.

**NEW SECTION. Sec. 10.** A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) Beginning July 1, 2022, and every three years thereafter, the office of the superintendent of public instruction shall report on the funding and services provided in support of youth pursuant

EIGHTY THIRD DAY, APRIL 3, 2021

2021 REGULAR SESSION

to Washington's every student succeeds act consolidated plan, Title I, part D: Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk, and the education outcomes resulting from the funding and provided services.

(b) The purpose of the report is to inform the legislature of progress toward the goals established in the consolidated plan and provide the legislature with the opportunity to determine whether subsequent legislation should be enacted to ensure the education needs of youth and postresident youth.

(2) Reports required by this section, which must delineate the recipients of the federal funds and how they are being used to support the education needs of youth and postresident youth, must be submitted to the appropriate committees of the house of representatives and the senate in accordance with RCW 43.01.036.

(3) For purposes of this section, "postresident youth" and "youth" have the same meanings as in section 3 of this act.

**NEW SECTION. Sec. 11.** A new section is added to chapter 28A.190 RCW to read as follows:

(1) The legislature intends to ensure that institutional education facilities include efficient systems to minimize learning loss and maximize credit accrual during transitions for youth and postresident youth. The legislature intends also for the report required by this section to inform its understanding of policy and funding changes that may be necessary to accomplish the objective of improving institutional education programs and outcomes.

(2) The office of the superintendent of public instruction shall modify or establish requirements and supports for the provision of public education to youth and postresident youth. In meeting the requirements of this section, the office of the superintendent of public instruction shall:

(a) Adopt rules requiring institutional education providers at state long-term juvenile institutions and state-operated community facilities to conduct an individualized education program review for each newly admitted youth who either does not have an individualized education program or does not have an individualized education program that has been reviewed in a meeting with the youth, parent or guardian, and applicable school personnel in the previous 12 months;

(b) Adopt rules requiring institutional education providers to, upon admission of a youth to an institutional education facility, conduct a review and assessment of needed services for each facility transition the youth experiences within the juvenile justice system. Rules adopted in accordance with this subsection (2)(b) do not apply to institutional education providers at facilities operated by or under the jurisdiction of the department of social and health services; and

(c) Adopt, for youth in state long-term juvenile institutions and state-operated community facilities, rules to implement accountability measures for special education services delivered by institutional education providers, including the establishment of mediation and appeals options related to special education services that recognize the unique situation of youth and postresident youth.

(3) A summary of any adopted or pending rules developed in accordance with this section must be submitted to the appropriate committees of the legislature in accordance with RCW 43.01.036 by November 1, 2021, in time for any needed legislative action during the 2022 regular legislative session.

**NEW SECTION. Sec. 12.** A new section is added to chapter 28A.190 RCW to read as follows:

(1) The office of the superintendent of public instruction shall

annually collect and post on its website data related to institutional education programs, disaggregated by gender, race, ethnicity, and age, including data on:

(a) Individualized education programs;

(b) Access to relevant instruction that is aligned with the youth's high school and beyond plan and any unmet graduation requirements;

(c) Student attendance;

(d) Metrics of student education status upon the beginning of residency in an institutional education facility;

(e) Student education progress during residency in an institutional education facility;

(f) Student education attainment during residency in an institutional education facility; and

(g) Long-term education and workforce outcomes of youth in and released from institutional education facilities as provided annually by the education data center under RCW 43.41.400.

(2)(a) The office of the superintendent of public instruction shall also annually recommend modifications to the state board of education for changes to annual school improvement plan requirements in WAC 180-16-220 that would allow plans for state long-term juvenile institutions to be formatted for the specific needs and circumstances of institutional settings. In meeting the requirements of this subsection (2)(a), the office of the superintendent of public instruction shall seek input from institutional education providers and the department of children, youth, and families.

(b) In meeting the requirements of this section, the office of the superintendent of public instruction may make recommendations to the state board of education for changes to annual school improvement plan requirements based upon data collected under this section, other provisions of law, or both.

**NEW SECTION. Sec. 13.** A new section is added to chapter 28A.190 RCW to read as follows:

The office of the superintendent of public instruction must provide a copy of the disaggregated data provided under section 12(1) of this act to the board of directors of each school district that provides education services to youth and postresident youth for the purpose of giving the board the opportunity to:

(1) Review the performance of the institutional education provider; and

(2) Make changes to annual school improvement plans required by WAC 180-16-220, or other policies and procedures as necessary to improve youth and postresident youth outcomes.

**NEW SECTION. Sec. 14.** A new section is added to chapter 28A.190 RCW to read as follows:

(1)(a) The office of the superintendent of public instruction and the department of children, youth, and families shall jointly develop recommendations for the establishment, implementation, and funding of a reformed institutional education system that successfully meets the education and support needs of persons in and released from secure settings. Recommendations developed under this subsection (1) must be based on the foundational concept that every student can succeed if given the necessary supports. With the exception of funding recommendations required by (a)(ii) of this subsection (1), the recommendations developed under this subsection (1) should be directed toward meeting the education needs of persons who are in or have been released from state long-term juvenile institutions and community facilities operated by the department of children, youth, and families, county juvenile detention centers, and facilities of the department of corrections that incarcerate juveniles committed as adults. The recommendations must address:

(i) The establishment of an organizational and accountability structure for institutional education that is focused on meeting complex student needs and improving student outcomes;

(ii) The establishment of an equitable, long-term funding model for institutional education that sustainably supports the organizational and accountability structure established under (a)(i) of this subsection (1); and

(iii) The development of a regular and ongoing review of system performance and education outcomes.

(b) The recommendations developed under this subsection (1) must also include the following:

(i) The content and structure of common education, information, and support systems that would include a common, culturally competent curriculum, improve system efficacy, and minimize the negative academic impacts of transitions;

(ii) A coordinated staffing model for institutional education facility and institutional education provider operations and effectiveness in meeting student needs, and a mechanism for developing subsequent recommendations for improvements to the model;

(iii) Practices to ensure that there is a robust program of education advocates for youth in all institutional education facilities;

(iv) Practices for shared data tracking and goal setting for youth progress and learning needs;

(v) Promoting the effective delivery of tiered supports in institutional education facilities in coordination with state and county facility operators, institutional education providers, and community-based organizations delivering those services;

(vi) Promoting the development of an operational safety strategy for safe learning environments for students and staff;

(vii) Promoting operations that prioritize education delivery;

(viii) Maximizing youth and postresident youth access to: (A) Career and technical education and postsecondary education pathways that occur at institutional education facilities and at off-site locations; and (B) mastery-based learning that leads to credit accrual and graduation pathways;

(ix) Establishing new or modified requirements and procedures for the successful release of youth from institutional education facilities by recommending an effective team-based transition process with identified preresident and postresident transition services and supports that include, but are not limited to, basic needs, social-emotional support, and academic support;

(x) Establishing and supporting youth advisory, leadership, and mentoring programs to ensure pathways for youth and postresident youth involvement and development;

(xi) Identifying and establishing culturally responsive parent engagement strategies that support the education and well-being of youth and postresident youth and families;

(xii) Examining and expanding opportunities to include enrichment activities in institutional education programs and offer enrichment opportunities that promote academic and career goals; and

(xiii) Developing partnerships with postsecondary institutions, career and technical education programs, and community-based organizations, and identify ways to incorporate those partnerships into education services delivered by institutional education providers.

(c) In developing the recommendations required by this subsection (1), the office of the superintendent of public instruction and the department of children, youth, and families shall consult with the advisory group established in subsection (3) of this section.

(2) The superintendent of public instruction and the secretary of the department of children, youth, and families shall, by August 15, 2021, jointly designate an entity to facilitate the

process of developing recommendations required by subsection (1) of this section, and the advisory group established in subsection (3) of this section. The office of the superintendent of public instruction is responsible for contracts or other agreements necessary to secure the services of the designated entity. The designated entity must: (a) Be a nonprofit and nonpartisan organization with content expertise in improving education for incarcerated young people, including education program delivery, system structure, accountability, and school finance; and (b) have experience facilitating complex cross-agency facilitation.

(3)(a) The institutional education structure and accountability advisory group is established for the purpose of providing advice, assistance, and information to the office of the superintendent of public instruction and the department of children, youth, and families in meeting the requirements of subsection (1) of this section. The advisory group must consist of representatives from the following, but other members may be added by request of the superintendent of public instruction or the secretary of the department of children, youth, and families:

(i) The state board of education;

(ii) The department of social and health services;

(iii) A statewide organization representing counties;

(iv) The administrative office of the courts;

(v) The office of the education ombuds;

(vi) The educational opportunity gap oversight and accountability committee;

(vii) A statewide organization representing teachers;

(viii) A statewide organization representing classified education staff;

(ix) Nonprofit organizations representing the interest of youth and families involved in the juvenile justice system;

(x) Persons who are or have been involved in the juvenile justice system and their families; and

(xi) A statewide organization representing state employees.

(b) In recognition of the need to ensure representation on the advisory group, persons serving under (a)(x) of this subsection are eligible for travel expense reimbursement. Other members of the advisory group are not entitled to expense reimbursement.

(4) Staff support for the advisory group must be provided by the entity selected under subsection (2) of this section.

(5)(a) Recommendations required by this section must, in accordance with RCW 43.01.036, be provided to the governor and the education and fiscal committees of the house of representatives and the senate, by November 1, 2022. The recommendations should include a plan and a phased timeline for their implementation in different types of institutional education facilities, including state long-term juvenile institutions, state-operated community facilities, residential habilitation centers, and county juvenile detention centers.

(b) By December 15, 2021, the office of the superintendent of public instruction and the department of children, youth, and families shall, in accordance with RCW 43.01.036, provide an interim report on progress made in achieving the requirements of this section to the governor and the education and fiscal committees of the house of representatives and the senate.

(6) This section expires June 30, 2023.

**Sec. 15.** RCW 43.41.400 and 2017 3rd sp.s. c 6 s 223 are each amended to read as follows:

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative evaluation and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system, which includes the department of children, youth, and families, the superintendent of public instruction, the

EIGHTY THIRD DAY, APRIL 3, 2021

2021 REGULAR SESSION

professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the student achievement council, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

(a) In consultation with the legislative evaluation and accountability program committee and the agencies and organizations participating in the education data center, identify the critical research and policy questions that are intended to be addressed by the education data center and the data needed to address the questions;

(b) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;

(c) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed to ensure that legislative interests are served;

(d) Annually provide to the K-12 data governance group a list of data elements and data quality improvements that are necessary to answer the research and policy questions identified by the education data center and have been identified by the legislative committees in (c) of this subsection. Within three months of receiving the list, the K-12 data governance group shall develop and transmit to the education data center a feasibility analysis of obtaining or improving the data, including the steps required, estimated time frame, and the financial and other resources that would be required. Based on the analysis, the education data center shall submit, if necessary, a recommendation to the legislature regarding any statutory changes or resources that would be needed to collect or improve the data;

(e) Monitor and evaluate the education data collection systems of the organizations and agencies represented in the education data center ensuring that data systems are flexible, able to adapt to evolving needs for information, and to the extent feasible and necessary, include data that are needed to conduct the analyses and provide answers to the research and policy questions identified in (a) of this subsection;

(f) Track enrollment and outcomes through the public centralized higher education enrollment system;

(g) Assist other state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs;

(h) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system;

(i) Prepare ~~(a regular)~~ an annual report on the educational and workforce outcomes of youth in ~~((the juvenile justice system))~~ and released from institutional education facilities as defined in section 3 of this act, using data disaggregated by age, and by ethnic categories and racial subgroups in accordance with RCW 28A.300.042. The annual report required by this subsection (2)(i)

must be provided to the office of the superintendent of public instruction in a manner that is suitable for compliance with section 12 of this act; and

(j) Make recommendations to the legislature as necessary to help ensure the goals and objectives of this section and RCW 28A.655.210 and 28A.300.507 are met.

(3) The department of children, youth, and families, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, student achievement council, public four-year institutions of higher education, department of social and health services, and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. The education data center shall also develop data-sharing and research agreements with the administrative office of the courts to conduct research on educational and workforce outcomes using data maintained under RCW 13.50.010(12) related to juveniles. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

**Sec. 16.** RCW 13.04.145 and 2017 3rd sp.s. c 6 s 604 are each amended to read as follows:

A program of education shall be provided for by the several counties and school districts of the state for common school-age persons confined in each of the detention facilities staffed and maintained by the several counties of the state under this chapter and chapters 13.16 and 13.20 RCW. The division of duties, authority, and liabilities of the several counties and school districts of the state respecting the educational programs is the same in all respects as set forth in chapter 28A.190 RCW respecting programs of education for state residential school residents. ~~((For the purposes of this section, the terms "department of children, youth, and families," "residential school" or "schools," and "superintendent or chief administrator of a residential school" as used in chapter 28A.190 RCW shall be respectively construed to mean "the several counties of the state," "detention facilities," and "the administrator of juvenile court detention services."))~~ Nothing in this section shall prohibit a school district from utilizing the services of an educational service district subject to RCW 28A.310.180.

**NEW SECTION. Sec. 17.** The following acts or parts of acts are each repealed:

(1) RCW 28A.190.015 ("School district" defined—Application of RCW 13.04.145) and 2014 c 157 s 1; and

(2) RCW 28A.190.020 (Educational programs for residential school residents—"Residential school" defined) and 2017 3rd sp.s. c 6 s 721, 2014 c 157 s 3, 1990 c 33 s 171, & 1979 ex.s. c 217 s 1.

**NEW SECTION. Sec. 18.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 28A.150.200, 28A.175.105, 43.41.400, and 13.04.145; reenacting and amending RCW 28A.320.192; adding new sections to chapter 28A.190 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; repealing RCW 28A.190.015 and 28A.190.020; and providing expiration dates."

Senator Wellman spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Second Substitute House Bill No. 1295.

The motion by Senator Wellman carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Second Substitute House Bill No. 1295, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1295 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1295, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy, McCune and Van De Wege

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1295, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1159, by Representatives Berg, Bronoske, Griffey and Pollet

Concerning the number of fire protection district commissioners.

The measure was read the second time.

#### MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 1159 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1159.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1159 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy, McCune and Van De Wege

HOUSE BILL NO. 1159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1064, by House Committee on Consumer Protection & Business (originally sponsored by Eslick, Kloba, Leavitt, Wylie, Gregerson, Ryu, Young, Robertson, Kirby and Fey)

Requiring the disclosure of high-speed internet access availability in the seller's disclosure statement.

The measure was read the second time.

#### MOTION

On motion of Senator Mullet, the rules were suspended, Substitute House Bill No. 1064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1064.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1064 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy, McCune and Van De Wege

EIGHTY THIRD DAY, APRIL 3, 2021

2021 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 1064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1294.

SECOND READING

ROLL CALL

ENGROSSED HOUSE BILL NO. 1471, by Representatives Santos, Harris-Talley and Lekanoff

The Secretary called the roll on the final passage of Substitute House Bill No. 1294 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Concerning community preservation and development authorities.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

The measure was read the second time.

Excused: Senators Holy, McCune and Van De Wege

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed House Bill No. 1471 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SUBSTITUTE HOUSE BILL NO. 1294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1471.

SECOND READING

ROLL CALL

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326, by House Committee on Local Government (originally sponsored by Lekanoff, Goodman, Ramel, Orwall, Klippert, Bateman, Lovick and Pollet)

The Secretary called the roll on the final passage of Engrossed House Bill No. 1471 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Concerning coroners and medical examiners.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

The measure was read the second time.

Excused: Senators Holy, McCune and Van De Wege

MOTION

ENGROSSED HOUSE BILL NO. 1471, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Kuderer moved that the following committee striking amendment by the Committee on Housing & Local Government be adopted:

SECOND READING

Strike everything after the enacting clause and insert the following:

SUBSTITUTE HOUSE BILL NO. 1294, by House Committee on Civil Rights & Judiciary (originally sponsored by Goodman, Davis, Macri and Ormsby)

**"NEW SECTION. Sec. 1.** A new section is added to chapter 36.24 RCW to read as follows:

Addressing misdemeanor supervision services by limited jurisdiction courts.

Within 12 months of being elected or appointed to the office, a coroner or medical examiner must have a certificate of completion of medicolegal forensic investigation training that complies with the standards adopted for the medicolegal training academy adopted by the criminal justice training commission in conjunction with the Washington association of coroners and medical examiners and a practicing physician selected by the commission pursuant to section 3 of this act. This requirement does not apply to an elected prosecutor acting as the ex officio coroner in a county. All medicolegal investigative personnel employed by any coroner's or medical examiner's office must complete medicolegal forensic investigation training as required under section 3 of this act. A county in which the coroner or county medical examiner has not obtained such certification within 12 months of assuming office may have its reimbursement from the death investigations account reduced as provided under RCW 68.50.104.

The measure was read the second time.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.24 RCW to read as follows:

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 1294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Except those run by a county prosecutor, all county coroner's offices and medical examiner's offices must be accredited by

Senators Pedersen and Padden spoke in favor of passage of the bill.

either the international association of coroners and medical examiners or the national association of medical examiners no later than July 1, 2025, and maintain continued accreditation thereafter. A county that contracts for its coroner or medical examiner services with an accredited coroner or medical examiner's office in another county does not need to maintain accreditation.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.101 RCW to read as follows:

(1)(a) All elected coroners, appointed coroners, persons serving as coroners, medical examiners, and all other full-time medicolegal investigative personnel employed by a county coroner's or medical examiner's office must successfully complete medicolegal forensic investigation training through the medicolegal training academy program within 12 months of being elected, appointed, or employed unless otherwise exempted by the commission. This section does not apply to elected prosecutors who are coroners in their counties.

(b) All part-time medicolegal investigative personnel employed by a county coroner's or medical examiner's office must successfully complete medicolegal forensic investigation training through the medicolegal training academy program within 18 months of being employed unless otherwise exempted by the commission.

(2) The commission, in conjunction with the Washington association of coroners and medical examiners and a practicing physician selected by the commission, shall develop the medicolegal forensic investigation training curriculum and adopt the standards for the medicolegal training academy and any exemption from the requirement to complete the medicolegal forensic investigation training. The commission shall exempt from this requirement any coroner, medical examiner, or medicolegal investigative personnel who has obtained training comparable to the medicolegal forensic investigation training by virtue of educational or professional training or experience.

(3) The commission must certify successful completion of the medicolegal forensic investigation training or exemption from the medicolegal training requirement within 60 days from the receipt of proof of completion or request for exemption.

(4) The medicolegal forensic investigation training required under this section must:

(a) Meet the recommendations of the national commission on forensic science for certification and accreditation; and

(b) Satisfy the requirements for training on the subject of sudden, unexplained child death including, but not limited to, sudden infant death syndrome developed pursuant to RCW 43.103.100 and missing persons protocols pursuant to RCW 43.103.110.

(5) Certification under this section is a condition of continued employment in a coroner's or medical examiner's office.

(6) A county in which a coroner, person serving as coroner, medical examiner, or other medicolegal investigative employee, who has not otherwise been exempted by the commission, is not certified within 12 months of being elected, appointed, or employed as required by this section, may have its reimbursement from the death investigations account reduced as provided under RCW 68.50.104 until the office is in compliance with all requirements under this section.

**Sec. 4.** RCW 36.16.030 and 2015 c 53 s 61 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty

thousand the county legislative authority may determine that no coroner shall be elected and ~~((the prosecuting attorney shall be ex officio coroner. Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29A.60.280. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner))~~ instead appoint a coroner. In a county with a population of two hundred fifty thousand or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. Any county may enter into an interlocal agreement under chapter 39.34 RCW with an adjoining county for the provision of coroner or medical examiner services. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.

**Sec. 5.** RCW 36.16.030 and 2015 c 53 s 61 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner. Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29A.60.280. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner. In a county with a population of two hundred fifty thousand or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. Any county may enter into an interlocal agreement under chapter 39.34 RCW with an adjoining county for the provision of coroner or medical examiner services. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.

**Sec. 6.** RCW 36.17.020 and 2008 c 309 s 2 are each amended to read as follows:

The county legislative authority of each county or a county commissioner or councilmember salary commission which conforms with RCW 36.17.024 is authorized to establish the salaries of the elected officials of the county. The state and county shall contribute to the costs of the salary of the elected prosecuting

EIGHTY THIRD DAY, APRIL 3, 2021

2021 REGULAR SESSION

attorney as set forth in subsection (11) of this section. The annual salary of a county elected official shall not be less than the following:

(1) In each county with a population of one million or more: Auditor, clerk, treasurer, sheriff, members of the county legislative authority, and coroner, eighteen thousand dollars; and assessor, nineteen thousand dollars;

(2) In each county with a population of from two hundred ten thousand to less than one million: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; members of the county legislative authority, nineteen thousand five hundred dollars; and coroner, seventeen thousand six hundred dollars;

(3) In each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; members of the county legislative authority, seventeen thousand six hundred dollars; and coroner, sixteen thousand dollars;

(4) In each county with a population of from seventy thousand to less than one hundred twenty-five thousand: Auditor, fourteen thousand nine hundred dollars; clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; members of the county legislative authority, fourteen thousand nine hundred dollars; and coroner, fourteen thousand nine hundred dollars;

(5) In each county with a population of from forty thousand to less than seventy thousand: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; members of the county legislative authority, thirteen thousand eight hundred dollars; and coroner, thirteen thousand eight hundred dollars;

(6) In each county with a population of from eighteen thousand to less than forty thousand: Auditor, twelve thousand one hundred dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve thousand one hundred dollars; sheriff, twelve thousand one hundred dollars; assessor, twelve thousand one hundred dollars; ~~((and))~~ members of the county legislative authority, eleven thousand dollars; and coroner, \$11,000 or on a per case basis as determined by the county legislative authority;

(7) In each county with a population of from twelve thousand to less than eighteen thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; ~~((and))~~ members of the county legislative authority, nine thousand four hundred dollars; and coroner, \$9,400 or on a per case basis as determined by the county legislative authority;

(8) In each county with a population of from eight thousand to less than twelve thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; ~~((and))~~ members of the county legislative authority, seven thousand dollars; and coroner, \$7,000 or on a per case basis as determined by the county legislative authority;

(9) In each county with a population of from five thousand to less than eight thousand: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine

thousand one hundred dollars; assessor, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; ~~((and))~~ members of the county legislative authority, six thousand five hundred dollars; and coroner, \$6,500 or on a per case basis as determined by the county legislative authority;

(10) In each other county: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; assessor, nine thousand one hundred dollars; ~~((and))~~ members of the county legislative authority, six thousand five hundred dollars; and coroner, \$6,500 or on a per case basis as determined by the county legislative authority;

(11) The state of Washington shall contribute an amount equal to one-half the salary of a superior court judge towards the salary of the elected prosecuting attorney. Upon receipt of the state contribution, a county shall continue to contribute towards the salary of the elected prosecuting attorney in an amount that equals or exceeds that contributed by the county in 2008.

**Sec. 7.** RCW 68.50.010 and 1963 c 178 s 1 are each amended to read as follows:

The jurisdiction of bodies of all deceased persons who come to their death suddenly when in apparent good health without medical attendance within the thirty-six hours preceding death; or where the circumstances of death indicate death was caused by unnatural or unlawful means; or where death occurs under suspicious circumstances; or where a coroner's autopsy or postmortem or coroner's inquest is to be held; or where death results from unknown or obscure causes, or where death occurs within one year following an accident; or where the death is caused by any violence whatsoever, or where death results from a known or suspected abortion; whether self-induced or otherwise; where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation or smothering; or where death is due to premature birth or still birth; or where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard; or where death results from alleged rape, carnal knowledge or sodomy, where death occurs in a jail or prison; where a body is found dead or is not claimed by relatives or friends, is hereby vested in the county coroner or medical examiner, which bodies may be removed and placed in the morgue under such rules as are adopted by the coroner or medical examiner with the approval of the county commissioners, having jurisdiction, providing therein how the bodies shall be brought to and cared for at the morgue and held for the proper identification where necessary.

**Sec. 8.** RCW 68.50.104 and 2019 c 317 s 4 are each amended to read as follows:

(1) The cost of autopsy shall be borne by the county in which the autopsy is performed, except when requested by the department of labor and industries, in which case, the department shall bear the cost of such autopsy.

(2)(a) Except as provided in (b) of this subsection, when the county bears the cost of an autopsy, it shall be reimbursed from the death investigations account, established by RCW 43.79.445, as follows:

(i) Up to forty percent of the cost of contracting for the services of a pathologist to perform an autopsy;

(ii) Up to ~~((twenty-five))~~ 30 percent of the salary of pathologists who are primarily engaged in performing autopsies and are (A) county coroners or county medical examiners, or (B) employees of a county coroner or county medical examiner; and

(iii) One hundred percent of the cost of autopsies conducted under RCW 70.54.450.

(b) When the county bears the cost of an autopsy of a child under the age of three whose death was sudden and unexplained, the county shall be reimbursed for the expenses of the autopsy when the death scene investigation and the autopsy have been conducted under RCW 43.103.100 (4) and (5), and the autopsy has been done at a facility designed for the performance of autopsies.

(3) Payments from the account shall be made pursuant to biennial appropriation: PROVIDED, That no county may reduce funds appropriated for this purpose below 1983 budgeted levels.

(4) Where the county coroner's office or county medical examiner's office is not accredited pursuant to section 2 of this act, or a coroner, medical examiner, or other medicolegal investigative employee is not certified as required by sections 1 and 3 of this act, the state treasurer's office shall withhold 25 percent of autopsy reimbursement funds until accreditation under section 2 of this act or compliance with sections 1 and 3 of this act is achieved.

NEW SECTION. Sec. 9. Sections 4 and 6 of this act take effect January 1, 2025.

NEW SECTION. Sec. 10. Section 5 of this act expires January 1, 2025."

On page 1, line 1 of the title, after "examiners;" strike the remainder of the title and insert "amending RCW 36.16.030, 36.16.030, 36.17.020, 68.50.010, and 68.50.104; adding new sections to chapter 36.24 RCW; adding a new section to chapter 43.101 RCW; providing an effective date; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Housing & Local Government to Engrossed Substitute House Bill No. 1326.

The motion by Senator Kuderer carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute House Bill No. 1326, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1326 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1326, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy, McCune and Van De Wege

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1085, by House Committee on Education (originally sponsored by Kloba, Vick, Volz, Leavitt, Ramel, Hoff, Graham, Chopp, Lovick, Stokesbary and Pollet)

Promoting a safe learning environment for students with seizure disorders.

The measure was read the second time.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1085.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1085 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy, McCune and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1289, by Representatives Chambers, Kloba, Robertson, J. Johnson, Sutherland, Fitzgibbon, Chandler, Jacobsen, Ybarra, Rude, Boehnke, Barkis and Klicker

Concerning winery workforce development.

The measure was read the second time.

#### MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Labor, Commerce & Tribal Affairs be adopted:

Strike everything after the enacting clause and insert the following:

EIGHTY THIRD DAY, APRIL 3, 2021

2021 REGULAR SESSION

"Sec. 1. RCW 66.44.318 and 2019 c 112 s 2 are each amended to read as follows:

The President declared the question before the Senate to be the final passage of House Bill No. 1289 as amended by the Senate.

ROLL CALL

(1) Except as provided in this section, nothing is construed to permit a nonretail class liquor licensee's employee or intern between the ages of eighteen and twenty-one years to handle, transport, or otherwise possess liquor.

The Secretary called the roll on the final passage of House Bill No. 1289, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

(2) Licensees holding nonretail class liquor licenses are permitted to allow their employees between the ages of eighteen and twenty-one years to stock, merchandise, and handle liquor on or about the:

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

(a) Nonretail premises if there is an adult twenty-one years of age or older on duty supervising such activities on the premises; and

Voting nay: Senator Darneille

Excused: Senators Holy, McCune and Van De Wege

(b) Retail licensee's premises, except between 11:00 p.m. and 4:00 a.m., as long as there is an adult twenty-one years of age or older, employed by the retail licensee, and present at the retail licensee's premises during the activities described in this subsection (2).

HOUSE BILL NO. 1289, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

(3) Employees of a domestic winery who are at least age 18 but under 21 years of age may engage in wine production and work in a winery's production facility, so long as there is an adult age 21 years of age or older on duty supervising such activities on the premises. Nothing in this subsection authorizes a winery employee under age 21 to taste, consume, sell, or serve wine or liquor.

SUBSTITUTE HOUSE BILL NO. 1171, by House Committee on Civil Rights & Judiciary (originally sponsored by Walen, Springer, Dolan and Lovick)

(4) Any act or omission of the nonretail class liquor licensee's employee occurring at or about the retail licensee's premises, which violates any provision of this title, is the sole responsibility of the nonretail class liquor licensee.

Amending child support income withholding provisions to comply with federal child support program requirements.

~~((4))~~ (5) Nothing in this section absolves the retail licensee from responsibility for the acts or omissions of its own employees who violate any provision of this title.

The measure was read the second time.

MOTION

~~((5))~~ (6)(a) Licensees holding a domestic winery license are permitted to allow their interns who are between the ages of eighteen and twenty-one years old to engage in wine-production related work at the domestic winery's licensed location, so long as the intern is enrolled as a student:

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 1171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

(i) At a community or technical college, regional university, or state university with a special permit issued in accordance with RCW 66.20.010; and

(ii) In a required or elective class as part of a degree program identified in RCW 66.20.010(12)(b).

(b) Any act or omission of the domestic winery's intern occurring at or about the domestic winery's premises, which violates any provision of this title, is the sole responsibility of the domestic winery."

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1171.

ROLL CALL

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "and amending RCW 66.44.318."

The Secretary called the roll on the final passage of Substitute House Bill No. 1171 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce & Tribal Affairs to House Bill No. 1289.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy, McCune and Van De Wege

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1289, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

SUBSTITUTE HOUSE BILL NO. 1171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1373, by House Committee on Education (originally sponsored by Callan, Steele, Ortiz-Self, Dolan, J. Johnson, Slatter, Bergquist, Leavitt, Davis, Fey, Simmons, Berry, Thai, Wicks, Ryu, Kloba, Chambers, Berg, Wylie, Santos, Paul, Ormsby, Ramel, Macri, Pollet, Morgan and Harris-Talley)

Promoting student access to information about behavioral health resources.

The measure was read the second time.

## MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that student behavioral health issues have become a crisis in Washington state, necessitating the deployment of behavioral health resources in schools throughout the state. The legislature's concerns are based on the following facts:

(a) According to the healthy youth survey conducted by the office of the superintendent of public instruction in 2018, one in five students in eighth, 10th, and 12th grades considered attempting suicide in the past year while just half of those surveyed had an adult to turn to when feeling sad or hopeless;

(b) According to the national institute for mental health, more than one in 25 adolescents between 13 and 18 years of age are experiencing an eating disorder;

(c) According to the national institute of drug abuse, nearly half of 12th grade students have used illicit drugs, six in 10 have drunk alcohol, and four in 10 have used marijuana;

(d) The COVID-19 pandemic has increased the prevalence of and exacerbated existing behavioral health disorders for minors across the state; and

(e) A major barrier to behavioral health support for minors is lack of awareness and access to information about existing services.

(2) The legislature intends to require that contact information for a suicide prevention organization, depression or anxiety support organization, eating disorder support organization, substance abuse support organization, and a mental health referral service for children and teens be listed on the home page of each public school website for the following reasons:

(a) Immediate access to behavioral health services often prevents suicide, attempted suicide, and other self-harm; and

(b) Students in public schools often have access to and spend time on the website for their school.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

(1)(a) Within existing resources, every public school that maintains a website must publish onto the home page of that website the following information:

(i) The website address and phone number for one or more national suicide prevention organizations;

(ii) The website address and phone number for one or more local, state, or national organizations specializing in suicide prevention or crisis intervention;

(iii) The website address and phone number for one or more local, state, or national organizations specializing in depression, anxiety, or counseling for adolescents;

(iv) The website address and phone number for one or more local, state, or national organizations specializing in eating disorders for adolescents;

(v) The website address and phone number for one or more local, state, or national organizations specializing in substance abuse for adolescents; and

(vi) The website address and phone number for a mental health referral service for children and teens under chapter . . . (Second Substitute House Bill No. 1325), Laws of 2021.

(b) A public school may meet the requirements of this subsection by publishing a prominent link on its home page to a behavioral and emotional health website that contains the required information.

(2) Public schools, in complying with the requirements of this section, must post information on social media websites used by the school district for the purpose of notifying students, families, and the public of the behavioral health resources available on websites as required by this section. The postings required by this subsection (2) must occur multiple times each year and no less than quarterly."

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "adding a new section to chapter 28A.320 RCW; and creating a new section."

Senators Wellman and Hawkins spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Substitute House Bill No. 1373.

The motion by Senator Wellman carried and the committee striking amendment was adopted by voice vote.

## MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1373, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1373 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1373, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy, McCune and Van De Wege

EIGHTY THIRD DAY, APRIL 3, 2021

2021 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 1373, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1525, by Representatives Walen, Hansen, Simmons and Slatter

Concerning enforcement of judgments.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 1525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1525.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1525 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darnelle, Das, Dhinra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy, McCune and Van De Wege

HOUSE BILL NO. 1525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1425, by House Committee on College & Workforce Development (originally sponsored by Taylor, Leavitt, Valdez, Santos, J. Johnson, Ortiz-Self, Simmons, Rule, Ramel, Chopp, Pollet, Hackney and Morgan)

Expanding scholarships for community and technical college students.

The measure was read the second time.

MOTION

Senator Liias moved that the following striking floor amendment no. 547 by Senator Liias be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that higher education is pivotal in delivering training to Washington citizens

at all stages of their careers and ages. A skilled workforce increases productivity, boosts outputs, and propels growth in Washington's economy. The legislature further finds that a well-trained, highly skilled workforce provides Washington citizens with greater opportunities and skill sets to efficiently and confidently meet the changing demands of a transforming economy. Furthermore, a STEM-based education provides Washington's citizens with real-world applications to develop a variety of skill sets needed in today's global economy.

The legislature further finds that the Washington state opportunity scholarship is an innovative public private partnership that has been successful building a qualified workforce to fill Washington's high-demand STEM, health care, and trade industries. The Washington state opportunity scholarship has successfully created opportunities for communities historically left out of higher education and STEM, including women, students of color, and first-generation college students. In addition, the Washington state opportunity scholarship has been shown to change communities by breaking the cycle of intergenerational poverty.

The legislature also finds that higher education is a key driver of individual growth and prosperity, and is an effective way to bridge societal inequities that disproportionately afflict low-income communities and communities of color. The legislature further finds that these gaps will be further widened in the current global pandemic, which will exacerbate long-term impacts on these communities in intergenerational poverty, job attainment, job stability, and wage growth.

Therefore, it is the intent of the legislature to amend the existing Washington state opportunity scholarship program to eliminate false barriers for students eligible for the scholarship and provide additional educational opportunities for Washington's citizens. This legislative intent is particularly urgent during the global pandemic where additional skills and opportunities will be vital for Washington citizens as the state moves toward recovery from the current global pandemic.

**Sec. 2.** RCW 28B.145.010 and 2019 c 406 s 63 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Board" means the opportunity scholarship board.
- (2) "Council" means the student achievement council.
- (3) "Eligible advanced degree program" means a health professional degree program beyond the baccalaureate level and includes graduate and professional degree programs.
- (4) "Eligible county" has the same meaning as "rural county" as defined in RCW 82.14.370 and also includes any county that shares a common border with Canada and has a population of over one hundred twenty-five thousand.
- (5) "Eligible education programs" means high employer demand and other programs of study as determined by the board.
- (6) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses as determined by the program administrator in consultation with the council and the state board for community and technical colleges.
- (7) "Eligible school district" means a school district of the second class as identified in RCW 28A.300.065(2).

(8) "Eligible student" means a resident student who ~~((received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and who))~~:

(a)(i) ~~((Has))~~ Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and has been accepted at a four-year institution of

higher education into an eligible education program leading to a baccalaureate degree;

(ii) ~~((Will))~~ Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education;

(iii) ~~((Has))~~ Received his or her high school diploma or equivalent and has been accepted at an institution of higher education into a professional-technical certificate or degree program in an eligible education program; or

(iv) ~~((Has been accepted at an institution of higher education into a professional-technical certificate program in an eligible education program; or~~

~~((v))~~) Has been accepted at an institution of higher education into an eligible advanced degree program that leads to credentials in health professions;

(b) Declares an intention to obtain a professional-technical certificate, professional-technical degree, baccalaureate degree, or an advanced degree; and

(c) Has a family income at or below one hundred twenty-five percent of the state median family income at the time the student applies for an opportunity scholarship.

(9) "Gift aid" means financial aid received from the federal Pell grant, the Washington college grant program in chapter 28B.92 RCW, the college bound scholarship program in chapter 28B.118 RCW, the opportunity grant program in chapter 28B.50 RCW, or any other state grant, scholarship, or worker retraining program that provides funds for educational purposes with no obligation of repayment. "Gift aid" does not include student loans, work-study programs, the basic food employment and training program administered by the department of social and health services, or other employment assistance programs that provide job readiness opportunities and support beyond the costs of tuition, books, and fees.

(10) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

(11) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

(12) "Private sources," "private funds," "private contributions," or "private sector contributions" means donations from private organizations, corporations, federally recognized Indian tribes, municipalities, counties, and other sources, but excludes state dollars.

(13) "Professional-technical certificate" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education.

(14) "Professional-technical degree" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education.

(15) "Program administrator" means a private nonprofit corporation registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code.

(16) "Resident student" has the same meaning as provided in RCW 28B.15.012.

(17) "Rural jobs program" means the rural county high employer demand jobs program created in this chapter.

**Sec. 3.** RCW 28B.145.100 and 2018 c 254 s 4 are each amended to read as follows:

(1)(a) The rural county high employer demand jobs program is created to meet the workforce needs of business and industry in rural counties by assisting students in earning certificates,

associate degrees, or other industry-recognized credentials necessary for employment in high employer demand fields.

(b) Subject to the requirements of this section, the rural jobs program provides selected students scholarship funds and support services, as determined by the board, to help students meet their eligible expenses when they enroll in a community or technical college program that prepares them for high employer demand fields.

(c) The source of funds for the rural jobs program shall be a combination of private donations, grants, and contributions and state matching funds.

(2) The program administrator has the duties and responsibilities provided under this section, including but not limited to:

(a) ~~((Publicizing))~~ Publicize the rural jobs program and conducting outreach to eligible counties;

(b) In consultation with the state board for community and technical colleges, any interested community or technical college located in an eligible county, and the county's workforce development council, identify high employer demand fields within the eligible counties. When identifying high employer demand fields, the board must consider:

(i) County-specific employer demand reports issued by the employment security department or the list of statewide high-demand programs for secondary career and technical education established under RCW 28A.700.020; and

(ii) The ability and capacity of the community and technical college to meet the needs of qualifying students and industry in the eligible county;

(c) Develop and implement an application, selection, and notification process for awarding rural jobs program scholarship funds. In making determinations on scholarship recipients, the board shall use county-specific employer high-demand data;

(d) Determine the annual scholarship fund amounts to be awarded to selected students;

(e) Distribute funds to selected students;

(f) Notify institutions of higher education of the rural jobs program recipients who will attend their institutions of higher education and inform them of the scholarship fund amounts and terms of the awards; and

(g) Establish and manage an account as provided under RCW 28B.145.110 to receive donations, grants, contributions from private sources, and state matching funds, and from which to disburse scholarship funds to selected students.

(3) To be eligible for scholarship funds under the rural jobs program, a student must:

(a) Either:

(i) Be a resident of an eligible county and be enrolled in a community or technical college established under chapter 28B.50 RCW; or ((have))

(ii) Have attended and graduated from a school in an eligible school district and be enrolled in a community or technical college established under chapter 28B.50 RCW that is located in an eligible county;

(b) Be a resident student as defined in RCW 28B.15.012;

~~((c) ((Be enrolled in a community or technical college established under chapter 28B.50 RCW located in an eligible county;~~

~~((d))~~) Be in a certificate, degree, or other industry-recognized credential or training program that has been identified by the board as a program that prepares students for a high employer demand field;

~~((e))~~) (d) Have a family income that does not exceed seventy percent of the state median family income adjusted for family size; and

EIGHTY THIRD DAY, APRIL 3, 2021

2021 REGULAR SESSION

((#)) (c) Demonstrate financial need according to the free application for federal student aid or the Washington application for state financial aid.

(4) To remain eligible for scholarship funds under the rural jobs program, the student must maintain a cumulative grade point average of 2.0.

(5) A scholarship award under the rural jobs program may not result in a reduction of any gift aid. Nothing in this section creates any right or entitlement.

**Sec. 4.** RCW 28B.145.120 and 2018 c 254 s 6 are each amended to read as follows:

(1) The rural jobs program match transfer account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the rural jobs program created in RCW 28B.145.100. The purpose of the rural jobs program match transfer account is to provide state matching funds for the rural jobs program.

(2) Revenues to the rural jobs program match transfer account shall consist of appropriations by the legislature into the rural jobs program match transfer account.

(3) No expenditures from the rural jobs program match transfer account may be made except upon receipt of proof, by the executive director of the council from the program administrator, of private contributions to the rural jobs program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(4) Only the executive director of the council or the executive director's designee may authorize expenditures from the rural jobs program match transfer account. Such authorization must be made as soon as practicable following receipt of proof as required under this section.

(5)(a) The council shall enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

(b) Once moneys in the rural jobs program match transfer account are subject to an agreement under this subsection and are deposited in the student support pathways account, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the student support pathways account are not considered state money, common cash, or revenue to the state.

(6) The state match must not exceed one million dollars in a single fiscal biennium and must be based on donations and pledges received by the rural jobs program as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020. Nothing in this section expands or modifies the responsibilities of the caseload forecast council. The purpose of this subsection (6) is to ensure the predictable treatment of the program in the budget process by clarifying the calculation process of the state match required by this section and ensuring that the program is budgeted at maintenance level.

On page 1, line 2 of the title, after "students," strike the remainder of the title and insert "amending RCW 28B.145.010, 28B.145.100, and 28B.145.120; and creating a new section."

Senators Liias and Short spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 547 by Senator Liias to Substitute House Bill No. 1425.

The motion by Senator Liias carried and striking floor amendment no. 547 was adopted by voice vote.

MOTION

On motion of Senator Randall, the rules were suspended, Substitute House Bill No. 1425, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Randall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1425 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1425, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy, McCune and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1425, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1311, by Representatives Bronoske, Ryu, Simmons, Leavitt, Sells, Berry, Cody, Ortiz-Self, Chopp, Davis, Bateman, Lovick, Callan, Pollet, Macri and Peterson

Authorizing the issuance of substance use disorder professional certifications to persons participating in apprenticeship programs.

The measure was read the second time.

MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Behavioral Health Subcommittee to Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.205.095 and 2019 c 444 s 6 are each amended to read as follows:

(1) The secretary shall issue a trainee certificate to any applicant who demonstrates to the satisfaction of the secretary that he or she is working toward the education and experience requirements in RCW 18.205.090.

(2) A trainee certified under this section shall submit to the secretary for approval a declaration, in accordance with rules adopted by the department, which shall be updated with the trainee's annual renewal, that he or she is actively pursuing the experience requirements under RCW 18.205.090 and is enrolled in ((an)):

(a) An approved education program ((and actively pursuing the experience requirements in RCW 18.205.090. This declaration must be updated with the trainee's annual renewal)); or

(b) An apprenticeship program reviewed by the substance use disorder certification advisory committee, approved by the secretary, and registered and approved under chapter 49.04 RCW.

(3) A trainee certified under this section may practice only under the supervision of a certified substance use disorder professional. The first fifty hours of any face-to-face client contact must be under direct observation. All remaining experience must be under supervision in accordance with rules adopted by the department.

(4) A certified substance use disorder professional trainee provides substance use disorder assessments, counseling, and case management with a state regulated agency and can provide clinical services to patients consistent with his or her education, training, and experience as approved by his or her supervisor.

(5) A trainee certification may only be renewed four times.

(6) Applicants are subject to denial of a certificate or issuance of a conditional certificate for the reasons set forth in chapter 18.130 RCW.

(7) As of July 28, 2019, a person certified under this chapter holding the title of chemical dependency professional trainee is considered to hold the title of substance use disorder professional trainee until such time as the person's present certification expires or is renewed.

**Sec. 2.** RCW 18.205.090 and 2019 c 444 s 5 are each amended to read as follows:

(1) The secretary shall issue a certificate to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Completion of ~~((am))~~;

(i) An educational program approved by the secretary;

(ii) An apprenticeship program reviewed by the substance use disorder certification advisory committee, approved by the secretary, and registered and approved under chapter 49.04 RCW; or ~~((successful completion of alternate))~~

(iii) Alternate training that meets established criteria;

(b) Successful completion of an approved examination, based on core competencies of substance use disorder counseling; and

(c) Successful completion of an experience requirement that establishes fewer hours of experience for applicants with higher levels of relevant education. In meeting any experience requirement established under this subsection, the secretary may not require more than one thousand five hundred hours of experience in substance use disorder counseling for applicants who are licensed under chapter 18.83 RCW or under chapter 18.79 RCW as advanced registered nurse practitioners.

(2) The secretary shall establish by rule what constitutes adequate proof of meeting the criteria.

(3) Applicants are subject to the grounds for denial of a certificate or issuance of a conditional certificate under chapter 18.130 RCW.

(4) Certified substance use disorder professionals shall not be required to be registered under chapter 18.19 RCW or licensed under chapter 18.225 RCW.

(5) As of July 28, 2019, a person certified under this chapter holding the title of chemical dependency professional is considered to hold the title of substance use disorder professional until such time as the person's present certification expires or is renewed.

**NEW SECTION. Sec. 3.** A new section is added to chapter 49.04 RCW to read as follows:

Educational requirements for an apprenticeship for substance use disorder professionals must be defined by the secretary of health under RCW 18.205.100.

**NEW SECTION. Sec. 4.** A new section is added to chapter 18.205 RCW to read as follows:

All education requirements established as defined by the secretary under RCW 18.205.100 credited by an approved education program for participants in the apprenticeship program for substance use disorder professionals must meet or exceed competency requirements established by the secretary.

**NEW SECTION. Sec. 5.** The department of health may adopt any rules necessary to implement this act."

On page 1, line 3 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 18.205.095 and 18.205.090; adding a new section to chapter 49.04 RCW; adding a new section to chapter 18.205 RCW; and creating a new section."

Senators Dhingra and Wagoner spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Behavioral Health Subcommittee to Health & Long Term Care to Engrossed House Bill No. 1311.

The motion by Senator Dhingra carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed House Bill No. 1311, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1311 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1311, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy, McCune and Van De Wege

ENGROSSED HOUSE BILL NO. 1311, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1115, by Representatives Fey, Wylie, Bronoske and Ramos

Implementing cost recovery of state agency credit card and transaction fees and related costs for driver and vehicle fee transactions.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, House Bill No. 1115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1115.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1115 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy, McCune and Van De Wege

HOUSE BILL NO. 1115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1083, by House Committee on Appropriations (originally sponsored by Gregerson, Peterson, Wylie, Bateman, Tharinger, Ramel, Ortiz-Self, Valdez, Kloba, Morgan, Chopp, Ormsby, Santos, Macri, Orwall, Bergquist, Pollet and Harris-Talley)

Concerning relocation assistance for tenants of closed or converted manufactured/mobile home parks.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Second Substitute House Bill No. 1083 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1083.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1083 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen,

Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy, McCune and Van De Wege

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214, by House Committee on Education (originally sponsored by Senn, J. Johnson, Ramos, Dolan, Lovick, Santos, Ortiz-Self, Slatter, Berg, Hackney, Callan, Valdez, Macri and Frame)

Providing K-12 public school safety and security services by classified staff or contractors.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute House Bill No. 1214 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1214.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1214 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Warnick, Wellman and Wilson, C.

Voting nay: Senators Brown, Dozier, Ericksen, Fortunato, Honeyford, McCune, Padden, Rivers, Schoesler, Short, Wagoner, Wilson, J. and Wilson, L.

Excused: Senators Holy and Van De Wege

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1193, by House Committee on Environment & Energy (originally sponsored by Hoff)

Affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement.

The measure was read the second time.

## MOTION

Senator Carlyle moved that the following committee striking amendment by the Committee on Environment, Energy & Technology be not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.58.355 and 2020 c 20 s 1506 are each amended to read as follows:

Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review conducted by a local government to implement this chapter do not apply to:

(1) Any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70A.305 RCW, or to the department of ecology when it conducts a remedial action under chapter 70A.305 RCW. The department must ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70A.305 RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70A.305.090;

(2) Any person installing site improvements for stormwater treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system stormwater general permit. The department must ensure compliance with the substantive requirements of this chapter through the review of engineering reports, site plans, and other documents related to the installation of boatyard stormwater treatment facilities; ((e))

(3) The department of transportation projects and activities that meet the conditions of RCW 90.58.356; or

(4)(a) Actions taken on the Columbia river by the United States army corps of engineers, under the authority of United States Code Titles 33 and 42 and 33 C.F.R. Sec. 335, to maintain and improve federal navigation channels in accordance with federally mandated dredged material management and improvement project plans, provided the project: (a) Has undergone environmental review under both the national environmental policy act, 42 U.S.C. Sec. 4321-4370h and the state environmental policy act, chapter 43.21C RCW; and (b) has applied for federal clean water act section 401 water quality certifications issued by the department.

(b) Nothing in this subsection may be construed to require a permit, variance, letter of exemption, or other review under this chapter for actions taken by the United States army corps of engineers to maintain and improve federal navigation channels in locations other than on the Columbia river.

On page 1, line 2 of the title, after "improvement;" strike the remainder of the title and insert "and amending RCW 90.58.355."

Senator Carlyle spoke in favor of not adopting the committee striking amendment.

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Environment, Energy & Technology to Substitute House Bill No. 1193.

The motion by Senator Carlyle carried and the committee striking amendment was not adopted by voice vote.

## MOTION

Senator Stanford moved that the following striking floor amendment no. 535 by Senator Stanford be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.58.355 and 2020 c 20 s 1506 are each amended to read as follows:

Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review conducted by a local government to implement this chapter do not apply to:

(1) Any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70A.305 RCW, or to the department of ecology when it conducts a remedial action under chapter 70A.305 RCW. The department must ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70A.305 RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70A.305.090;

(2) Any person installing site improvements for stormwater treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system stormwater general permit. The department must ensure compliance with the substantive requirements of this chapter through the review of engineering reports, site plans, and other documents related to the installation of boatyard stormwater treatment facilities; ((e))

(3) The department of transportation projects and activities that meet the conditions of RCW 90.58.356; or

(4) Actions taken on the Columbia river by the United States army corps of engineers, under the authority of United States Code Titles 33 and 42 and 33 C.F.R. Sec. 335, to maintain and improve federal navigation channels in accordance with federally mandated dredged material management and improvement project plans, provided the project: (a) Has undergone environmental review under both the national environmental policy act, 42 U.S.C. Sec. 4321-4370h and the state environmental policy act, chapter 43.21C RCW; and (b) has applied for federal clean water act section 401 water quality certifications issued by the department.

On page 1, line 2 of the title, after "improvement;" strike the remainder of the title and insert "and amending RCW 90.58.355."

## MOTION

Senator Ericksen moved that the following floor amendment no. 536 by Senator Ericksen be adopted:

On page 1, at the beginning of line 5, insert "(1)"

On page 1, at the beginning of line 9, strike "(1)" and insert "(((4))) (a)"

On page 1, at the beginning of line 18, strike "(2)" and insert "(((2))) (b)"

On page 1, at the beginning of line 25, strike "(3)" and insert "(((3))) (c)"

On page 1, at the beginning of line 27, strike "(4)" and insert "(d)"

On page 1, line 27, after "taken" strike "on the Columbia river"

On page 1, line 32, after "project:" strike "(a)" and insert "(i)"

On page 2, line 2, after "and" strike "(b)" and insert "(ii)"

On page 2, after line 4, insert the following:

"(2) Actions referenced in subsection (1)(d) of this section are not exempt if the actions affect areas in which the Puyallup tribe of Indians exercises jurisdiction and control and consent from that tribe has not been given."

Senators Ericksen, Schoesler and Wagoner spoke in favor of adoption of the amendment to the striking amendment.

EIGHTY THIRD DAY, APRIL 3, 2021

2021 REGULAR SESSION

Senator Carlyle spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 536 by Senator Ericksen on page 1, line 5 to striking floor amendment no. 535.

The motion by Senator Ericksen did not carry and floor amendment no. 536 was not adopted by voice vote.

Senator Stanford spoke in favor of adoption of the striking amendment.

Senator Ericksen spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 535 by Senator Stanford to Substitute House Bill No. 1193.

The motion by Senator Stanford carried and striking floor amendment no. 535 was adopted by voice vote.

MOTION

On motion of Senator Carlyle, the rules were suspended, Substitute House Bill No. 1193, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle spoke in favor of passage of the bill.

Senators Schoesler and Ericksen spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1193 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1193, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1193, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5330, by Senators Van De Wege, Salomon, Warnick, Wilson, C.

Regarding commercial whale watching licenses.

The measure was read the second time.

MOTION

Senator Lovelett moved that the following striking floor amendment no. 410 by Senator Lovelett be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.65.615 and 2019 c 291 s 2 are each amended to read as follows:

(1) A commercial whale watching business license is required for commercial whale watching ~~((operators))~~ businesses. The annual fee for a commercial whale watching business license is two hundred dollars in addition to the annual application fee of seventy-five dollars.

(2) The annual fees for a commercial whale watching business license as described in subsection (1) of this section must include fees for each motorized or sailing vessel or vessels as follows:

(a) One to twenty-four passengers, three hundred twenty-five dollars;

(b) Twenty-five to fifty passengers, five hundred twenty-five dollars;

(c) Fifty-one to one hundred passengers, eight hundred twenty-five dollars;

(d) One hundred one to one hundred fifty passengers, one thousand eight hundred twenty-five dollars; and

(e) One hundred fifty-one passengers or greater, two thousand dollars.

~~(3) ((The annual fees for a commercial whale watching license as described in subsection (1) of this section must include fees for each kayak as follows:~~

~~(a) One to ten kayaks, one hundred twenty-five dollars;~~

~~(b) Eleven to twenty kayaks, two hundred twenty-five dollars;~~

~~(c) Twenty one to thirty kayaks, four hundred twenty-five dollars; and~~

~~(d) Thirty one or more kayaks, six hundred twenty-five dollars.~~

~~(4))~~ The holder of a commercial whale watching business license for motorized or sailing vessels required under subsection (2) of this section may substitute the vessel designated on the license, or designate a vessel if none has previously been designated, if the license holder:

(a) Surrenders the previously issued license to the department;

(b) Submits to the department an application that identifies the currently designated vessel, the vessel proposed to be designated, and any other information required by the department; and

(c) Pays to the department a fee of thirty-five dollars and an application fee of one hundred five dollars.

~~((5))~~ ~~(4)~~ Unless the business license holder owns all vessels identified on the application described in subsection ~~((4))~~ ~~(3)~~(b) of this section, the department may not change the vessel designation on the license more than once per calendar year.

~~((6))~~ ~~(5)~~ A commercial whale watching operator license is required for commercial whale watching operators. A person ~~((who is not the license holder))~~ may operate a motorized or sailing commercial whale watching vessel designated on ~~((the))~~ a commercial whale watching business license only if:

(a) The person holds ~~((an alternate))~~ a commercial whale watching operator license issued by the director; and

(b) The person is designated as an ~~((alternate))~~ operator on the underlying commercial whale watching business license.

~~((7))~~ ~~(6)~~ No individual may hold more than one ~~((alternate))~~ commercial whale watching operator license. An individual who holds an ~~((alternate))~~ operator license may be designated as an ~~((alternate))~~ operator on an unlimited number of commercial whale watching business licenses.

~~((8))~~ ~~(7)~~ The annual fee for ~~((an alternate))~~ a commercial whale watching operator license is ~~((two))~~ one hundred dollars in addition to an annual application fee of seventy-five dollars.

~~((9))~~ ~~(8)~~ A person may conduct commercial whale watching via guided kayak tours only if:

(a) The person holds a kayak guide license issued by the director; and

(b) The person is designated as a kayak guide on the underlying commercial whale watching business license.

(9) No individual may hold more than one kayak guide license. An individual who holds a kayak guide license may be designated on an unlimited number of commercial whale watching business licenses.

(10) The annual fee for a kayak guide license is \$25 in addition to an annual application fee of \$25.

(11) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Commercial whale watching" means the act of taking, or offering to take, passengers aboard a vessel or guided kayak tour in order to view marine mammals in their natural habitat for a fee.

(b) (~~"Commercial whale watching operators" includes commercial vessels and kayak rentals that are engaged in the business of whale watching.~~

(e)) "Commercial whale watching business" means a business that engages in the activity of commercial whale watching.

(c) "Commercial whale watching business license" means a department-issued license to operate a commercial whale watching business.

(d) "Commercial whale watching license" means a commercial whale watching business license, a commercial whale watching operator license, or a kayak guide license as defined in this section.

(e) "Commercial whale watching operator" means a person who operates a motorized or sailing vessel engaged in the business of whale watching.

(f) "Commercial whale watching operator license" means a department-issued license to operate a commercial motorized or sailing vessel on behalf of a commercial whale watching business.

(g) "Commercial whale watching vessel" means any vessel that is being used as a means of transportation for individuals to engage in commercial whale watching.

(h) "Kayak guide" means a person who conducts guided kayak tours on behalf of a commercial whale watching business.

(i) "Kayak guide license" means a department-issued license to conduct commercial guided kayak tours on behalf of a commercial whale watching business.

(12) The residency and business requirements of RCW 77.65.040 (2) and (3) do not apply to Canadian individuals or corporations applying for and holding Washington commercial whale watching licenses defined in this section.

(13) The license and application fees in this section are waived for calendar years 2021 and 2022.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 77.65.615; and declaring an emergency."

Senator Lovelett spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 410 by Senator Lovelett to Senate Bill No. 5330.

The motion by Senator Lovelett carried and striking floor amendment no. 410 was adopted by voice vote.

#### MOTION

On motion of Senator Lovelett, the rules were suspended, Engrossed Senate Bill No. 5330, as amended by the Senate, was

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5330 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5330, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford and Schoesler

Excused: Senators Holy and Van De Wege

ENGROSSED SENATE BILL NO. 5330, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1184, by House Committee on Local Government (originally sponsored by Duerr, Ramel, Dolan and Harris-Talley)

Concerning risk-based water quality standards for on-site nonpotable water systems.

The measure was read the second time.

#### MOTION

Senator Warnick moved that the following floor amendment no. 548 by Senator Warnick be adopted:

On page 2, line 15, after "Permitting;" strike "and"

On page 2, line 23, after "projects" insert "; and

(i) The need for a water right impairment review through the department of ecology"

Senators Warnick and Kuderer spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 548 by Senator Warnick on page 2, line 15 to Engrossed Substitute House Bill No. 1184.

The motion by Senator Warnick carried and floor amendment no. 548 was adopted by voice vote.

#### MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute House Bill No. 1184, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

EIGHTY THIRD DAY, APRIL 3, 2021

2021 REGULAR SESSION

Senators Lovelett, Fortunato and Kuderer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1184 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1184, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Honeyford  
Excused: Senators Holy and Van De Wege

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1184, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1145, by House Committee on Environment & Energy (originally sponsored by Rude)

Allowing the use of nonwood renewable fiber in recycled content paper carryout bags.

The measure was read the second time.

MOTION

On motion of Senator Carlyle, the rules were suspended, Substitute House Bill No. 1145 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlyle and Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1145.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1145 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1309, by House Committee on Finance (originally sponsored by Eslick, Ramel, Paul and Lekanoff)

Concerning the dates of certification of levies.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 1309 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1309.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1309 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1315, by Representatives Mosbrucker, Orwall, Ryu, Simmons, Leavitt, Sells, Wylie, Ortiz-Self, Davis, Valdez, J. Johnson, Ormsby, Rule, Lekanoff, Duerr and Goodman

Creating a task force to identify the role of the workplace in helping curb domestic violence.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1315.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1315 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Holy and Van De Wege

HOUSE BILL NO. 1315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Pursuant to Emergency Senate Rule J, Senator Billig moved that the Committee on Rules be relieved of the following package of bills that were sent to the body at the beginning of the day's session and placed on the 2<sup>nd</sup> Reading Calendar:

SUBSTITUTE HOUSE BILL NO. 1137,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1141,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1176,  
 SUBSTITUTE HOUSE BILL NO. 1207,  
 SUBSTITUTE HOUSE BILL NO. 1276,  
 ENGROSSED HOUSE BILL NO. 1342,  
 SUBSTITUTE HOUSE BILL NO. 1411,  
 SUBSTITUTE HOUSE BILL NO. 1445,  
 and SUBSTITUTE HOUSE BILL NO. 1502.

Senator Billig spoke in favor of adoption of the motion.  
 Senator Braun spoke on adoption of the motion.

The President declared the question before the Senate to be the motion by Senator Billig to relieve the Committee on Rules of the package pull and place that pull on the 2<sup>nd</sup> Reading Calendar and the motion was adopted by voice vote.

#### REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. To those celebrating Passover and Easter this weekend, wishing a very good holiday. To those who are celebrating the Gonzaga basketball team, wishing them good luck tonight. And I was pleased to discover that today is National Chocolate Mousse Day, so I know what I am going to be celebrating this afternoon Mr. President."

#### MOTION

Senator Liias moved that the Senate adjourn until 12:00 o'clock, noon, Monday, April, 5, 2021.

#### REMARKS BY SENATOR PADDEN

Senator Padden: "Thank you, Mr. President. Obviously very excited about the game. I always like to pay tribute to Coach Mark

Few, absolutely outstanding not only as a basketball coach but as a man of character and has made the Gonzaga University Basketball Team a very desirable place to be both for talent and for building character. So, we wish them well in their battle against the UCLA Bruins this evening. Thank you, Mr. President."

Senator Liias withdrew his motion to adjourn.

#### MOTION

On motion of Senator Billig the calendar was constituted by voice vote.

#### REMARKS BY SENATOR FORTUNATO

Senator Fortunato: "Thank you Mr. President. I would like to recognize that Gonzaga Law School has some of my money also. So, I have a vested interest in this also. Thank you, Mr. President."

#### MOTION

At 2:14 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Monday, April 5, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**EIGHTY FIFTH DAY**

**NOON SESSION**

Senate Chamber, Olympia  
Monday, April 5, 2021

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Trygve, Mr. Leif, Mr. Erik and Mr. Anders Pedersen led the Senate in the Pledge of Allegiance. They are the sons of Senator Pedersen.

Father Iweh offered the prayer. Father Iweh was a guest of Senator Fortunato.

**MOTIONS**

On motion of Senator Liias the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Liias, the Senate advanced to the fourth order of business.

**MESSAGES FROM THE HOUSE**

April 3, 2021

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE HOUSE BILL NO. 1007,
- SUBSTITUTE HOUSE BILL NO. 1037,
- HOUSE BILL NO. 1055,
- SUBSTITUTE HOUSE BILL NO. 1064,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1068,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1083,
- SUBSTITUTE HOUSE BILL NO. 1085,
- ENGROSSED HOUSE BILL NO. 1090,
- HOUSE BILL NO. 1104,
- HOUSE BILL NO. 1115,
- SUBSTITUTE HOUSE BILL NO. 1145,
- HOUSE BILL NO. 1159,
- SUBSTITUTE HOUSE BILL NO. 1171,
- ENGROSSED HOUSE BILL NO. 1199,
- SUBSTITUTE HOUSE BILL NO. 1206,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214,
- HOUSE BILL NO. 1237,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1274,
- SUBSTITUTE HOUSE BILL NO. 1294,
- SUBSTITUTE HOUSE BILL NO. 1309,
- HOUSE BILL NO. 1315,
- HOUSE BILL NO. 1378,
- HOUSE BILL NO. 1393,
- HOUSE BILL NO. 1437,
- ENGROSSED HOUSE BILL NO. 1471,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1480,
- HOUSE BILL NO. 1491,
- HOUSE BILL NO. 1525,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

April 3, 2021

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 5267.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

April 2, 2021

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1080,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

**MOTION**

On motion of Senator Liias, the Senate advanced to the eighth order of business.

**MOTION**

Senator Wilson, C. moved adoption of the following resolution:

**SENATE RESOLUTION**

8620

By Senators Wilson, C., Cleveland, Das, Hasegawa, Hunt, Kuderer, Liias, Lovelett, Nobles, Pedersen, Randall, Warnick, and Wellman

WHEREAS, April 7th is World Health Day; and

WHEREAS, Access to the outdoors can promote health for all people; and

WHEREAS, Over 23 percent of people in Washington state identify as having a disability; and

WHEREAS, To truly achieve our equity goals, our state must promote the health and overall well-being of people with disabilities, respect their dignity and needs, and include them in meaningful opportunities for recreation and growth; and

WHEREAS, Washington state's beautiful outdoor spaces include a world-class network of hiking trails, awe-inspiring landmarks like Mt. Rainier, the Olympic National Rainforest, the Ginko Petrified Forest, and more, which provide unique and endless opportunities for exploration, education, and play; and

WHEREAS, The Washington State Leadership Board, a statutory nonprofit organization, is directed by the State Legislature to promote opportunities for youth, including youth with disabilities, and does so through its two-year Boundless Washington program; and

WHEREAS, Boundless Washington is a statewide program that seeks to turn Washington state's equity goals into a reality by creating opportunities for young people with disabilities to explore the outdoors and build their leadership skills; and

WHEREAS, The Boundless Washington program has attracted support from prominent local sports teams, including the Seattle

Storm and the Seattle Mariners, due to its emphasis on equity for young people with disabilities; and

WHEREAS, The Boundless Washington program operates in partnership with our state's premier outdoor disability service provider, Outdoors for All; and the nationally-acclaimed No Barriers organization; and

WHEREAS, The Boundless Washington program was inspired by Erik Weißenmayer, the first blind person to summit Mt. Everest, and aims to instill the same sense of audacity and potential in each of the Boundless Washington fellows; and

WHEREAS, The Boundless Washington program was created through a partnership between the Washington State Leadership Board and the Lieutenant Governor's office; and

WHEREAS, The Boundless Washington program recently accepted its second cohort of young leaders with disabilities; and

WHEREAS, The inaugural Boundless Washington cohort has demonstrated great resilience and creativity for the past year, remaining active and engaged while practicing social distancing; and

WHEREAS, The Boundless Washington fellows exhibit the care for community, independent-mindedness, and self-confidence that characterize good leadership and inspire those around them;

NOW, THEREFORE, BE IT RESOLVED, That the Senate reaffirm the importance of the Boundless Washington program in promoting strong, equitable leadership in Washington state, and commend the Boundless Washington fellows: Noah Sutherland, Ayden Harris, Charles Johnson, Grace Perleberg, Ritika Khanal, Jaida Barrows, Derrek Butterfield, Josiah Morrow, Kelhana Miller, Finn Paynich, Annie Guo, and Wesley McNutt; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Leadership Board staff to share with the Boundless Washington fellows and their families.

Senator Wilson, C. spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8620.

The motion by Senator Wilson, C. carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Heck: "The President would like to extend a personal apology to the Minority Floor Leader, Senator Short. The President would like to extend a personal apology to Senator Short for his egregious oversight on Saturday of the acknowledgement and celebration of your birthday. I am very pleased, however, to report to you that we were able to give you a pretty incredible birthday present later that evening."

MOTION

At 12:11 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

---

AFTERNOON SESSION

---

The Senate was called to order at 2:24 p.m. by President Heck.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SUBSTITUTE HOUSE BILL NO. 1007,
- SUBSTITUTE HOUSE BILL NO. 1037,
- HOUSE BILL NO. 1055,
- SUBSTITUTE HOUSE BILL NO. 1064,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1068,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1083,
- SUBSTITUTE HOUSE BILL NO. 1085,
- ENGROSSED HOUSE BILL NO. 1090,
- HOUSE BILL NO. 1115,
- SUBSTITUTE HOUSE BILL NO. 1145,
- HOUSE BILL NO. 1159,
- SUBSTITUTE HOUSE BILL NO. 1171,
- ENGROSSED HOUSE BILL NO. 1199,
- SUBSTITUTE HOUSE BILL NO. 1206,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214,
- HOUSE BILL NO. 1237,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1274,
- SUBSTITUTE HOUSE BILL NO. 1294,
- SUBSTITUTE HOUSE BILL NO. 1309,
- HOUSE BILL NO. 1315,
- HOUSE BILL NO. 1378,
- HOUSE BILL NO. 1393,
- HOUSE BILL NO. 1437,
- ENGROSSED HOUSE BILL NO. 1471,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1480,
- HOUSE BILL NO. 1491,
- and HOUSE BILL NO. 1525.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1469, by Representatives Wicks, Vick, Robertson, Sutherland and Chambers

Concerning enhanced raffle procedures.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1469 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1469.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1469 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short,

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

The measure was read the second time.

Absent: Senator Van De Wege

MOTION

HOUSE BILL NO. 1469, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

MOTION

Strike everything after the enacting clause and insert the following:

On motion of Senator Randall, Senator Van De Wege was excused.

"Sec. 1. RCW 64.90.485 and 2019 c 238 s 211 are each amended to read as follows:

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1209, by House Committee on Civil Rights & Judiciary (originally sponsored by Bronoske, Cody, Sells, Walen, Lekanoff, Peterson, Fey, Fitzgibbon, Ryu, Taylor, Shewmake, Santos, Thai, Ortiz-Self, Dolan, Gregerson, Hackney, Callan, Valdez, Riccelli, Macri and Goodman)

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

Concerning immunity protection for nonmedical assistance.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 1209 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

Senators Pedersen and Padden spoke in favor of passage of the bill.

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1209.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1209 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

Excused: Senator Van De Wege

SUBSTITUTE HOUSE BILL NO. 1209, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

SECOND READING

ENGROSSED HOUSE BILL NO. 1482, by Representatives Walsh, Orwall, Lekanoff, Leavitt, Sutherland, Jacobsen, Dufault and Pollet

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed two thousand dollars or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

Addressing foreclosure protections for homeowners in common interest communities.

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than sixty days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

- (A) Name of the borrower;
- (B) Recording date of the trust deed or mortgage;
- (C) Recording information;
- (D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;
- (E) Amount of unpaid assessment; and
- (F) A statement that failure to, within sixty days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within fifteen days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably

relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to ((at least three months of common expense assessments)) the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS**

**FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

**BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.**

**REFER TO THE CONTACTS BELOW for sources of assistance.**

**SEEKING ASSISTANCE**

**Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:**

**The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission**

**Telephone: . . . . . Website: . . . . .**

**The United States Department of Housing and Urban Development**

**Telephone: . . . . . Website: . . . . .**

**The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys**

Telephone: . . . . . Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice:

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

~~((b))~~ (d) The board approves commencement of a foreclosure action specifically against that unit.

(22) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**Sec. 2.** RCW 64.90.485 and 2021 c ... s 1 (section 1 of this act) are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed two thousand dollars or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than sixty days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within sixty days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in

the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within fifteen days after receipt of the request and is binding on the association, the board,

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment

for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW** to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.**

**BE CAREFUL** of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

**REFER TO THE CONTACTS BELOW** for sources of assistance.

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least ~~((180))~~ 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

(22) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**Sec. 3.** RCW 64.32.200 and 2012 c 117 s 201 are each amended to read as follows:

(1) The declaration may provide for the collection of all sums assessed by the association of apartment owners for the share of the common expenses chargeable to any apartment and the collection may be enforced in any manner provided in the declaration including, but not limited to, (a) ten days notice shall be given the delinquent apartment owner to the effect that unless such assessment is paid within ten days any or all utility services will be forthwith severed and shall remain severed until such assessment is paid, or (b) collection of such assessment may be made by such lawful method of enforcement, judicial or extra-judicial, as may be provided in the declaration and/or bylaws.

(2) All sums assessed by the association of apartment owners but unpaid for the share of the common expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only (a) tax liens on the apartment in favor of any assessing unit and/or special district, and (b) all sums unpaid on all mortgages of record. Such lien is not subject to the ban against execution or forced sales of homesteads under RCW 6.13.080 and, subject to the provisions in subsection (4) of this section, may be foreclosed by suit by the manager or board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the apartment, if so provided in the bylaws, and the plaintiff in such foreclosures shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid on the apartment at foreclosure sale, and to acquire and hold, lease, mortgage, and convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment, the period of redemption shall be eight months after the sale. Suit to recover any judgment for any unpaid common expenses shall be maintainable without foreclosing or waiving the liens securing the same.

(3) Where the mortgagee of a mortgage of record or other purchaser of an apartment obtains possession of the apartment as a result of foreclosure of the mortgage, such possessor, his or her successors and assigns shall not be liable for the share of the common expenses or assessments by the association of apartment owners chargeable to such apartment which became due prior to such possession. Such unpaid share of common expenses of assessments shall be deemed to be common expenses collectible from all of the apartment owners including such possessor, his or her successors and assigns.

(4) An association, or the manager or board of directors on its behalf, may not commence an action to foreclose a lien on an apartment under this section unless:

(a) The apartment owner, at the time the action is commenced, owes at least a sum equal to the greater of:

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the apartment address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS**

**FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that apartment.

(5) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**Sec. 4.** RCW 64.32.200 and 2021 c ... s 3 (section 3 of this act) are each amended to read as follows:

(1) The declaration may provide for the collection of all sums assessed by the association of apartment owners for the share of the common expenses chargeable to any apartment and the collection may be enforced in any manner provided in the declaration including, but not limited to, (a) ten days notice shall be given the delinquent apartment owner to the effect that unless such assessment is paid within ten days any or all utility services will be forthwith severed and shall remain severed until such assessment is paid, or (b) collection of such assessment may be made by such lawful method of enforcement, judicial or extra-judicial, as may be provided in the declaration and/or bylaws.

(2) All sums assessed by the association of apartment owners but unpaid for the share of the common expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only (a) tax liens on the apartment in favor of any assessing unit and/or special district, and (b) all sums unpaid on all mortgages of record. Such lien is not subject to the ban against execution or forced sales of homesteads under RCW 6.13.080 and, subject to the provisions in subsection (4) of this section, may be foreclosed by suit by the manager or board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the apartment, if so provided in the bylaws, and the plaintiff in such foreclosures shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid on the apartment at foreclosure sale, and to acquire and hold, lease, mortgage, and convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment, the period of redemption shall be eight months after the sale. Suit to recover any judgment for any unpaid common expenses shall be maintainable without foreclosing or waiving the liens securing the same.

(3) Where the mortgagee of a mortgage of record or other purchaser of an apartment obtains possession of the apartment as a result of foreclosure of the mortgage, such possessor, his or her successors and assigns shall not be liable for the share of the common expenses or assessments by the association of apartment owners chargeable to such apartment which became due prior to such possession. Such unpaid share of common expenses of assessments shall be deemed to be common expenses collectible from all of the apartment owners including such possessor, his or her successors and assigns.

(4) An association, or the manager or board of directors on its behalf, may not commence an action to foreclose a lien on an apartment under this section unless:

(a) The apartment owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the apartment address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS**

**FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

### SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least ~~((180))~~ 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that apartment.

(5) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**Sec. 5.** RCW 64.34.364 and 2013 c 23 s 175 are each amended to read as follows:

(1) The association has a lien on a unit for any unpaid assessments levied against a unit from the time the assessment is due.

(2) A lien under this section shall be prior to all other liens and encumbrances on a unit except: (a) Liens and encumbrances recorded before the recording of the declaration; (b) a mortgage on the unit recorded before the date on which the assessment sought to be enforced became delinquent; and (c) liens for real property taxes and other governmental assessments or charges against the unit. A lien under this section is not subject to the provisions of chapter 6.13 RCW.

(3) Except as provided in subsections (4) and (5) of this section, the lien shall also be prior to the mortgages described in subsection (2)(b) of this section to the extent of assessments for common expenses, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.34.360(1) which would have become due during the six months immediately preceding the date of a sheriff's sale in an action for judicial foreclosure by either the association or a mortgagee, the date of a trustee's sale in a nonjudicial foreclosure by a mortgagee, or the date of recording of the declaration of forfeiture in a proceeding by the vendor under a real estate contract.

(4) The priority of the association's lien against units encumbered by a mortgage held by an eligible mortgagee or by a mortgagee which has given the association a written request for a notice of delinquent assessments shall be reduced by up to three months if and to the extent that the lien priority under subsection (3) of this section includes delinquencies which relate to a period after such holder becomes an eligible mortgagee or has given such notice and before the association gives the holder a written notice of the delinquency. This subsection does not affect the priority of mechanics' or material suppliers' liens, or the priority of liens for other assessments made by the association.

(5) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided by subsection (9) of this section, the association shall not be entitled

to the lien priority provided for under subsection (3) of this section.

(6) Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority.

(7) Recording of the declaration constitutes record notice and perfection of the lien for assessments. While no further recording of any claim of lien for assessment under this section shall be required to perfect the association's lien, the association may record a notice of claim of lien for assessments under this section in the real property records of any county in which the condominium is located. Such recording shall not constitute the written notice of delinquency to a mortgagee referred to in subsection (2) of this section.

(8) A lien for unpaid assessments and the personal liability for payment of assessments is extinguished unless proceedings to enforce the lien or collect the debt are instituted within three years after the amount of the assessments sought to be recovered becomes due.

(9) The lien arising under this section may be enforced judicially by the association or its authorized representative in the manner set forth in chapter 61.12 RCW. The lien arising under this section may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration (a) contains a grant of the condominium in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, (b) contains a power of sale, (c) provides in its terms that the units are not used principally for agricultural or farming purposes, and (d) provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative shall have the power, unless prohibited by the declaration, to purchase the unit at the foreclosure sale and to acquire, hold, lease, mortgage, or convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption shall be eight months. Nothing in this section shall prohibit an association from taking a deed in lieu of foreclosure.

(10) From the time of commencement of an action by the association to foreclose a lien for nonpayment of delinquent assessments against a unit that is not occupied by the owner thereof, the association shall be entitled to the appointment of a receiver to collect from the lessee thereof the rent for the unit as and when due. If the rental is not paid, the receiver may obtain possession of the unit, refurbish it for rental up to a reasonable standard for rental units in this type of condominium, rent the unit or permit its rental to others, and apply the rents first to the cost of the receivership and attorneys' fees thereof, then to the cost of refurbishing the unit, then to applicable charges, then to costs, fees, and charges of the foreclosure action, and then to the payment of the delinquent assessments. Only a receiver may take possession and collect rents under this subsection, and a receiver shall not be appointed less than ninety days after the delinquency. The exercise by the association of the foregoing rights shall not affect the priority of preexisting liens on the unit.

(11) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure shall not be liable for assessments or installments thereof that became due prior to such right of possession. Such unpaid assessments shall be deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

(12) In addition to constituting a lien on the unit, each assessment shall be the joint and several obligation of the owner or owners of the unit to which the same are assessed as of the time the assessment is due. In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. Suit to recover a personal judgment for any delinquent assessment shall be maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(13) The association may from time to time establish reasonable late charges and a rate of interest to be charged on all subsequent delinquent assessments or installments thereof. In the absence of another established nonusurious rate, delinquent assessments shall bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52.020 on the date on which the assessments became delinquent.

(14) The association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the association shall be entitled to recover costs and reasonable attorneys' fees if it prevails on appeal and in the enforcement of a judgment.

(15) The association upon written request shall furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments against that unit. The statement shall be furnished within fifteen days after receipt of the request and is binding on the association, the board of directors, and every unit owner, unless and to the extent known by the recipient to be false.

(16) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(17) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS**

**FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

**BE CAREFUL** of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

**REFER TO THE CONTACTS BELOW** for sources of assistance.

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

(18) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**Sec. 6.** RCW 64.34.364 and 2021 c ... s 5 (section 5 of this act) are each amended to read as follows:

(1) The association has a lien on a unit for any unpaid assessments levied against a unit from the time the assessment is due.

(2) A lien under this section shall be prior to all other liens and encumbrances on a unit except: (a) Liens and encumbrances recorded before the recording of the declaration; (b) a mortgage on the unit recorded before the date on which the assessment sought to be enforced became delinquent; and (c) liens for real property taxes and other governmental assessments or charges against the unit. A lien under this section is not subject to the provisions of chapter 6.13 RCW.

(3) Except as provided in subsections (4) and (5) of this section, the lien shall also be prior to the mortgages described in subsection (2)(b) of this section to the extent of assessments for common expenses, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.34.360(1) which would have become due during the six months immediately preceding the date of a sheriff's sale in an action for judicial foreclosure by either the association or a mortgagee, the date of a trustee's sale in a nonjudicial foreclosure by a mortgagee, or the date of recording of the declaration of forfeiture in a proceeding by the vendor under a real estate contract.

(4) The priority of the association's lien against units encumbered by a mortgage held by an eligible mortgagee or by a mortgagee which has given the association a written request for a notice of delinquent assessments shall be reduced by up to three months if and to the extent that the lien priority under subsection (3) of this section includes delinquencies which relate to a period after such holder becomes an eligible mortgagee or has given such notice and before the association gives the holder a written notice of the delinquency. This subsection does not affect the priority of mechanics' or material suppliers' liens, or the priority of liens for other assessments made by the association.

(5) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided by

subsection (9) of this section, the association shall not be entitled to the lien priority provided for under subsection (3) of this section.

(6) Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority.

(7) Recording of the declaration constitutes record notice and perfection of the lien for assessments. While no further recording of any claim of lien for assessment under this section shall be required to perfect the association's lien, the association may record a notice of claim of lien for assessments under this section in the real property records of any county in which the condominium is located. Such recording shall not constitute the written notice of delinquency to a mortgagee referred to in subsection (2) of this section.

(8) A lien for unpaid assessments and the personal liability for payment of assessments is extinguished unless proceedings to enforce the lien or collect the debt are instituted within three years after the amount of the assessments sought to be recovered becomes due.

(9) The lien arising under this section may be enforced judicially by the association or its authorized representative in the manner set forth in chapter 61.12 RCW. The lien arising under this section may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration (a) contains a grant of the condominium in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, (b) contains a power of sale, (c) provides in its terms that the units are not used principally for agricultural or farming purposes, and (d) provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative shall have the power, unless prohibited by the declaration, to purchase the unit at the foreclosure sale and to acquire, hold, lease, mortgage, or convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption shall be eight months. Nothing in this section shall prohibit an association from taking a deed in lieu of foreclosure.

(10) From the time of commencement of an action by the association to foreclose a lien for nonpayment of delinquent assessments against a unit that is not occupied by the owner thereof, the association shall be entitled to the appointment of a receiver to collect from the lessee thereof the rent for the unit as and when due. If the rental is not paid, the receiver may obtain possession of the unit, refurbish it for rental up to a reasonable standard for rental units in this type of condominium, rent the unit or permit its rental to others, and apply the rents first to the cost of the receivership and attorneys' fees thereof, then to the cost of refurbishing the unit, then to applicable charges, then to costs, fees, and charges of the foreclosure action, and then to the payment of the delinquent assessments. Only a receiver may take possession and collect rents under this subsection, and a receiver shall not be appointed less than ninety days after the delinquency. The exercise by the association of the foregoing rights shall not affect the priority of preexisting liens on the unit.

(11) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure shall not be liable for assessments or installments thereof that became due prior to such right of possession. Such unpaid assessments shall be deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior owner of

personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(12) In addition to constituting a lien on the unit, each assessment shall be the joint and several obligation of the owner or owners of the unit to which the same are assessed as of the time the assessment is due. In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. Suit to recover a personal judgment for any delinquent assessment shall be maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(13) The association may from time to time establish reasonable late charges and a rate of interest to be charged on all subsequent delinquent assessments or installments thereof. In the absence of another established nonusurious rate, delinquent assessments shall bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52.020 on the date on which the assessments became delinquent.

(14) The association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the association shall be entitled to recover costs and reasonable attorneys' fees if it prevails on appeal and in the enforcement of a judgment.

(15) The association upon written request shall furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments against that unit. The statement shall be furnished within fifteen days after receipt of the request and is binding on the association, the board of directors, and every unit owner, unless and to the extent known by the recipient to be false.

(16) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(17) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS**

**FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW** to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.**

**BE CAREFUL** of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

**REFER TO THE CONTACTS BELOW** for sources of assistance.

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least ~~((180))~~ 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

(18) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

NEW SECTION. **Sec. 7.** A new section is added to chapter 64.38 RCW to read as follows:

(1) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association may not commence an action to foreclose the lien unless:

(a) The lot owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the lot address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS**

**FROM THE HOMEOWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW** to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.**

**BE CAREFUL** of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

**REFER TO THE CONTACTS BELOW** for sources of assistance.

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that lot.

(2) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**Sec. 8.** RCW 64.38.--- and 2021 c ... s 7 (section 7 of this act) are each amended to read as follows:

(1) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association may not commence an action to foreclose the lien unless:

(a) The lot owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, the association has mailed, by first-class mail, to the owner, at the lot address and to any other address which the owner has provided to the association, a notice of delinquency, which shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS**

**FROM THE HOMEOWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW** to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.**

**BE CAREFUL** of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

**REFER TO THE CONTACTS BELOW** for sources of assistance.

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice;

(c) At least ~~((180))~~ 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that lot.

(2) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**NEW SECTION. Sec. 9.** Sections 1, 3, 5, and 7 of this act expire January 1, 2024.

**NEW SECTION. Sec. 10.** Sections 2, 4, 6, and 8 of this act take effect January 1, 2024.

**NEW SECTION. Sec. 11.** Sections 1, 3, 5, and 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 2 of the title, after "communities;" strike the remainder of the title and insert "amending RCW 64.90.485, 64.90.485, 64.32.200, 64.32.200, 64.34.364, 64.34.364, and 64.38.---; adding a new section to chapter 64.38 RCW; providing an effective date; providing an expiration date; and declaring an emergency."

Senator Pedersen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Engrossed House Bill No. 1482.

The motion by Senator Pedersen carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed House Bill No. 1482, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1482 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1482, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford,

Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Van De Wege

ENGROSSED HOUSE BILL NO. 1482, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1155, by House Committee on Finance (originally sponsored by Riccelli, Ormsby and Lekanoff)

Concerning sales and use tax for emergency communication systems and facilities.

The measure was read the second time.

#### MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Housing & Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.420 and 2019 c 281 s 1 are each amended to read as follows:

(1) A county legislative authority may submit an authorizing proposition to the county voters, and if the proposition is approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter for the purposes designated in subsection (3) of this section.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax may not exceed two-tenths of one percent of the selling price in the case of sales tax, or value of the article used, in the case of a use tax.

(3) Moneys received from any tax imposed under this section must be used solely for the purpose of providing funds for costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, and improvement of emergency communication systems and facilities.

(4) Counties are authorized to develop joint ventures to collocate emergency communication systems and facilities.

(5) Prior to submitting the tax authorization in subsection (2) of this section to the voters in a county that provides emergency communication services to a governmental agency pursuant to a contract, the parties to the contract must review and negotiate or affirm the terms of the contract.

(6) ((Prior to submitting the tax authorized in subsection (2) of this section to the voters, a) (a) A county imposing the tax authorized in subsection (2) of this section, with a population of more than one million five hundred thousand, in which any city over fifty thousand operates emergency communication systems and facilities either independently or as a member of a regional emergency communication agency must enter into an interlocal agreement with the city either independently or as a member of a

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

regional emergency communications agency to determine distribution of the revenue provided in this section as follows:

(i) Within 12 months of meeting the population thresholds in this subsection (6) or within 12 months of the effective date of this section, whichever is later; or

(ii) Prior to submitting the tax to the voters, for counties not currently imposing the tax.

(b) The time frame provided in (a)(i) of this subsection may be extended for an additional three months with the agreement of the county and the city.

(7) ((Prior to submitting the tax authorized in subsection (2) of this section to the voters, a) (a) A county imposing the tax authorized in subsection (2) of this section, with a population of more than five hundred thousand but less than one million five hundred thousand, in which any city over fifty thousand operates emergency communication systems and facilities must enter into an interlocal agreement with the city to determine distribution of the revenue provided in this section as follows:

(i) Within 12 months of meeting the population thresholds in this subsection (7) or within 12 months of the effective date of this section, whichever is later; or

(ii) Prior to submitting the tax to the voters, for counties not currently imposing the tax.

(b) The time frame established in (a)(i) of this subsection may be extended for an additional three months with the agreement of the county and the city.

(8) If a county and a city that are required to enter into an interlocal agreement under subsection (6) or (7) of this section fail to enter into an interlocal agreement within the allotted time frame or the extended time frame as provided in subsection (6)(a)(i) or (b) or (7)(a)(i) or (b) of this section, then the city or county may seek equitable apportionment of the tax authorized under this section in the county's superior court. Equitable apportionment must be provided retroactively beginning from when the county and city met the population thresholds under subsection (6) or (7) of this section or the effective date of this section, whichever is later.

(9) A county imposing the tax authorized under this section on July 28, 2019, must submit an authorizing proposition to the voters as provided under this section to increase the rate of tax.

((9)) (10) The Washington state patrol must enter into an intergovernmental agreement, with a county, city, or regional communications agency that operates emergency communications systems, for purposes of interoperable communications, if the following conditions are met:

(a) The intergovernmental agreement is requested by the county, city, or regional communications agency for this purpose; and

(b) The terms and conditions are mutually agreeable."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "and amending RCW 82.14.420."

MOTION

Senator Short moved that the following floor amendment no. 545 by Senator Short be adopted:

On page 3, line 1, after "(b)" insert "City representation in the interlocal agreement process must include a representative from the mayor's office and the city council president. In a city that operates under a council-manager form of government under chapter 35.18 or 35A.13 RCW, city representation must include the city manager or the city manager's designee.

(c)"

Correct any internal references accordingly.

The President declared that amendment no. 545 was not drafted to the committee amendment and therefore out of order.

Senators Kuderer and Fortunato spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Housing & Local Government to Substitute House Bill No. 1155.

The motion by Senator Kuderer carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Liias, further consideration of Substitute House Bill No. 1155 was deferred and the bill held its place on the second reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189, by House Committee on Finance (originally sponsored by Duerr, Boehnke, Bateman, Sullivan, Fitzgibbon, Walen, Ramel, Springer, Wicks, Slatter, Pollet, Callan and Harris-Talley)

Authorizing tax increment financing for local governments. Revised for 1st Substitute: Concerning tax increment financing.

The measure was read the second time.

MOTION

Senator Mullet moved that the following committee striking amendment by the Committee on Business, Financial Services & Trade be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessed value of real property" means the valuation of taxable real property as placed on the last completed assessment roll prepared pursuant to Title 84 RCW.

(2) "Increment area" means the geographic area within which regular property tax revenues are to be apportioned to pay public improvement costs, as authorized under this chapter.

(3) "Increment value" means 100 percent of any increase in the true and fair value of real property in an increment area that is placed on the tax rolls after the increment area is created. The increment value shall not be less than zero.

(4) "Local government" means any city, town, county, port district, or any combination thereof.

(5) "Ordinance" means any appropriate method of taking legislative action by a local government, including a resolution adopted by a port district organized under Title 53 RCW.

(6) "Public improvement costs" means the costs of:

(a) Design, planning, acquisition, required permitting, required environmental studies and mitigation, seismic studies or surveys, archaeological studies or surveys, land surveying, site preparation, construction, reconstruction, rehabilitation, improvement, and installation of public improvements and other directly related costs;

(b) Relocating, maintaining, and operating property pending construction of public improvements;

(c) Relocating utilities as a result of public improvements;

(d) Financing public improvements, including capitalized interest for up to six months following completion of construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary debt service reserves;

(e) Expenses incurred in revaluing real property for the purpose of determining the tax allocation base value by a county assessor under chapter 84.41 RCW and expenses incurred by a county treasurer under chapter 84.56 RCW in apportioning the taxes and complying with this chapter and other applicable law. For purposes of this subsection (6)(e), "expenses incurred" means actual staff and software costs directly related to the implementation and ongoing administration of increment areas under this chapter; and

(f) Administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of tax increment financing to fund the costs of the public improvements.

(7) "Public improvements" means:

(a) Infrastructure improvements owned by a local government within or outside of and serving the increment area that include:

(i) Street and road construction;

(ii) Water and sewer system construction and improvements;

(iii) Sidewalks and other nonmotorized transportation improvements and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities or other transit facilities;

(vi) Park and community facilities and recreational areas;

(vii) Stormwater and drainage management systems;

(viii) Electric, broadband, or rail service;

(ix) Mitigation of brownfields; or

(b) Expenditures for any of the following purposes:

(i) Purchasing, rehabilitating, retrofitting for energy efficiency, and constructing housing for the purpose of creating or preserving long-term affordable housing;

(ii) Purchasing, rehabilitating, retrofitting for energy efficiency, and constructing child care facilities serving children and youth that are low-income, homeless, or in foster care;

(iii) Providing maintenance and security for the public improvements; or

(iv) Historic preservation activities authorized under RCW 35.21.395.

(8) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by port districts or public utility districts to the extent necessary for the payments of principal and interest on general obligation debt; and (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065. Regular property taxes do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043. "Regular property taxes" does not include excess property taxes levied by local school districts.

(9) "Tax allocation base value" means the assessed value of real property located within an increment area for taxes imposed in the year in which the increment area is first designated.

(10) "Tax allocation revenues" means those revenues derived from the imposition of regular property taxes on the increment value.

(11) "Taxing district" means a governmental entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved increment area.

NEW SECTION. **Sec. 2.** (1) A local government may designate an increment area under this chapter and use the tax allocation revenues to pay public improvement costs, subject to the following conditions:

(a) The local government must adopt an ordinance designating an increment area within its boundaries and describing the public improvements proposed to be paid for, or financed with, tax allocation revenues;

(b) The local government may not designate increment area boundaries such that the entirety of its territory falls within an increment area;

(c) The increment area may not have an assessed valuation of more than \$200,000,000 or more than 20 percent of the sponsoring jurisdiction's total assessed valuation, whichever is less, when the ordinance is passed. If a sponsoring jurisdiction creates two increment areas, the total combined assessed valuation in both of the two increment areas may not equal more than \$200,000,000 or more than 20 percent of the sponsoring jurisdiction's total assessed valuation, whichever is less, when the ordinances are passed creating the increment areas;

(d) A local government can create no more than two active increment areas at any given time and they may not physically overlap by including the same land in more than one increment area at any time;

(e) The ordinance must set a sunset date for the increment area, which may be no more than 25 years after the first year in which tax allocation revenues are collected from the increment area;

(f) The ordinance must identify the public improvements to be financed and indicate whether the local government intends to issue bonds or other obligations, payable in whole or in part, from tax allocation revenues to finance the public improvement costs, and must estimate the maximum amount of obligations contemplated;

(g) The ordinance must provide that the increment takes effect on June 1st following the adoption of the ordinance in (a) of this subsection;

(h) The sponsoring jurisdiction may not add additional public improvements to the project after adoption of the ordinance creating the increment area or change the boundaries of the increment area. The sponsoring jurisdiction may expand, alter, or add to the original public improvements when doing so is necessary to assure the originally approved improvements can be constructed or operated;

(i) The ordinance must impose a deadline by which commencement of construction of the public improvements shall begin, which deadline must be at least five years into the future and for which extensions shall be made available for good cause; and

(j) The local government must make a finding that:

(i) The public improvements proposed to be paid or financed with tax allocation revenues are expected to encourage private development within the increment area and to increase the assessed value of real property within the increment area;

(ii) Private development that is anticipated to occur within the increment area as a result of the proposed public improvements will be permitted consistent with the permitting jurisdiction's applicable zoning and development standards;

(iii) The private development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future without the proposed public improvements; and

(iv) The increased assessed value within the increment area that could reasonably be expected to occur without the proposed

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

public improvements would be less than the increase in the assessed value estimated to result from the proposed development with the proposed public improvements.

(2) In considering whether to designate an increment area, the legislative body of the local government must prepare a project analysis that shall include, but need not be limited to, the following:

- (a) A statement of objectives of the local government for the designated increment area;
- (b) A statement as to the property within the increment area, if any, that the local government may intend to acquire;
- (c) The duration of the increment area;
- (d) Identification of all parcels to be included in the area;
- (e) A description of the expected private development within the increment area, including a comparison of scenarios with the proposed public improvements and without the proposed public improvements;
- (f) A description of the public improvements, estimated public improvement costs, and the estimated amount of bonds or other obligations expected to be issued to finance the public improvement costs and repaid with tax allocation revenues;
- (g) The assessed value of real property listed on the tax roll as certified by the county assessor under RCW 84.52.080 from within the increment area and an estimate of the increment value and tax allocation revenues expected to be generated;
- (h) An estimate of the job creation reasonably expected to result from the public improvements and the private development expected to occur in the increment area; and
- (i) An assessment of any impacts and any necessary mitigation to address the impacts identified on the following:
  - (i) Affordable and low-income housing;
  - (ii) The local business community;
  - (iii) The local school districts; and
  - (iv) The local fire service.

(3) The local government may charge a private developer, who agrees to participate in creating the increment area, a fee sufficient to cover the cost of the project analysis and establishing the increment area, including staff time, professionals and consultants, and other administrative costs related to establishing the increment area.

(4) Nothing in this section prohibits a local government from entering into an agreement under chapter 39.34 RCW with another local government for the administration or other activities related to tax increment financing authorized under this section.

(5) If the project analysis indicates that an increment area will impact at least 20 percent of the assessed value in a fire district, the local government must negotiate a mitigation plan with the fire district prior to implementing the increment area.

(6) The local government may reimburse the assessor and treasurer for their costs as provided in section 1(6)(e) of this act.

(7) Prior to the adoption of an ordinance authorizing creation of an increment area, the local government must:

- (a) Hold at least two public briefings for the community solely on the tax increment project that include the description of the increment area, the public improvements proposed to be financed with the tax allocation revenues, and a detailed estimate of tax revenues for the participating local governments and taxing districts, including the amounts allocated to the increment public improvements. The briefings must be announced at least two weeks prior to the date being held, including publishing in a legal newspaper of general circulation and posting information on the local government website and all local government social media sites; and

(b) Submit the project analysis to the office of the treasurer for review and consider any comments that the treasurer may provide

upon completion of their review of the project analysis as provided under this subsection. The treasurer must complete the review within 90 days of receipt of the project analysis and may consult with other agencies and outside experts as necessary. Upon completing their review, the treasurer must promptly provide to the local government any comments regarding suggested revisions or enhancements to the project analysis that the treasurer deems appropriate based on the requirements in subsection (2) of this section.

NEW SECTION. **Sec. 3.** (1) Public improvements that are financed under this chapter may be undertaken and coordinated with other programs or efforts undertaken by the local government and other taxing districts and may be funded in part from revenue sources other than tax allocation revenues.

(2) Public improvements that are constructed by a private developer must meet all applicable state and local laws.

NEW SECTION. **Sec. 4.** The local government designating the increment area must:

(1) Publish notice in a legal newspaper of general circulation within the jurisdiction of the local government that describes the public improvements, describes the boundaries of the increment area, and identifies the location and times where the ordinance and other public information concerning the public improvement may be inspected; and

(2) Deliver a certified copy of the ordinance to the county treasurer, the county assessor, and the governing body of each taxing district within which the increment area is located.

NEW SECTION. **Sec. 5.** Apportionment of taxes shall be as follows:

(1) Commencing in the calendar year following the passage of the ordinance, the county treasurer shall distribute receipts from regular property taxes imposed on real property located in the increment area as follows:

(a) Each taxing district shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the tax allocation base value for that increment area;

(b) The local government that designated the increment area shall be entitled to receive an additional amount equal to the amount derived from the regular property taxes levied by or for each taxing district upon the increment value within the increment area. The local government that designated the increment area shall receive no more than is needed to pay or repay costs directly associated with the public improvements identified in the approved ordinance and may agree to receive less than the full amount of this portion, as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the taxing districts that imposed regular property taxes, or have regular property taxes imposed for them, in the increment area for collection that year in proportion to their regular tax levy rates for collection that year. The local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by tax increment financing; and

(c) This section shall not apply to any receipts from the regular property taxes levied by:

(i) The state for the support of the common schools under RCW 84.52.065;

(ii) Local school district excess levies; and

(iii) Port districts or public utility districts specifically for the purpose of making required payments of principal and interest or general indebtedness.

(2) The apportionment of tax allocation revenues must cease when the taxing district certifies to the county assessor in writing that tax allocation revenues are no longer necessary or obligated to pay public improvement costs, but in no event shall the apportionment of tax allocation revenues continue beyond the sunset date established pursuant to section 2(1)(e) of this act. Any excess tax allocation revenues and earnings on the tax allocation revenues remaining at the time the apportionment of tax receipts terminates must be returned to the county treasurer and distributed to the taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the increment area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(3) The apportionment and distribution of portions of the regular property taxes levied by or for each taxing district upon the increment value within the increment area pursuant to and subject to the requirements of this chapter is declared to be a public purpose of and benefit each such taxing district.

(4) The apportionment and distribution of portions of the regular property taxes levied by or for each taxing district upon the increment value within the increment area pursuant to this section shall not affect or be deemed to affect the rate of taxes levied by or within any such taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

**NEW SECTION. Sec. 6.** (1) A local government designating an increment area may incur general indebtedness, and issue general obligation bonds or notes to finance the public improvements and retire the indebtedness, in whole or in part, from tax allocation revenues it receives.

(2) The general indebtedness incurred under subsection (1) of this section may be payable from tax allocation revenues and any other sources available to the local government for payment of the public improvement costs, including without limitation: Other tax revenues; the full faith and credit of the local government; nontax income, revenues, fees, and rents from the public improvements; and contributions, grants, and nontax resources.

(3) In addition to the requirements in subsection (1) of this section, a local government designating an increment area and authorizing the use of tax increment financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the increment area.

**NEW SECTION. Sec. 7.** A direct or collateral attack on the designation of the increment area or the allocation of regular property tax revenues in conformance with applicable legal requirements, including this chapter, may not be commenced more than 30 days after adoption of the ordinance as required by section 2 of this act.

**NEW SECTION. Sec. 8.** (1) A local government may issue revenue bonds to fund revenue-generating public improvements, or portions of public improvements, that are located within an increment area and that it is authorized to provide or operate. Whenever revenue bonds are to be issued, the legislative authority of the local government shall create or have created a special fund or funds from which, along with any reserves created pursuant to RCW 39.44.140, the principal and interest on these revenue bonds shall exclusively be payable. The legislative authority of the local government may obligate the local government to set aside and pay into the special fund or funds a fixed proportion or a fixed amount of the revenues from the public improvements that are funded by the revenue bonds. This amount or proportion is a lien and charge against these revenues, subject only to operating and

maintenance expenses. The local government shall have due regard for the cost of operation and maintenance of the public improvements that are funded by the revenue bonds, and shall not set aside into the special fund or funds a greater amount or proportion of the revenues that in its judgment will be available over and above the cost of maintenance and operation and the amount or proportion, if any, of the revenue previously pledged. The local government may also provide that revenue bonds payable out of the same source or sources of revenue may later be issued on a parity with any revenue bonds being issued and sold.

(2) Revenue bonds issued under this section are not an indebtedness of the local government issuing the bonds, and the interest and principal on the bonds shall only be payable from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The owner or bearer of a revenue bond or any interest coupon issued under this section shall not have any claim against the local government arising from the bond or coupon except for payment from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The substance of the limitations included in this subsection shall be plainly printed, written, or engraved on each bond issued under this section.

(3) Revenue bonds with a maturity in excess of 25 years shall not be issued under this section.

(4) The legislative authority of the local government shall by resolution determine for each revenue bond issue the amount, date, form, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, and covenants including the refunding of existing revenue bonds. Facsimile signatures may be used on the bonds and any coupons. Refunding revenue bonds may be issued in the same manner as revenue bonds are issued.

(5) The authority to issue revenue bonds under this section is supplementary and in addition to any authority otherwise existing. Nothing in this section limits a local government in the issuance of revenue bonds that are otherwise authorized by law for the construction of additions, betterments, or extensions of utilities within the increment area.

(6) Notwithstanding anything to the contrary in this section, revenue bonds issued to finance public improvements may be issued in accordance with chapter 39.46 RCW.

**NEW SECTION. Sec. 9.** This chapter supplements and neither restricts nor limits any powers that the state or any local government might otherwise have under any laws of this state.

**Sec. 10.** RCW 84.55.010 and 2017 3rd sp.s. c 13 s 302 are each amended to read as follows:

(1) Except as provided in this chapter, the levy for a taxing district in any year must be set so that the regular property taxes payable in the following year do not exceed the limit factor multiplied by the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district, excluding any increase due to (e) of this subsection, unless the highest levy was the statutory maximum rate amount, plus an additional dollar amount calculated by multiplying the regular property tax levy rate of that district for the preceding year by the increase in assessed value in that district resulting from:

(a) New construction;

(b) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

(c) Improvements to property; ((and))

(d) Any increase in the assessed value of state-assessed property; and

(e) Any increase in the assessed value of real property, as that term is defined in section 1 of this act, within an increment area as designated by any local government in section 2 of this act provided that such increase is not included elsewhere under this section. This subsection (1)(e) does not apply to levies by the state or by port districts and public utility districts for the purpose of making required payments of principal and interest on general indebtedness.

(2) The requirements of this section do not apply to:

(a) State property taxes levied under RCW 84.52.065(1) for collection in calendar years 2019 through 2021; and

(b) State property taxes levied under RCW 84.52.065(2) for collection in calendar years 2018 through 2021.

**Sec. 11.** RCW 84.55.120 and 2014 c 4 s 5 are each amended to read as follows:

(1) A taxing district, other than the state, that collects regular levies must hold a public hearing on revenue sources for the district's following year's current expense budget. The hearing must include consideration of possible increases in property tax revenues and must be held prior to the time the taxing district levies the taxes or makes the request to have the taxes levied. The county legislative authority, or the taxing district's governing body if the district is a city, town, or other type of district, must hold the hearing. For purposes of this section, "current expense budget" means that budget which is primarily funded by taxes and charges and reflects the provision of ongoing services. It does not mean the capital, enterprise, or special assessment budgets of cities, towns, counties, or special purpose districts.

(2) If the taxing district is otherwise required to hold a public hearing on its proposed regular tax levy, a single public hearing may be held on this matter.

(3)(a) Except as provided in (b) of this subsection (3), no increase in property tax revenue may be authorized by a taxing district, other than the state, except by adoption of a separate ordinance or resolution, pursuant to notice, specifically authorizing the increase in terms of both dollars and percentage. The ordinance or resolution may cover a period of up to two years, but the ordinance must specifically state for each year the dollar increase and percentage change in the levy from the previous year.

(b) Exempt from the requirements of (a) of this subsection are increases in revenue resulting from the addition of:

(i) New construction;

(ii) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(iii) Improvements to property; ((and))

(iv) Any increase in the value of state-assessed property; and

(v) Any increase in the assessed value of real property, as that term is defined in section 1 of this act, within an increment area as designated by any local government in section 2 of this act provided that such increase is not included elsewhere under this section. This subsection (3)(b)(v) does not apply to levies by the state or by port districts and public utility districts for the purpose of making required payments of principal and interest on general indebtedness.

**NEW SECTION. Sec. 12.** Sections 1 through 9 of this act constitute a new chapter in Title 39 RCW.

**NEW SECTION. Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "financing;" strike the remainder of the title and insert "amending RCW 84.55.010 and 84.55.120; and adding a new chapter to Title 39 RCW."

## MOTION

Senator Mullet moved that the following floor amendment no. 509 by Senator Van De Wege be adopted:

On page 6, beginning on line 2, after "fire" strike all material through "area" on line 4 and insert "protection district or regional fire protection service authority, or the fire service agency's annual report demonstrates an increase in the level of service directly related to the increment area, the local government must negotiate a mitigation plan with the fire protection district or regional fire protection service authority to address level of service issues in the increment area"

Senator Mullet spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 509 by Senator Van De Wege on page 6, line 2 to the committee striking amendment.

The motion by Senator Mullet carried and floor amendment no. 509 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Business, Financial Services & Trade as amended to Engrossed Substitute House Bill No. 1189.

The motion by Senator Mullet carried and the committee striking amendment as amended was adopted by voice vote.

## MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute House Bill No. 1189, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet, Dozier, Frockt and Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1189 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1189, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Erickson, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Padden and Short

Excused: Senators Robinson and Van De Wege

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Randall, Senator Robinson was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1331, by House Committee on Local Government (originally sponsored by Harris-Talley, Senn, Berry, Callan, Fitzgibbon, Wicks, Ortiz-Self, Chopp, Davis, Valdez, Bateman, Eslick, Ormsby, Lovick, Fey, Berg, Rule, Lekanoff, Frame, Duerr, Pollet, Macri, Slatter and Peterson)

Concerning early learning facility impact fees.

The measure was read the second time.

#### MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 1331 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

Senators Short and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1331.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1331 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Warnick, Wellman and Wilson, C.

Voting nay: Senators Brown, Dozier, Gildon, Honeyford, King, McCune, Padden, Rivers, Schoesler, Short, Wagoner, Wilson, J. and Wilson, L.

Excused: Senator Van De Wege

SUBSTITUTE HOUSE BILL NO. 1331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President announced that due to technical issues Senator Robinson would be marked excused on the vote taken earlier in the day on Engrossed Substitute House Bill No. 1189 as amended by the Senate.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1493, by House Committee on Labor & Workplace Standards (originally sponsored by Sells, Berry, Pollet and Ormsby)

Concerning job search monitoring.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1493.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1493 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Warnick, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Honeyford, McCune, Mullet, Padden, Rivers, Schoesler, Short, Wagoner, Wilson, J. and Wilson, L.

Excused: Senator Van De Wege

SUBSTITUTE HOUSE BILL NO. 1493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1023, by Representatives Steele, Tharinger, Callan and Young

Concerning predesign requirements and thresholds.

The measure was read the second time.

#### MOTION

On motion of Senator Frockt, the rules were suspended, House Bill No. 1023 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, Wilson, L. and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1023.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1023 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Kloba, Taylor, Valdez, Bateman, Wylie, Santos, Ormsby, Senn, Leavitt, Ybarra, Goodman, Ramel, Gregerson, Macri, Callan, Fey, Ramos, Pollet, Ryu, Berg and Simmons)

Excused: Senator Van De Wege

HOUSE BILL NO. 1023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Replacing the Marcus Whitman statue in the national statuary hall collection with a statue of Billy Frank Jr.

The measure was read the second time.

SECOND READING

MOTION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426, by House Committee on Education (originally sponsored by Santos, Lekanoff, J. Johnson, Ortiz-Self, Davis, Simmons, Bergquist, Callan, Berg and Pollet)

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 1372 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt, Carlyle and Sheldon spoke in favor of passage of the bill.

Specifying minimum continuing education requirements for administrator and teacher certificate renewals that focus on equity-based school and classroom practices.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1372.

The measure was read the second time.

ROLL CALL

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute House Bill No. 1426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1372 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Dozier, Fortunato, Honeyford, Padden and Wagoner

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1426.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ROLL CALL

POINT OF INQUIRY

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1426 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Senator Liias: "Mr. President, it's unusual to ask the President's opinion on legislation but you served and worked with Billy Frank, Jr. I wonder if you would share any observations on this important occasion for the state of Washington?"

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Warnick, Wellman and Wilson, C.

REMARKS BY THE PRESIDENT

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Wilson, J. and Wilson, L.

President Heck: "Thank you Senator. The truth is I'm overcome by emotion. Billy Frank, Jr. was a great man. And those of us who had the privilege to know him and work with him and call him friend can count ourselves lucky for the rest of our lives. As I have said before, that glorious day when that statue is erected in Statuary Hall, a place where for nearly a decade, I walk several times a day. I know for a fact that when citizens, especially those from our state, walk through they will stand taller and prouder. Billy began his life as what he self-described as a getting arrested guy. He spent the last thirty years of his life being the greatest reconciler imaginable. Dealing with unbelievably difficult and contentious issues relating to fish in particular, but natural resources in the altogether. Everything said about him today times ten is true. It is not an accident that he won the Presidential Medal of Freedom or that he was nominated for the Nobel Peace Prize. He was not just a leader in Washington state. The truth was,

Excused: Senator Van De Wege

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372, by House Committee on State Government & Tribal Relations (originally sponsored by Lekanoff, Shewmake, Peterson, Dolan, J. Johnson, Slatter, Cody, Fitzgibbon, Lovick, Sells, Wicks,

indigenous peoples throughout the world asked Billy to come and share his wisdom. He had a particular refrain that I think is applicable to each of us who have the privilege to serve in this chamber. When it comes to the issue of advocacy, he will be asked countless times by younger tribal members 'How do you do it?'; 'How is it that you walk these halls of Congress as regularly as you do and advocate on behalf of us?'; 'What is it that enables you to do that?' And he would all tell them the same thing: 'Tell your story.' It is eternal wisdom that he used for decades. Thank you for the privilege to be able to do that."

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410, by House Committee on Finance (originally sponsored by Volz, Valdez, Ybarra, Stokesbary, Chase, Dufault, Leavitt, Vick, Dolan, Sutherland, Walen, Chambers, Walsh, Robertson, Caldier, Griffey, Riccelli, Jacobsen, Fitzgibbon, Ormsby and Harris-Talley)

Protecting taxpayers from home foreclosure.

The measure was read the second time.

## MOTION

Senator Rolfes moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.56.020 and 2019 c 332 s 1 are each amended to read as follows:

### **Treasurers' tax collection duties.**

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All real and personal property taxes and assessments made payable by the provisions of this title are due and payable to the county treasurer on or before the thirtieth day of April and, except as provided in this section, are delinquent after that date.

### **Tax statements.**

(2)(a) Tax statements for the current year's collection must be distributed to each taxpayer on or before March 15th provided that:

(i) All city and other taxing district budgets have been submitted to county legislative authorities by November 30th per RCW 84.52.020;

(ii) The county legislative authority in turn has certified taxes levied to the county assessor by November 30th per RCW 84.52.070; and

(iii) The county assessor has delivered the tax roll to the county treasurer by January 15th per RCW 84.52.080.

(b) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of . . . . . County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the

name of the individual holding the office of treasurer nor any other individual.

(c) Each tax statement distributed to an address must include a notice with information describing the:

(i) Property tax exemption program pursuant to RCW 84.36.379 through 84.36.389; and

(ii) Property tax deferral program pursuant to chapter 84.38 RCW.

### **Tax payment due dates.**

**On-time tax payments: First-half taxes paid by April 30th and second-half taxes paid by October 31st.**

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax is paid on or before the thirtieth day of April, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.

**Delinquent tax payments for current year: First-half taxes paid after April 30th.**

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax is paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax is due and payable on or before the following thirty-first day of October and is delinquent after that date.

**Delinquent tax payments: Interest, penalties, and treasurer duties.**

(5)(a) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest ((at the rate of twelve percent per annum)) as provided in this subsection computed on a monthly basis on the amount of tax delinquent from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of the tax payment, regardless of when the taxes were first delinquent. ((In addition))

(i) Until December 31, 2022, the interest rate is 12 percent per annum for all nonresidential real property and residential real property.

(ii) Beginning January 1, 2023, interest rates are as follows:

(A) Twelve percent per annum for all nonresidential real property and for residential real property with greater than four units per taxable parcel; or

(B) Nine percent per annum for all residential real property with four or fewer units per taxable parcel, including manufactured/mobile homes as defined in RCW 59.20.030.

(b)(i) Penalties on delinquent taxes under this section may not be assessed beginning the effective date of this section and through December 31, 2022.

(ii) Beginning January 1, 2023, delinquent taxes under this section are subject to penalties for nonresidential real property and for residential real property with greater than four units per taxable parcel as follows:

((a)) (A) A penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

((b)) (B) An additional penalty of eight percent is assessed on the delinquent tax amount on December 1st of the year in which the tax is due.

(iii) Penalties may not be assessed on residential real property with four or fewer units per taxable parcel, including manufactured/mobile homes as defined in RCW 59.20.030.

(c)(i) If a taxpayer is successfully participating in a payment agreement under subsection (15)(b) of this section or a partial payment program pursuant to subsection (15)(c) of this section,

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

(ii) The following remain due and payable as provided in any payment agreement:

(A) Interest that has been assessed prior to the payment agreement; and

(B) Penalties assessed prior to the effective date of this section that have been assessed prior to the payment agreement.

(6) A county treasurer must provide notification to each taxpayer whose taxes have become delinquent under subsections (4) and (5) of this section. The delinquency notice must specify where the taxpayer can obtain information regarding:

(a) Any current tax or special assessments due as of the date of the notice;

(b) Any delinquent tax or special assessments due, including any penalties and interest, as of the date of the notice; and

(c) Where the taxpayer can pay his or her property taxes directly and contact information, including but not limited to the phone number, for the statewide foreclosure hotline recommended by the Washington state housing finance commission.

(7) Within ninety days after the expiration of two years from the date of delinquency (when a taxpayer's taxes have become delinquent), the county treasurer must provide the name and property address of the delinquent taxpayer to a homeownership resource center or any other designated local or state entity recommended by the Washington state housing finance commission.

**Collection of foreclosure costs.**

(8)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) When tax foreclosure avoidance costs are collected, such costs must be credited to the county treasurer service fund account, except as otherwise directed.

(c) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

**Periods of armed conflict.**

(9) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict regarding delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

**State of emergency.**

(10) During a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

**Retention of funds from interest.**

(11) All collections of interest on delinquent taxes must be credited to the county current expense fund.

(12) For purposes of this chapter, "interest" means both interest and penalties.

**Retention of funds from property foreclosures and sales.**

(13) The direct cost of foreclosure and sale of real property, and the direct fees and costs of distraint and sale of personal property,

for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale because of delinquent taxes without regard to budget limitations and not subject to indirect costs of other charges.

**Tax due dates and options for tax payment collections.**

**Electronic billings and payments.**

(14) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic billing and payment. Electronic billing and payment may be used as an option by the taxpayer, but the treasurer may not require the use of electronic billing and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for:

(a) Delinquent tax year payments; and

(b) Prepayments of current tax.

**Tax payments.**

**Prepayment for current taxes.**

(15)(a) The treasurer may accept prepayments for current year taxes by any means authorized. All prepayments must be paid in full by the due date specified in subsection (16) of this section.

**Payment agreements for current year taxes.**

(b)(i) The treasurer may provide, by electronic means or otherwise, a payment agreement that provides for payment of current year taxes, inclusive of prepayment collection charges. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes.

**Payment agreements for delinquent year taxes.**

(ii)(A) The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for past due delinquent taxes and charges.

(B) Tax payments received by a treasurer for delinquent year taxes from a taxpayer participating on a payment agreement must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

**Partial payments: Acceptance of partial payments for current and delinquent taxes.**

(c)(i) In addition to the payment agreement program in (b) of this subsection, the treasurer may accept partial payment of any current and delinquent taxes including interest and penalties by any means authorized including electronic bill presentment and payments.

(ii) All tax payments received by a treasurer for delinquent year taxes from a taxpayer paying a partial payment must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

**Payment for delinquent taxes.**

(d) Payments on past due taxes must include collection of the oldest delinquent year, which includes interest, penalties, and taxes within an eighteen-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

**Due date for tax payments.**

(16) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and are delinquent after that date. The remainder of the tax is due and payable on or before the

following thirty-first of October and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

**Electronic funds transfers.**

(17) A county treasurer may authorize payment of:

(a) Any current property taxes due under this chapter by electronic funds transfers on a monthly or other periodic basis; and

(b) Any past due property taxes, penalties, and interest under this chapter by electronic funds transfers on a monthly or other periodic basis. Delinquent taxes are subject to interest and penalties, as provided in subsection (5) of this section. All tax payments received by a treasurer from a taxpayer paying delinquent year taxes must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

**Payment for administering prepayment collections.**

(18) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

**Waiver of interest and penalties for qualified taxpayers subject to foreclosure.**

(19) No earlier than sixty days prior to the date that is three years after the date of delinquency, the treasurer must waive all outstanding interest and penalties on delinquent taxes due from a taxpayer if the property is subject to an action for foreclosure under chapter 84.64 RCW and the following requirements are met:

(a) The taxpayer is income-qualified under RCW 84.36.381(5)(a), as verified by the county assessor;

(b) The taxpayer occupies the property as their principal place of residence; and

(c) The taxpayer has not previously received a waiver on the property as provided under this subsection.

**Definitions.**

(20) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic billing and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

(c) "Tax foreclosure avoidance costs" means those direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended in administering tax foreclosure avoidance prior to the filing of a certificate of delinquency.

**NEW SECTION. Sec. 2.** This act takes effect January 1, 2022."

On page 1, line 1 of the title, after "foreclosure;" strike the remainder of the title and insert "amending RCW 84.56.020; and providing an effective date."

Senators Rolfes and Wilson, L. spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1410.

The motion by Senator Rolfes carried and the committee striking amendment was adopted by voice vote.

**MOTION**

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute House Bill No. 1410, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1410 as amended by the Senate.

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1410, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**MOTION**

At 3:40 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

----

The Senate was called to order at 3:49 p.m. by President Heck.

The Senate resumed consideration of Substitute House Bill No. 1155 which it had deferred earlier in the day.

**SECOND READING**

SUBSTITUTE HOUSE BILL NO. 1155, by House Committee on Finance (originally sponsored by Riccelli, Ormsby and Lekanoff)

Concerning sales and use tax for emergency communication systems and facilities.

**MOTION FOR IMMEDIATE RECONSIDERATION**

Senator Liias moved to immediately reconsider the vote by which the committee striking amendment to Substitute House Bill No. 1155 passed the Senate today.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate immediately reconsider

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

the vote by which the committee striking amendment to Substitute House Bill No. 1155 passed the Senate.

The motion for immediate reconsideration carried by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 613 by Senator Short be adopted:

On page 2, line 13, after (b), insert "City representation in the interlocal agreement process must include a representative from the mayor's office and the city council president. In a city that operates under a council-manager form of government under chapter 35.18 or 35A.13 RCW, city representation must include the city manager or the city manager's designee.

(c)"

Correct any internal references accordingly.

Senators Short and Kuderer spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 613 by Senator Short on page 2, line 13 to the committee striking amendment.

The motion by Senator Short carried and floor amendment no. 613 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Housing & Local Government as amended to Substitute House Bill No. 1155.

The motion by Senator Kuderer carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 1155, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1155 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1155, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1155, as amended by the Senate, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236, by House Committee on Housing, Human Services & Veterans (originally sponsored by Macri, Taylor, Dolan, Gregerson, Berry, Fitzgibbon, Frame, Simmons, Ramel, Bateman, J. Johnson, Hackney, Chopp, Thai, Peterson, Santos, Orwall, Ortiz-Self, Ryu, Wicks, Lekanoff, Slatter, Berg, Senn, Harris-Talley, Ormsby and Pollet)

Protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination.

The measure was read the second time.

MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Housing & Local Government be not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 59.18.030 and 2019 c 356 s 5, 2019 c 232 s 24, and 2019 c 23 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Active duty" means service authorized by the president of the United States, the secretary of defense, or the governor for a period of more than ~~((thirty))~~ 30 consecutive days.

(2) "Certificate of inspection" means an unsworn statement, declaration, verification, or certificate made in accordance with the requirements of chapter 5.50 RCW by a qualified inspector that states that the landlord has not failed to fulfill any substantial obligation imposed under RCW 59.18.060 that endangers or impairs the health or safety of a tenant, including (a) structural members that are of insufficient size or strength to carry imposed loads with safety, (b) exposure of the occupants to the weather, (c) plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury, (d) not providing facilities adequate to supply heat and water and hot water as reasonably required by the tenant, (e) providing heating or ventilation systems that are not functional or are hazardous, (f) defective, hazardous, or missing electrical wiring or electrical service, (g) defective or hazardous exits that increase the risk of injury to occupants, and (h) conditions that increase the risk of fire.

(3) "Commercially reasonable manner," with respect to a sale of a deceased tenant's personal property, means a sale where every aspect of the sale, including the method, manner, time, place, and other terms, must be commercially reasonable. If commercially reasonable, a landlord may sell the tenant's property by public or private proceedings, by one or more contracts, as a unit or in parcels, and at any time and place and on any terms.

(4) "Comprehensive reusable tenant screening report" means a tenant screening report prepared by a consumer reporting agency at the direction of and paid for by the prospective tenant and made available directly to a prospective landlord at no charge, which contains all of the following: (a) A consumer credit report prepared by a consumer reporting agency within the past ~~((thirty))~~

30 days; (b) the prospective tenant's criminal history; (c) the prospective tenant's eviction history; (d) an employment verification; and (e) the prospective tenant's address and rental history.

(5) "Criminal history" means a report containing or summarizing (a) the prospective tenant's criminal convictions and pending cases, the final disposition of which antedates the report by no more than seven years, and (b) the results of a sex offender registry and United States department of the treasury's office of foreign assets control search, all based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

(6) "Designated person" means a person designated by the tenant under RCW 59.18.590.

(7) "Distressed home" has the same meaning as in RCW 61.34.020.

(8) "Distressed home conveyance" has the same meaning as in RCW 61.34.020.

(9) "Distressed home purchaser" has the same meaning as in RCW 61.34.020.

(10) "Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single-family residences and units of multiplexes, apartment buildings, and mobile homes.

(11) "Eviction history" means a report containing or summarizing the contents of any records of unlawful detainer actions concerning the prospective tenant that are reportable in accordance with state law, are lawful for landlords to consider, and are obtained after a search based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

(12) "Gang" means a group that: (a) Consists of three or more persons; (b) has identifiable leadership or an identifiable name, sign, or symbol; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(13) "Gang-related activity" means any activity that occurs within the gang or advances a gang purpose.

(14) "In danger of foreclosure" means any of the following:

(a) The homeowner has defaulted on the mortgage and, under the terms of the mortgage, the mortgagee has the right to accelerate full payment of the mortgage and repossess, sell, or cause to be sold the property;

(b) The homeowner is at least (~~(thirty)~~) 30 days delinquent on any loan that is secured by the property; or

(c) The homeowner has a good faith belief that he or she is likely to default on the mortgage within the upcoming four months due to a lack of funds, and the homeowner has reported this belief to:

(i) The mortgagee;

(ii) A person licensed or required to be licensed under chapter 19.134 RCW;

(iii) A person licensed or required to be licensed under chapter 19.146 RCW;

(iv) A person licensed or required to be licensed under chapter 18.85 RCW;

(v) An attorney-at-law;

(vi) A mortgage counselor or other credit counselor licensed or certified by any federal, state, or local agency; or

(vii) Any other party to a distressed property conveyance.

(15) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.

(16) "Mortgage" is used in the general sense and includes all instruments, including deeds of trust, that are used to secure an obligation by an interest in real property.

(17) "Orders" means written official military orders, or any written notification, certification, or verification from the service member's commanding officer, with respect to the service member's current or future military status.

(18) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or any part of the legal title to property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

(19) "Permanent change of station" means: (a) Transfer to a unit located at another port or duty station; (b) change in a unit's home port or permanent duty station; (c) call to active duty for a period not less than (~~(ninety)~~) 90 days; (d) separation; or (e) retirement.

(20) "Person" means an individual, group of individuals, corporation, government, or governmental agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(21) "Premises" means a dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.

(22) "Property" or "rental property" means all dwelling units on a contiguous quantity of land managed by the same landlord as a single, rental complex.

(23) "Prospective landlord" means a landlord or a person who advertises, solicits, offers, or otherwise holds a dwelling unit out as available for rent.

(24) "Prospective tenant" means a tenant or a person who has applied for residential housing that is governed under this chapter.

(25) "Qualified inspector" means a United States department of housing and urban development certified inspector; a Washington state licensed home inspector; an American society of home inspectors certified inspector; a private inspector certified by the national association of housing and redevelopment officials, the American association of code enforcement, or other comparable professional association as approved by the local municipality; a municipal code enforcement officer; a Washington licensed structural engineer; or a Washington licensed architect.

(26) "Reasonable attorneys' fees," where authorized in this chapter, means an amount to be determined including the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation and ability of the lawyer or lawyers performing the services.

(27) "Reasonable manner," with respect to disposing of a deceased tenant's personal property, means to dispose of the property by donation to a not-for-profit charitable organization, by removal of the property by a trash hauler or recycler, or by any other method that is reasonable under the circumstances.

(28) "Rent" or "rental amount" means recurring and periodic charges identified in the rental agreement for the use and occupancy of the premises, which may include charges for utilities. Except as provided in RCW 59.18.283(3), these terms do not include nonrecurring charges for costs incurred due to late payment, damages, deposits, legal costs, or other fees, including attorneys' fees.

(29) "Rental agreement" means all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

(30) "Service member" means an active member of the United States armed forces, a member of a military reserve component, or a member of the national guard who is either stationed in or a resident of Washington state.

(31) A "single-family residence" is a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single-family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

(32) A "tenant" is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

(33) "Tenant representative" means:

(a) A personal representative of a deceased tenant's estate if known to the landlord;

(b) If the landlord has no knowledge that a personal representative has been appointed for the deceased tenant's estate, a person claiming to be a successor of the deceased tenant who has provided the landlord with proof of death and an affidavit made by the person that meets the requirements of RCW 11.62.010(2);

(c) In the absence of a personal representative under (a) of this subsection or a person claiming to be a successor under (b) of this subsection, a designated person; or

(d) In the absence of a personal representative under (a) of this subsection, a person claiming to be a successor under (b) of this subsection, or a designated person under (c) of this subsection, any person who provides the landlord with reasonable evidence that he or she is a successor of the deceased tenant as defined in RCW 11.62.005. The landlord has no obligation to identify all of the deceased tenant's successors.

(34) "Tenant screening" means using a consumer report or other information about a prospective tenant in deciding whether to make or accept an offer for residential rental property to or from a prospective tenant.

(35) "Tenant screening report" means a consumer report as defined in RCW 19.182.010 and any other information collected by a tenant screening service.

(36) "Immediate family" includes state registered domestic partner, spouse, parents, grandparents, children, including foster children, siblings, and in-laws.

(37) "Subsidized housing" refers to rental housing for very low-income or low-income households that is a dwelling unit operated directly by a public housing authority or its affiliate, or that is insured, financed, or assisted in whole or in part through one of the following sources:

(a) A federal program or state housing program administered by the department of commerce or the Washington state housing finance commission;

(b) A federal housing program administered by a city or county government;

(c) An affordable housing levy authorized under RCW 84.52.105; or

(d) The surcharges authorized in RCW 36.22.178 and 36.22.179 and any of the surcharges authorized in chapter 43.185C RCW.

(38) "Transitional housing" means housing units owned, operated, or managed by a nonprofit organization or governmental entity in which supportive services are provided to individuals and families that were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than twenty-four months, or longer if the program is limited to tenants within a specified age range or

the program is intended for tenants in need of time to complete and transition from educational or training or service programs.

NEW SECTION. Sec. 2. A new section is added to chapter 59.18 RCW to read as follows:

(1)(a) A landlord may not evict a tenant, refuse to continue a tenancy, or terminate a periodic tenancy except for the causes enumerated in subsection (2) of this section and as otherwise provided in this subsection.

(b) A landlord may terminate a tenancy without cause at the end of an initial lease term that is between three to 12 months upon at least 60 days' prior written notice, served in a manner consistent with RCW 59.12.040. If a landlord does not provide at least 60 days' notice, the tenancy becomes a month-to-month tenancy until further agreement of the landlord and tenant, and may only be terminated for the causes enumerated in subsection (2) of this section.

(c) For all other tenancies of a specified period, and for tenancies of an indefinite period on a month-to-month or periodic basis, a landlord may not terminate the tenancy except for the causes enumerated in subsection (2) of this section. Upon the end date of the tenancy of a specified period, the tenancy becomes a month-to-month tenancy.

(d) Nothing prohibits a landlord and tenant from entering into subsequent lease agreements that are in compliance with the termination requirements in subsection (2) of this section.

(e) A tenant may terminate a tenancy for a specified time by providing notice in writing not less than 20 days prior to the ending date of the specified time.

(2) The following reasons listed in this subsection, and no others, constitute cause to evict a tenant, refuse to continue a tenancy, or terminate a periodic tenancy:

(a) The tenant continues in possession in person or by subtenant after a default in the payment of rent, and after written notice requiring, in the alternative, the payment of the rent or the surrender of the detained premises has remained uncomplied with for the period set forth in RCW 59.12.030(3) for tenants subject to this chapter. The written notice may be served at any time after the rent becomes due, provided the unpaid rent did not accrue between March 1, 2020, and the end of a declared federal or state public health emergency related to the COVID-19 pandemic. If the tenant accrues unpaid rent between March 1, 2020, and the end of a declared federal or state public health emergency related to the COVID-19 pandemic, the landlord shall have offered a reasonable schedule for the repayment of unpaid rent that does not exceed monthly payments equal to one-third of the monthly rental charges during the period of accrued debt. If a tenant fails to accept the terms of a reasonable repayment plan within 14 days of the landlord's offer or defaults on any rent owed under a repayment plan, the landlord may proceed with an unlawful detainer action as set forth in RCW 59.12.030(3). The court shall consider the tenant's circumstances, including decreased income or increased expenses due to COVID-19, and the repayment plan terms offered during any unlawful detainer proceeding;

(b) The tenant continues in possession after substantial breach of a material program requirement of subsidized housing, material term subscribed to by the tenant within the lease or rental agreement, or a tenant obligation imposed by law, other than one for monetary damages, and after the landlord has served written notice specifying the acts or omissions constituting the breach and requiring, in the alternative, that the breach be remedied or the rental agreement will terminate, and the breach has not been adequately remedied by the date specified in the notice, which date must be at least 10 days after service of the notice;

(c) The tenant continues in possession after having received at least three days' written notice to quit after he or she commits or

permits waste or nuisance upon the premises, unlawful activity that affects the use and enjoyment of the premises, or other substantial or repeated and unreasonable interference with the use and enjoyment of the premises by the landlord or neighbors of the tenant;

(d) The tenant continues in possession after the landlord of a dwelling unit in good faith seeks possession so that the owner or his or her immediate family may occupy the unit as that person's principal residence and no substantially equivalent unit is vacant and available to house the owner or his or her immediate family in the same building, and the owner has provided at least 90 days' advance written notice of the date the tenant's possession is to end. There is a rebuttable presumption that the owner did not act in good faith if the owner or immediate family fails to occupy the unit as a principal residence for at least 60 consecutive days during the 90 days immediately after the tenant vacated the unit pursuant to a notice of termination using this subsection (2)(d) as the cause for termination;

(e) The tenant continues in possession after the owner elects to sell a single-family residence and the landlord has provided at least 90 days' advance written notice of the date the tenant's possession is to end. For the purposes of this subsection (2)(e), an owner "elects to sell" when the owner makes reasonable attempts to sell the dwelling within 30 days after the tenant has vacated, including, at a minimum, listing it for sale at a reasonable price with a realty agency or advertising it for sale at a reasonable price by listing it on the real estate multiple listing service. There shall be a rebuttable presumption that the owner did not intend to sell the unit if:

(i) Within 30 days after the tenant has vacated, the owner does not list the single-family dwelling unit for sale at a reasonable price with a realty agency or advertise it for sale at a reasonable price by listing it on the real estate multiple listing service; or

(ii) Within 90 days after the date the tenant vacated or the date the property was listed for sale, whichever is later, the owner withdraws the rental unit from the market, the landlord rents the unit to someone other than the former tenant, or the landlord otherwise indicates that the owner does not intend to sell the unit;

(f) The tenant continues in possession of the premises after the landlord serves the tenant with advance written notice pursuant to RCW 59.18.200(2)(c);

(g) The tenant continues in possession after the owner elects to withdraw the premises to pursue a conversion pursuant to RCW 64.34.440 or 64.90.655;

(h) The tenant continues in possession, after the landlord has provided 30 days' prior written notice that: (i) The premises has been certified or condemned as uninhabitable by a local agency charged with the authority to issue such an order; and (ii) continued habitation of the premises would subject the landlord to civil or criminal penalties. However, if the terms of the local agency's order do not allow the landlord to provide 30 days' advance written notice, the landlord must provide as much advance written notice as is possible and still comply with the order;

(i) The tenant continues in possession after an owner or lessor, with whom the tenant shares the dwelling unit or access to a common kitchen or bathroom area, has served a 20-day notice to vacate prior to the end of the rental term or, if a periodic tenancy, the end of the rental period;

(j) The tenant continues in possession of a dwelling unit in transitional housing after having received a 30-day notice to vacate in advance of the expiration of the transitional housing program, the tenant has aged out of the transitional housing program, or the tenant has completed an educational or training or service program and is no longer eligible to participate in the transitional housing program. Nothing in this subsection (2)(j)

prohibits the termination of a tenancy in transitional housing for any of the other causes specified in this subsection;

(k) The tenant continues in possession of a dwelling unit in subsidized housing after the expiration of a rental agreement without signing a proposed new rental agreement proffered by the landlord; provided, that the landlord proffered the proposed new rental agreement at least 30 days and no more than 90 days prior to the expiration of the current rental agreement and that any new terms and conditions of the proposed new rental agreement are reasonable. This subsection (2)(k) does not apply to tenants whose tenancies are or have become periodic;

(l) The tenant continues in possession after having received a 30-day notice to vacate due to intentional, knowing, and material misrepresentations or omissions made on the tenant's application at the inception of the tenancy that, had these misrepresentations or omissions not been made, would have resulted in the landlord requesting additional information or taking an adverse action;

(m) The tenant continues in possession after having received a 60-day notice to vacate for other good cause prior to the termination of the period or rental agreement and such cause constitutes a legitimate economic or business reason not covered or related to a basis for termination enumerated under this subsection (2). When the landlord relies on this basis for termination of the tenancy, the court may stay any writ of restitution for up to 60 additional days for good cause shown, including difficulty procuring alternative housing. The court must condition such a stay upon the tenant's continued payment of rent during the stay period. Upon granting such a stay, the court must award court costs and fees as allowed under this chapter;

(n)(i) The tenant continues in possession after having received a notice to vacate at least 60 days prior to the termination of the period or rental agreement and the tenant has committed four or more of the following violations, other than ones for monetary damages, within the preceding 12-month period, and the landlord has provided the tenant a written warning notice at the time of each violation: A substantial breach of a material program requirement of subsidized housing, a substantial breach of a material term subscribed to by the tenant within the lease or rental agreement, or a substantial breach of a tenant obligation imposed by law;

(ii) Each written warning notice must:

(A) Specify the violation;

(B) Provide the tenant an opportunity to cure the violation;

(C) State that the landlord may choose to terminate the tenancy at the end of the rental term if there are four violations within a 12-month period preceding the end of the term; and

(D) State that correcting the fourth or subsequent violation is not a defense to termination under this subsection;

(iii) The 60-day notice of termination must:

(A) State that the rental agreement will terminate upon the specified ending date for the rental term or upon a designated date not less than 60 days after the delivery of the notice, whichever is later;

(B) Specify the reason for the termination and supporting facts; and

(C) Be served to the tenant concurrent with or after the fourth or subsequent written warning notice;

(iv) The notice under this subsection must include all notices supporting the basis of termination;

(v) Any notices asserted under this subsection must pertain to four or more separate incidents or occurrences; and

(vi) This subsection (2)(n) does not absolve a landlord from demonstrating by admissible evidence that the four or more violations constituted breaches under (b) of this subsection at the time of the violation had the tenant not remedied or cured the violation;

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

(o) The tenant continues in possession after having received a 60-day notice to vacate prior to the termination of the rental period or rental agreement if the tenant has been required to register as a sex offender during the tenancy, or prior to the tenancy if not disclosed when required in the rental application or otherwise known to the property owner at the beginning of the tenancy;

(p) The tenant continues in possession after having received a 20-day notice to vacate prior to the termination of the rental period or rental agreement if the tenant has made unwanted sexual advances or other acts of sexual harassment directed at the property owner, property manager, property employee, or another tenant based on the person's race, gender, or other protected status in violation of any covenant or term in the lease.

(3) When a tenant has permanently vacated due to voluntary or involuntary events, other than by termination of the tenancy by the landlord, any remaining occupants who had coresided with the tenant prior to and up to the time the tenant permanently vacated must immediately apply or reapply as a prospective tenant to continue to reside in the dwelling unit and must meet the same screening, background, and financial criteria as would any other prospective tenant to continue the tenancy on the same terms and conditions as the vacating tenant. If the occupant fails to apply within 90 days of when the primary tenant vacates or the application is denied for failure to meet the criteria, the landlord may commence an unlawful detainer action under this chapter. If an occupant succeeds to the tenancy pursuant to this subsection, a landlord may not terminate the tenancy except as provided under subsection (2) of this section. This subsection does not apply to tenants residing in subsidized housing.

(4) A landlord who removes a tenant or causes a tenant to be removed from a dwelling in any way in violation of this section is liable to the tenant for wrongful eviction, and the tenant prevailing in such an action is entitled to the greater of their economic and noneconomic damages or three times the monthly rent of the dwelling at issue, and reasonable attorneys' fees and court costs.

(5) Nothing in subsection (2)(d), (e), or (f) of this section permits a landlord to terminate a tenancy for a specified period before the completion of the term unless the landlord and the tenant mutually consent, in writing, to early termination and the tenant is afforded at least 60 days to vacate.

(6) All written notices required under subsection (2) of this section must:

(a) Be served in a manner consistent with RCW 59.12.040; and

(b) Identify the facts and circumstances known and available to the landlord at the time of the issuance of the notice that support the cause or causes with enough specificity so as to enable the tenant to respond and prepare a defense to any incidents alleged. The landlord may present additional facts and circumstances regarding the allegations within the notice if such evidence was unknown or unavailable at the time of the issuance of the notice.

**Sec. 3.** RCW 59.18.200 and 2019 c 339 s 1 and 2019 c 23 s 2 are each reenacted and amended to read as follows:

(1)(a) When premises are rented for an indefinite time, with monthly or other periodic rent reserved, such tenancy shall be construed to be a tenancy from month to month, or from period to period on which rent is payable, and shall be terminated by written notice of ~~((twenty))~~ 20 days or more, preceding the end of any of the months or periods of tenancy, given by ~~((either party))~~ the tenant to the ~~((other))~~ landlord.

(b) Any tenant who is a member of the armed forces, including the national guard and armed forces reserves, or that tenant's spouse or dependent, may terminate a rental agreement with less than ~~((twenty))~~ 20 days' written notice if the tenant receives

permanent change of station or deployment orders that do not allow a ~~((twenty))~~ 20-day written notice.

(2)(a) Whenever a landlord plans to change to a policy of excluding children, the landlord shall give a written notice to a tenant at least ~~((ninety))~~ 90 days before termination of the tenancy to effectuate such change in policy. Such ~~((ninety))~~ 90-day notice shall be in lieu of the notice required by subsection (1) of this section. However, if after giving the ~~((ninety))~~ 90-day notice the change in policy is delayed, the notice requirements of subsection (1) of this section shall apply unless waived by the tenant.

(b) Whenever a landlord plans to change any apartment or apartments to a condominium form of ownership, the landlord shall provide a written notice to a tenant at least ~~((one hundred twenty))~~ 120 days before termination of the tenancy, in compliance with RCW 64.34.440(1), to effectuate such change. The ~~((one hundred twenty day))~~ 120-day notice is in lieu of the notice required in subsection (1) of this section. However, if after providing the ~~((one hundred twenty day))~~ 120-day notice the change to a condominium form of ownership is delayed, the notice requirements in subsection (1) of this section apply unless waived by the tenant.

(c)(i) Whenever a landlord plans to demolish or substantially rehabilitate premises or plans a change of use of premises, the landlord shall provide a written notice to a tenant at least ~~((one hundred twenty))~~ 120 days before termination of the tenancy. This subsection (2)(c)(i) does not apply to jurisdictions that have created a relocation assistance program under RCW 59.18.440 and otherwise provide ~~((one hundred twenty))~~ 120 days' notice.

(ii) For purposes of this subsection (2)(c):

(A) "Assisted housing development" means a multifamily rental housing development that either receives government assistance and is defined as federally assisted housing in RCW 59.28.020, or that receives other federal, state, or local government assistance and is subject to use restrictions.

(B) "Change of use" means: (I) Conversion of any premises from a residential use to a nonresidential use that results in the displacement of an existing tenant; (II) conversion from one type of residential use to another type of residential use that results in the displacement of an existing tenant, such as conversion to a retirement home, emergency shelter, or transient hotel; or (III) conversion following removal of use restrictions from an assisted housing development that results in the displacement of an existing tenant: PROVIDED, That displacement of an existing tenant in order that the owner or a member of the owner's immediate family may occupy the premises does not constitute a change of use.

(C) "Demolish" means the destruction of premises or the relocation of premises to another site that results in the displacement of an existing tenant.

(D) "Substantially rehabilitate" means extensive structural repair or extensive remodeling of premises that requires a permit such as a building, electrical, plumbing, or mechanical permit, and that results in the displacement of an existing tenant.

(3) A person in violation of subsection (2)(c)(i) of this section may be held liable in a civil action up to three times the monthly rent of the real property at issue. The prevailing ~~((party))~~ tenant may also recover court costs and reasonable attorneys' fees.

**Sec. 4.** RCW 59.18.220 and 2019 c 23 s 3 are each amended to read as follows:

(1) ~~((In all))~~ Except as limited under section 2 of this act, in cases where premises are rented for a specified time, by express or implied contract, the tenancy shall be deemed terminated at the end of such specified time upon notice consistent with section 2 of this act, served in a manner consistent with RCW 59.12.040.

(2) Any tenant who is a member of the armed forces, including the national guard and armed forces reserves, or that tenant's spouse or dependent, may terminate a tenancy for a specified time if the tenant receives permanent change of station or deployment orders. Before terminating the tenancy, the tenant, or that tenant's spouse or dependent, shall provide written notice of ~~((twenty))~~ 20 days or more to the landlord, which notice shall include a copy of the official military orders or a signed letter from the service member's commanding officer confirming any of the following criteria are met:

(a) The service member is required, pursuant to a permanent change of station orders, to move ~~((thirty-five))~~ 35 miles or more from the location of the rental premises;

(b) The service member is prematurely or involuntarily discharged or released from active duty;

(c) The service member is released from active duty after having leased the rental premises while on active duty status and the rental premises is ~~((thirty-five))~~ 35 miles or more from the service member's home of record prior to entering active duty;

(d) After entering into a rental agreement, the commanding officer directs the service member to move into government provided housing;

(e) The service member receives temporary duty orders, temporary change of station orders, or active duty orders to an area ~~((thirty-five))~~ 35 miles or more from the location of the rental premises, provided such orders are for a period not less than ~~((ninety))~~ 90 days; or

(f) The service member has leased the property, but prior to taking possession of the rental premises, receives change of station orders to an area that is ~~((thirty-five))~~ 35 miles or more from the location of the rental premises.

**Sec. 5.** RCW 59.18.230 and 2020 c 315 s 6 and 2020 c 177 s 2 are each reenacted and amended to read as follows:

(1)(a) Any provision of a lease or other agreement, whether oral or written, whereby any section or subsection of this chapter is waived except as provided in RCW 59.18.360 and shall be deemed against public policy and shall be unenforceable. Such unenforceability shall not affect other provisions of the agreement which can be given effect without them.

(b) A landlord may not threaten a tenant with eviction for failure to pay nonpossessory charges limited under RCW 59.18.283.

(2) No rental agreement may provide that the tenant:

(a) Agrees to waive or to forgo rights or remedies under this chapter; or

(b) Authorizes any person to confess judgment on a claim arising out of the rental agreement; or

(c) Agrees to pay the landlord's attorneys' fees, except as authorized in this chapter; or

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith; or

(e) And landlord have agreed to a particular arbitrator at the time the rental agreement is entered into; or

(f) Agrees to pay late fees for rent that is paid within five days following its due date. If rent is more than five days past due, the landlord may charge late fees commencing from the first day after the due date until paid. Nothing in this subsection prohibits a landlord from serving a notice to pay or vacate at any time after the rent becomes due.

(3) A provision prohibited by subsection (2) of this section included in a rental agreement is unenforceable. If a landlord ~~((deliberately))~~ knowingly uses a rental agreement containing provisions known by him or her to be prohibited, the tenant may recover actual damages sustained by him or her, statutory damages not to exceed ~~((five-hundred-dollars))~~ two times the

monthly rent charged for the unit, costs of suit, and reasonable attorneys' fees.

(4) The common law right of the landlord of distress for rent is hereby abolished for property covered by this chapter. Any provision in a rental agreement creating a lien upon the personal property of the tenant or authorizing a distress for rent is null and void and of no force and effect. Any landlord who takes or detains the personal property of a tenant without the specific written consent of the tenant to such incident of taking or detention, and who, after written demand by the tenant for the return of his or her personal property, refuses to return the same promptly shall be liable to the tenant for the value of the property retained, actual damages, and if the refusal is intentional, may also be liable for damages of up to ~~((five-hundred-dollars))~~ \$500 per day but not to exceed ~~((five-thousand-dollars))~~ \$5,000, for each day or part of a day that the tenant is deprived of his or her property. The prevailing party may recover his or her costs of suit and a reasonable attorneys' fee.

In any action, including actions pursuant to chapters 7.64 or 12.28 RCW, brought by a tenant or other person to recover possession of his or her personal property taken or detained by a landlord in violation of this section, the court, upon motion and after notice to the opposing parties, may waive or reduce any bond requirements where it appears to be to the satisfaction of the court that the moving party is proceeding in good faith and has, prima facie, a meritorious claim for immediate delivery or redelivery of said property.

**Sec. 6.** RCW 59.12.030 and 2019 c 356 s 2 are each amended to read as follows:

~~((A))~~ Except as limited under section 2 of this act relating to tenancies under chapter 59.18 RCW, a tenant of real property for a term less than life is liable for unlawful detainer either:

(1) When he or she holds over or continues in possession, in person or by subtenant, of the property or any part thereof after the expiration of the term for which it is let to him or her. When real property is leased for a specified term or period by express or implied contract, whether written or oral, the tenancy shall be terminated without notice at the expiration of the specified term or period;

(2) When he or she, having leased property for an indefinite time with monthly or other periodic rent reserved, continues in possession thereof, in person or by subtenant, after the end of any such month or period, when the landlord, more than ~~((twenty))~~ 20 days prior to the end of such month or period, has served notice (in manner in RCW 59.12.040 provided) requiring him or her to quit the premises at the expiration of such month or period;

(3) When he or she continues in possession in person or by subtenant after a default in the payment of rent, and after notice in writing requiring in the alternative the payment of the rent or the surrender of the detained premises, served (in manner in RCW 59.12.040 provided) on behalf of the person entitled to the rent upon the person owing it, has remained uncomplied with for the period of three days after service, or for the period of ~~((fourteen))~~ 14 days after service for tenancies under chapter 59.18 RCW. The notice may be served at any time after the rent becomes due. For the purposes of this subsection and as applied to tenancies under chapter 59.18 RCW, "rent" has the same meaning as defined in RCW 59.18.030;

(4) When he or she continues in possession in person or by subtenant after a neglect or failure to keep or perform any condition or covenant of the lease or agreement under which the property is held, including any covenant not to assign or sublet, other than one for the payment of rent, and after notice in writing requiring in the alternative the performance of such condition or covenant or the surrender of the property, served (in manner in RCW 59.12.040 provided) upon him or her, and if there is a

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

subtenant in actual possession of the premises, also upon such subtenant, shall remain uncomplied with for ~~((ten))~~ 10 days after service thereof. Within ~~((ten))~~ 10 days after the service of such notice the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform such condition or covenant and thereby save the lease from such forfeiture. For the purposes of this subsection and as applied to tenancies under chapter 59.18 RCW, "rent" has the same meaning as defined in RCW 59.18.030;

(5) When he or she commits or permits waste upon the demised premises, or when he or she sets up or carries on thereon any unlawful business, or when he or she erects, suffers, permits, or maintains on or about the premises any nuisance, and remains in possession after the service (in manner in RCW 59.12.040 provided) upon him or her of three days' notice to quit;

(6) A person who, without the permission of the owner and without having color of title thereto, enters upon land of another and who fails or refuses to remove therefrom after three days' notice, in writing and served upon him or her in the manner provided in RCW 59.12.040. Such person may also be subject to the criminal provisions of chapter 9A.52 RCW; or

(7) When he or she commits or permits any gang-related activity at the premises as prohibited by RCW 59.18.130.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 4 of the title, after "termination;" strike the remainder of the title and insert "amending RCW 59.18.220 and 59.12.030; reenacting and amending RCW 59.18.030, 59.18.200, and 59.18.230; adding a new section to chapter 59.18 RCW; prescribing penalties; and declaring an emergency."

Senator Kuderer spoke in favor of not adopting the committee striking amendment.

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Housing & Local Government to Engrossed Substitute House Bill No. 1236.

The motion by Senator Kuderer carried and the committee striking amendment was not adopt by voice vote.

MOTION

Senator Mullet moved that the following striking floor amendment no. 576 by Senator Mullet be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 59.18.030 and 2019 c 356 s 5, 2019 c 232 s 24, and 2019 c 23 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Active duty" means service authorized by the president of the United States, the secretary of defense, or the governor for a period of more than ~~((thirty))~~ 30 consecutive days.

(2) "Certificate of inspection" means an unsworn statement, declaration, verification, or certificate made in accordance with the requirements of chapter 5.50 RCW by a qualified inspector that states that the landlord has not failed to fulfill any substantial obligation imposed under RCW 59.18.060 that endangers or impairs the health or safety of a tenant, including (a) structural members that are of insufficient size or strength to carry imposed loads with safety, (b) exposure of the occupants to the weather, (c) plumbing and sanitation defects that directly expose the

occupants to the risk of illness or injury, (d) not providing facilities adequate to supply heat and water and hot water as reasonably required by the tenant, (e) providing heating or ventilation systems that are not functional or are hazardous, (f) defective, hazardous, or missing electrical wiring or electrical service, (g) defective or hazardous exits that increase the risk of injury to occupants, and (h) conditions that increase the risk of fire.

(3) "Commercially reasonable manner," with respect to a sale of a deceased tenant's personal property, means a sale where every aspect of the sale, including the method, manner, time, place, and other terms, must be commercially reasonable. If commercially reasonable, a landlord may sell the tenant's property by public or private proceedings, by one or more contracts, as a unit or in parcels, and at any time and place and on any terms.

(4) "Comprehensive reusable tenant screening report" means a tenant screening report prepared by a consumer reporting agency at the direction of and paid for by the prospective tenant and made available directly to a prospective landlord at no charge, which contains all of the following: (a) A consumer credit report prepared by a consumer reporting agency within the past ~~((thirty))~~ 30 days; (b) the prospective tenant's criminal history; (c) the prospective tenant's eviction history; (d) an employment verification; and (e) the prospective tenant's address and rental history.

(5) "Criminal history" means a report containing or summarizing (a) the prospective tenant's criminal convictions and pending cases, the final disposition of which antedates the report by no more than seven years, and (b) the results of a sex offender registry and United States department of the treasury's office of foreign assets control search, all based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

(6) "Designated person" means a person designated by the tenant under RCW 59.18.590.

(7) "Distressed home" has the same meaning as in RCW 61.34.020.

(8) "Distressed home conveyance" has the same meaning as in RCW 61.34.020.

(9) "Distressed home purchaser" has the same meaning as in RCW 61.34.020.

(10) "Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single-family residences and units of multiplexes, apartment buildings, and mobile homes.

(11) "Eviction history" means a report containing or summarizing the contents of any records of unlawful detainer actions concerning the prospective tenant that are reportable in accordance with state law, are lawful for landlords to consider, and are obtained after a search based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

(12) "Gang" means a group that: (a) Consists of three or more persons; (b) has identifiable leadership or an identifiable name, sign, or symbol; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(13) "Gang-related activity" means any activity that occurs within the gang or advances a gang purpose.

(14) "In danger of foreclosure" means any of the following:

(a) The homeowner has defaulted on the mortgage and, under the terms of the mortgage, the mortgagee has the right to accelerate full payment of the mortgage and repossess, sell, or cause to be sold the property;

(b) The homeowner is at least ~~((thirty))~~ 30 days delinquent on any loan that is secured by the property; or

(c) The homeowner has a good faith belief that he or she is likely to default on the mortgage within the upcoming four months due to a lack of funds, and the homeowner has reported this belief to:

(i) The mortgagee;

(ii) A person licensed or required to be licensed under chapter 19.134 RCW;

(iii) A person licensed or required to be licensed under chapter 19.146 RCW;

(iv) A person licensed or required to be licensed under chapter 18.85 RCW;

(v) An attorney-at-law;

(vi) A mortgage counselor or other credit counselor licensed or certified by any federal, state, or local agency; or

(vii) Any other party to a distressed property conveyance.

(15) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.

(16) "Mortgage" is used in the general sense and includes all instruments, including deeds of trust, that are used to secure an obligation by an interest in real property.

(17) "Orders" means written official military orders, or any written notification, certification, or verification from the service member's commanding officer, with respect to the service member's current or future military status.

(18) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or any part of the legal title to property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

(19) "Permanent change of station" means: (a) Transfer to a unit located at another port or duty station; (b) change in a unit's home port or permanent duty station; (c) call to active duty for a period not less than ~~((ninety))~~ 90 days; (d) separation; or (e) retirement.

(20) "Person" means an individual, group of individuals, corporation, government, or governmental agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(21) "Premises" means a dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.

(22) "Property" or "rental property" means all dwelling units on a contiguous quantity of land managed by the same landlord as a single, rental complex.

(23) "Prospective landlord" means a landlord or a person who advertises, solicits, offers, or otherwise holds a dwelling unit out as available for rent.

(24) "Prospective tenant" means a tenant or a person who has applied for residential housing that is governed under this chapter.

(25) "Qualified inspector" means a United States department of housing and urban development certified inspector; a Washington state licensed home inspector; an American society of home inspectors certified inspector; a private inspector certified by the national association of housing and redevelopment officials, the American association of code enforcement, or other comparable professional association as approved by the local municipality; a municipal code enforcement officer; a Washington licensed structural engineer; or a Washington licensed architect.

(26) "Reasonable attorneys' fees," where authorized in this chapter, means an amount to be determined including the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation and ability of the lawyer or lawyers performing the services.

(27) "Reasonable manner," with respect to disposing of a deceased tenant's personal property, means to dispose of the property by donation to a not-for-profit charitable organization, by removal of the property by a trash hauler or recycler, or by any other method that is reasonable under the circumstances.

(28) "Rent" or "rental amount" means recurring and periodic charges identified in the rental agreement for the use and occupancy of the premises, which may include charges for utilities. Except as provided in RCW 59.18.283(3), these terms do not include nonrecurring charges for costs incurred due to late payment, damages, deposits, legal costs, or other fees, including attorneys' fees.

(29) "Rental agreement" or "lease" means all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

(30) "Service member" means an active member of the United States armed forces, a member of a military reserve component, or a member of the national guard who is either stationed in or a resident of Washington state.

(31) A "single-family residence" is a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single-family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

(32) A "tenant" is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

(33) "Tenant representative" means:

(a) A personal representative of a deceased tenant's estate if known to the landlord;

(b) If the landlord has no knowledge that a personal representative has been appointed for the deceased tenant's estate, a person claiming to be a successor of the deceased tenant who has provided the landlord with proof of death and an affidavit made by the person that meets the requirements of RCW 11.62.010(2);

(c) In the absence of a personal representative under (a) of this subsection or a person claiming to be a successor under (b) of this subsection, a designated person; or

(d) In the absence of a personal representative under (a) of this subsection, a person claiming to be a successor under (b) of this subsection, or a designated person under (c) of this subsection, any person who provides the landlord with reasonable evidence that he or she is a successor of the deceased tenant as defined in RCW 11.62.005. The landlord has no obligation to identify all of the deceased tenant's successors.

(34) "Tenant screening" means using a consumer report or other information about a prospective tenant in deciding whether to make or accept an offer for residential rental property to or from a prospective tenant.

(35) "Tenant screening report" means a consumer report as defined in RCW 19.182.010 and any other information collected by a tenant screening service.

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

(36) "Immediate family" includes state registered domestic partner, spouse, parents, grandparents, children, including foster children, siblings, and in-laws.

(37) "Subsidized housing" refers to rental housing for very low-income or low-income households that is a dwelling unit operated directly by a public housing authority or its affiliate, or that is insured, financed, or assisted in whole or in part through one of the following sources:

(a) A federal program or state housing program administered by the department of commerce or the Washington state housing finance commission;

(b) A federal housing program administered by a city or county government;

(c) An affordable housing levy authorized under RCW 84.52.105; or

(d) The surcharges authorized in RCW 36.22.178 and 36.22.179 and any of the surcharges authorized in chapter 43.185C RCW.

(38) "Transitional housing" means housing units owned, operated, or managed by a nonprofit organization or governmental entity in which supportive services are provided to individuals and families that were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than twenty-four months, or longer if the program is limited to tenants within a specified age range or the program is intended for tenants in need of time to complete and transition from educational or training or service programs.

**NEW SECTION. Sec. 2.** A new section is added to chapter 59.18 RCW to read as follows:

(1)(a) A landlord may not evict a tenant, refuse to continue a tenancy, or terminate a periodic tenancy except for the causes enumerated in subsection (2) of this section and as otherwise provided in this subsection.

(b) If a landlord and tenant enter into a rental agreement that provides for the tenancy to continue for an indefinite period on a month-to-month or periodic basis after the agreement expires, the landlord may not terminate the tenancy except for the causes enumerated in subsection (2) of this section; however, a landlord may terminate such a tenancy at the end of the initial period of the rental agreement without cause only if:

(i) At the inception of the tenancy, the landlord and tenant entered into a rental agreement between six and 12 months; and

(ii) The landlord has provided the tenant before the end of the initial lease period at least 60 days' advance written notice terminating the tenancy, served in a manner consistent with RCW 59.12.040.

(c) If a landlord and tenant enter into a rental agreement for a specified period in which the tenancy by the terms of the rental agreement does not continue for an indefinite period on a month-to-month or periodic basis after the end of the specified period, the landlord may terminate such a tenancy without cause upon expiration of the specified period only if:

(i) At the inception of the tenancy, the landlord and tenant entered into a rental agreement of 12 months or more for a specified period, or the landlord and tenant have continuously and without interruption entered into successive rental agreements of 12 months or more for a specified period since the inception of the tenancy;

(ii) The landlord has provided the tenant before the end of the specified period at least 60 days' advance written notice that the tenancy will be deemed terminated at the end of such specified period, served in a manner consistent with RCW 59.12.040; and

(iii) The tenancy has not been for an indefinite period on a month-to-month or periodic basis at any point since the inception of the tenancy.

(d) For all other tenancies of a specified period not covered under (b) or (c) of this subsection, and for tenancies of an indefinite period on a month-to-month or periodic basis, a landlord may not terminate the tenancy except for the causes enumerated in subsection (2) of this section. Upon the end date of the tenancy of a specified period, the tenancy becomes a month-to-month tenancy.

(e) Nothing prohibits a landlord and tenant from entering into subsequent lease agreements that are in compliance with the termination requirements in subsection (2) of this section.

(f) A tenant may terminate a tenancy for a specified time by providing notice in writing not less than 20 days prior to the ending date of the specified time.

(2) The following reasons listed in this subsection constitute cause pursuant to subsection (1) of this section:

(a) The tenant continues in possession in person or by subtenant after a default in the payment of rent, and after written notice requiring, in the alternative, the payment of the rent or the surrender of the detained premises has remained uncomplied with for the period set forth in RCW 59.12.030(3) for tenants subject to this chapter. The written notice may be served at any time after the rent becomes due;

(b) The tenant continues in possession after substantial breach of a material program requirement of subsidized housing, material term subscribed to by the tenant within the lease or rental agreement, or a tenant obligation imposed by law, other than one for monetary damages, and after the landlord has served written notice specifying the acts or omissions constituting the breach and requiring, in the alternative, that the breach be remedied or the rental agreement will terminate, and the breach has not been adequately remedied by the date specified in the notice, which date must be at least 10 days after service of the notice;

(c) The tenant continues in possession after having received at least three days' advance written notice to quit after he or she commits or permits waste or nuisance upon the premises, unlawful activity that affects the use and enjoyment of the premises, or other substantial or repeated and unreasonable interference with the use and enjoyment of the premises by the landlord or neighbors of the tenant;

(d) The tenant continues in possession after the landlord of a dwelling unit in good faith seeks possession so that the owner or his or her immediate family may occupy the unit as that person's principal residence and no substantially equivalent unit is vacant and available to house the owner or his or her immediate family in the same building, and the owner has provided at least 90 days' advance written notice of the date the tenant's possession is to end. There is a rebuttable presumption that the owner did not act in good faith if the owner or immediate family fails to occupy the unit as a principal residence for at least 60 consecutive days during the 90 days immediately after the tenant vacated the unit pursuant to a notice of termination using this subsection (2)(d) as the cause for termination;

(e) The tenant continues in possession after the owner elects to sell a single-family residence and the landlord has provided at least 90 days' advance written notice of the date the tenant's possession is to end. For the purposes of this subsection (2)(e), an owner "elects to sell" when the owner makes reasonable attempts to sell the dwelling within 30 days after the tenant has vacated, including, at a minimum, listing it for sale at a reasonable price with a realty agency or advertising it for sale at a reasonable price by listing it on the real estate multiple listing service. There shall be a rebuttable presumption that the owner did not intend to sell the unit if:

(i) Within 30 days after the tenant has vacated, the owner does not list the single-family dwelling unit for sale at a reasonable

price with a realty agency or advertise it for sale at a reasonable price by listing it on the real estate multiple listing service; or

(ii) Within 90 days after the date the tenant vacated or the date the property was listed for sale, whichever is later, the owner withdraws the rental unit from the market, the landlord rents the unit to someone other than the former tenant, or the landlord otherwise indicates that the owner does not intend to sell the unit;

(f) The tenant continues in possession of the premises after the landlord serves the tenant with advance written notice pursuant to RCW 59.18.200(2)(c);

(g) The tenant continues in possession after the owner elects to withdraw the premises to pursue a conversion pursuant to RCW 64.34.440 or 64.90.655;

(h) The tenant continues in possession, after the landlord has provided at least 30 days' advance written notice to vacate that:

(i) The premises has been certified or condemned as uninhabitable by a local agency charged with the authority to issue such an order; and (ii) continued habitation of the premises would subject the landlord to civil or criminal penalties. However, if the terms of the local agency's order do not allow the landlord to provide at least 30 days' advance written notice, the landlord must provide as much advance written notice as is possible and still comply with the order;

(i) The tenant continues in possession after an owner or lessor, with whom the tenant shares the dwelling unit or access to a common kitchen or bathroom area, has served at least 20 days' advance written notice to vacate prior to the end of the rental term or, if a periodic tenancy, the end of the rental period;

(j) The tenant continues in possession of a dwelling unit in transitional housing after having received at least 30 days' advance written notice to vacate in advance of the expiration of the transitional housing program, the tenant has aged out of the transitional housing program, or the tenant has completed an educational or training or service program and is no longer eligible to participate in the transitional housing program. Nothing in this subsection (2)(j) prohibits the termination of a tenancy in transitional housing for any of the other causes specified in this subsection;

(k) The tenant continues in possession of a dwelling unit after the expiration of a rental agreement without signing a proposed new rental agreement proffered by the landlord; provided, that the landlord proffered the proposed new rental agreement at least 30 days prior to the expiration of the current rental agreement and that any new terms and conditions of the proposed new rental agreement are reasonable. This subsection (2)(k) does not apply to tenants whose tenancies are or have become periodic;

(l) The tenant continues in possession after having received at least 30 days' advance written notice to vacate due to intentional, knowing, and material misrepresentations or omissions made on the tenant's application at the inception of the tenancy that, had these misrepresentations or omissions not been made, would have resulted in the landlord requesting additional information or taking an adverse action;

(m) The tenant continues in possession after having received at least 60 days' advance written notice to vacate for other good cause prior to the termination of the period or rental agreement and such cause constitutes a legitimate economic or business reason not covered or related to a basis for termination enumerated under this subsection (2). When the landlord relies on this basis for termination of the tenancy, the court may stay any writ of restitution for up to 60 additional days for good cause shown, including difficulty procuring alternative housing. The court must condition such a stay upon the tenant's continued payment of rent during the stay period. Upon granting such a stay, the court must award court costs and fees as allowed under this chapter;

(n)(i) The tenant continues in possession after having received at least 60 days' written notice to vacate prior to the termination of the period or rental agreement and the tenant has committed four or more of the following violations, other than ones for monetary damages, within the preceding 12-month period, the tenant has remedied or cured the violation, and the landlord has provided the tenant a written warning notice at the time of each violation: A substantial breach of a material program requirement of subsidized housing, a substantial breach of a material term subscribed to by the tenant within the lease or rental agreement, or a substantial breach of a tenant obligation imposed by law;

(ii) Each written warning notice must:

(A) Specify the violation;

(B) Provide the tenant an opportunity to cure the violation;

(C) State that the landlord may choose to terminate the tenancy at the end of the rental term if there are four violations within a 12-month period preceding the end of the term; and

(D) State that correcting the fourth or subsequent violation is not a defense to termination under this subsection;

(iii) The 60-day notice of termination must:

(A) State that the rental agreement will terminate upon the specified ending date for the rental term or upon a designated date not less than 60 days after the delivery of the notice, whichever is later;

(B) Specify the reason for the termination and supporting facts; and

(C) Be served to the tenant concurrent with or after the fourth or subsequent written warning notice;

(iv) The notice under this subsection must include all notices supporting the basis of termination;

(v) Any notices asserted under this subsection must pertain to four or more separate incidents or occurrences; and

(vi) This subsection (2)(n) does not absolve a landlord from demonstrating by admissible evidence that the four or more violations constituted breaches under (b) of this subsection at the time of the violation had the tenant not remedied or cured the violation;

(o) The tenant continues in possession after having received at least 60 days' advance written notice to vacate prior to the termination of the rental period or rental agreement if the tenant is required to register as a sex offender during the tenancy, or failed to disclose a requirement to register as a sex offender when required in the rental application or otherwise known to the property owner at the beginning of the tenancy;

(p) The tenant continues in possession after having received at least 20 days' advance written notice to vacate prior to the termination of the rental period or rental agreement if the tenant has made unwanted sexual advances or other acts of sexual harassment directed at the property owner, property manager, property employee, or another tenant based on the person's race, gender, or other protected status in violation of any covenant or term in the lease.

(3) When a tenant has permanently vacated due to voluntary or involuntary events, other than by termination of the tenancy by the landlord, a landlord must serve a notice to any remaining occupants who had coresided with the tenant at least six months prior to and up to the time the tenant permanently vacated, requiring the occupants to either apply to become a party to the rental agreement or vacate within 30 days of service of such notice. In processing any application from a remaining occupant under this subsection, the landlord may require the occupant to meet the same screening, background, and financial criteria as would any other prospective tenant to continue the tenancy. If the occupant fails to apply within 30 days of receipt of the notice in this subsection, or the application is denied for failure to meet the criteria, the landlord may commence an unlawful detainer action

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

under this chapter. If an occupant becomes a party to the tenancy pursuant to this subsection, a landlord may not terminate the tenancy except as provided under subsection (2) of this section. This subsection does not apply to tenants residing in subsidized housing.

(4) A landlord who removes a tenant or causes a tenant to be removed from a dwelling in any way in violation of this section is liable to the tenant for wrongful eviction, and the tenant prevailing in such an action is entitled to the greater of their economic and noneconomic damages or three times the monthly rent of the dwelling at issue, and reasonable attorneys' fees and court costs.

(5) Nothing in subsection (2)(d), (e), or (f) of this section permits a landlord to terminate a tenancy for a specified period before the completion of the term unless the landlord and the tenant mutually consent, in writing, to early termination and the tenant is afforded at least 60 days to vacate.

(6) All written notices required under subsection (2) of this section must:

(a) Be served in a manner consistent with RCW 59.12.040; and

(b) Identify the facts and circumstances known and available to the landlord at the time of the issuance of the notice that support the cause or causes with enough specificity so as to enable the tenant to respond and prepare a defense to any incidents alleged. The landlord may present additional facts and circumstances regarding the allegations within the notice if such evidence was unknown or unavailable at the time of the issuance of the notice.

**Sec. 3.** RCW 59.18.200 and 2019 c 339 s 1 and 2019 c 23 s 2 are each reenacted and amended to read as follows:

(1)(a) When premises are rented for an indefinite time, with monthly or other periodic rent reserved, such tenancy shall be construed to be a tenancy from month to month, or from period to period on which rent is payable, and shall be terminated by written notice of ~~((twenty))~~ 20 days or more, preceding the end of any of the months or periods of tenancy, given by ~~((either party))~~ the tenant to the ~~((other))~~ landlord.

(b) Any tenant who is a member of the armed forces, including the national guard and armed forces reserves, or that tenant's spouse or dependent, may terminate a rental agreement with less than ~~((twenty))~~ 20 days' written notice if the tenant receives permanent change of station or deployment orders that do not allow a ~~((twenty))~~ 20-day written notice.

(2)(a) Whenever a landlord plans to change to a policy of excluding children, the landlord shall give a written notice to a tenant at least ~~((ninety))~~ 90 days before termination of the tenancy to effectuate such change in policy. Such ~~((ninety))~~ 90-day notice shall be in lieu of the notice required by subsection (1) of this section. However, if after giving the ~~((ninety))~~ 90-day notice the change in policy is delayed, the notice requirements of subsection (1) of this section shall apply unless waived by the tenant.

(b) Whenever a landlord plans to change any apartment or apartments to a condominium form of ownership, the landlord shall provide a written notice to a tenant at least ~~((one hundred twenty))~~ 120 days before termination of the tenancy, in compliance with RCW 64.34.440(1), to effectuate such change. The ~~((one hundred twenty day))~~ 120-day notice is in lieu of the notice required in subsection (1) of this section. However, if after providing the ~~((one hundred twenty day))~~ 120-day notice the change to a condominium form of ownership is delayed, the notice requirements in subsection (1) of this section apply unless waived by the tenant.

(c)(i) Whenever a landlord plans to demolish or substantially rehabilitate premises or plans a change of use of premises, the landlord shall provide a written notice to a tenant at least ~~((one hundred twenty))~~ 120 days before termination of the tenancy.

This subsection (2)(c)(i) does not apply to jurisdictions that have created a relocation assistance program under RCW 59.18.440 and otherwise provide ~~((one hundred twenty))~~ 120 days' notice.

(ii) For purposes of this subsection (2)(c):

(A) "Assisted housing development" means a multifamily rental housing development that either receives government assistance and is defined as federally assisted housing in RCW 59.28.020, or that receives other federal, state, or local government assistance and is subject to use restrictions.

(B) "Change of use" means: (I) Conversion of any premises from a residential use to a nonresidential use that results in the displacement of an existing tenant; (II) conversion from one type of residential use to another type of residential use that results in the displacement of an existing tenant, such as conversion to a retirement home, emergency shelter, or transient hotel; or (III) conversion following removal of use restrictions from an assisted housing development that results in the displacement of an existing tenant: PROVIDED, That displacement of an existing tenant in order that the owner or a member of the owner's immediate family may occupy the premises does not constitute a change of use.

(C) "Demolish" means the destruction of premises or the relocation of premises to another site that results in the displacement of an existing tenant.

(D) "Substantially rehabilitate" means extensive structural repair or extensive remodeling of premises that requires a permit such as a building, electrical, plumbing, or mechanical permit, and that results in the displacement of an existing tenant.

~~((3) A person in violation of subsection (2)(c)(i) of this section may be held liable in a civil action up to three times the monthly rent of the real property at issue. The prevailing party may also recover court costs and reasonable attorneys' fees.))~~

**Sec. 4.** RCW 59.18.220 and 2019 c 23 s 3 are each amended to read as follows:

(1) ~~((In all))~~ Except as limited under section 2 of this act, in cases where premises are rented for a specified time, by express or implied contract, the tenancy shall be deemed terminated at the end of such specified time upon notice consistent with section 2 of this act, served in a manner consistent with RCW 59.12.040.

(2) Any tenant who is a member of the armed forces, including the national guard and armed forces reserves, or that tenant's spouse or dependent, may terminate a tenancy for a specified time if the tenant receives permanent change of station or deployment orders. Before terminating the tenancy, the tenant, or that tenant's spouse or dependent, shall provide written notice of ~~((twenty))~~ 20 days or more to the landlord, which notice shall include a copy of the official military orders or a signed letter from the service member's commanding officer confirming any of the following criteria are met:

(a) The service member is required, pursuant to a permanent change of station orders, to move ~~((thirty five))~~ 35 miles or more from the location of the rental premises;

(b) The service member is prematurely or involuntarily discharged or released from active duty;

(c) The service member is released from active duty after having leased the rental premises while on active duty status and the rental premises is ~~((thirty five))~~ 35 miles or more from the service member's home of record prior to entering active duty;

(d) After entering into a rental agreement, the commanding officer directs the service member to move into government provided housing;

(e) The service member receives temporary duty orders, temporary change of station orders, or active duty orders to an area ~~((thirty five))~~ 35 miles or more from the location of the rental

premises, provided such orders are for a period not less than ~~((ninety))~~ 90 days; or

(f) The service member has leased the property, but prior to taking possession of the rental premises, receives change of station orders to an area that is ~~((thirty-five))~~ 35 miles or more from the location of the rental premises.

**Sec. 5.** RCW 59.18.230 and 2020 c 315 s 6 and 2020 c 177 s 2 are each reenacted and amended to read as follows:

(1)(a) Any provision of a lease or other agreement, whether oral or written, whereby any section or subsection of this chapter is waived except as provided in RCW 59.18.360 and shall be deemed against public policy and shall be unenforceable. Such unenforceability shall not affect other provisions of the agreement which can be given effect without them.

(b) A landlord may not threaten a tenant with eviction for failure to pay nonpossessory charges limited under RCW 59.18.283.

(2) No rental agreement may provide that the tenant:

(a) Agrees to waive or to forgo rights or remedies under this chapter; or

(b) Authorizes any person to confess judgment on a claim arising out of the rental agreement; or

(c) Agrees to pay the landlord's attorneys' fees, except as authorized in this chapter; or

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith; or

(e) And landlord have agreed to a particular arbitrator at the time the rental agreement is entered into; or

(f) Agrees to pay late fees for rent that is paid within five days following its due date. If rent is more than five days past due, the landlord may charge late fees commencing from the first day after the due date until paid. Nothing in this subsection prohibits a landlord from serving a notice to pay or vacate at any time after the rent becomes due.

(3) A provision prohibited by subsection (2) of this section included in a rental agreement is unenforceable. If a landlord ~~((deliberately))~~ knowingly uses a rental agreement containing provisions known by him or her to be prohibited, the tenant may recover actual damages sustained by him or her, statutory damages not to exceed ~~((five hundred dollars))~~ two times the monthly rent charged for the unit, costs of suit, and reasonable attorneys' fees.

(4) The common law right of the landlord of distress for rent is hereby abolished for property covered by this chapter. Any provision in a rental agreement creating a lien upon the personal property of the tenant or authorizing a distress for rent is null and void and of no force and effect. Any landlord who takes or detains the personal property of a tenant without the specific written consent of the tenant to such incident of taking or detention, and who, after written demand by the tenant for the return of his or her personal property, refuses to return the same promptly shall be liable to the tenant for the value of the property retained, actual damages, and if the refusal is intentional, may also be liable for damages of up to ~~((five hundred dollars))~~ \$500 per day but not to exceed ~~((five thousand dollars))~~ \$5,000, for each day or part of a day that the tenant is deprived of his or her property. The prevailing party may recover his or her costs of suit and a reasonable attorneys' fee.

In any action, including actions pursuant to chapters 7.64 or 12.28 RCW, brought by a tenant or other person to recover possession of his or her personal property taken or detained by a landlord in violation of this section, the court, upon motion and after notice to the opposing parties, may waive or reduce any bond requirements where it appears to be to the satisfaction of the court that the moving party is proceeding in good faith and has, prima

facie, a meritorious claim for immediate delivery or redelivery of said property.

**Sec. 6.** RCW 59.12.030 and 2019 c 356 s 2 are each amended to read as follows:

~~((A))~~ Except as limited under section 2 of this act relating to tenancies under chapter 59.18 RCW, a tenant of real property for a term less than life is liable for unlawful detainer either:

(1) When he or she holds over or continues in possession, in person or by subtenant, of the property or any part thereof after the expiration of the term for which it is let to him or her. When real property is leased for a specified term or period by express or implied contract, whether written or oral, the tenancy shall be terminated without notice at the expiration of the specified term or period;

(2) When he or she, having leased property for an indefinite time with monthly or other periodic rent reserved, continues in possession thereof, in person or by subtenant, after the end of any such month or period, when the landlord, more than ~~((twenty))~~ 20 days prior to the end of such month or period, has served notice (in manner in RCW 59.12.040 provided) requiring him or her to quit the premises at the expiration of such month or period;

(3) When he or she continues in possession in person or by subtenant after a default in the payment of rent, and after notice in writing requiring in the alternative the payment of the rent or the surrender of the detained premises, served (in manner in RCW 59.12.040 provided) on behalf of the person entitled to the rent upon the person owing it, has remained uncomplied with for the period of three days after service, or for the period of ~~((fourteen))~~ 14 days after service for tenancies under chapter 59.18 RCW. The notice may be served at any time after the rent becomes due. For the purposes of this subsection and as applied to tenancies under chapter 59.18 RCW, "rent" has the same meaning as defined in RCW 59.18.030;

(4) When he or she continues in possession in person or by subtenant after a neglect or failure to keep or perform any condition or covenant of the lease or agreement under which the property is held, including any covenant not to assign or sublet, other than one for the payment of rent, and after notice in writing requiring in the alternative the performance of such condition or covenant or the surrender of the property, served (in manner in RCW 59.12.040 provided) upon him or her, and if there is a subtenant in actual possession of the premises, also upon such subtenant, shall remain uncomplied with for ~~((ten))~~ 10 days after service thereof. Within ~~((ten))~~ 10 days after the service of such notice the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform such condition or covenant and thereby save the lease from such forfeiture. For the purposes of this subsection and as applied to tenancies under chapter 59.18 RCW, "rent" has the same meaning as defined in RCW 59.18.030;

(5) When he or she commits or permits waste upon the demised premises, or when he or she sets up or carries on thereon any unlawful business, or when he or she erects, suffers, permits, or maintains on or about the premises any nuisance, and remains in possession after the service (in manner in RCW 59.12.040 provided) upon him or her of three days' notice to quit;

(6) A person who, without the permission of the owner and without having color of title thereto, enters upon land of another and who fails or refuses to remove therefrom after three days' notice, in writing and served upon him or her in the manner provided in RCW 59.12.040. Such person may also be subject to the criminal provisions of chapter 9A.52 RCW; or

(7) When he or she commits or permits any gang-related activity at the premises as prohibited by RCW 59.18.130.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or

EIGHTY FIFTH DAY, APRIL 5, 2021

2021 REGULAR SESSION

support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 4 of the title, after "termination;" strike the remainder of the title and insert "amending RCW 59.18.220 and 59.12.030; reenacting and amending RCW 59.18.030, 59.18.200, and 59.18.230; adding a new section to chapter 59.18 RCW; prescribing penalties; and declaring an emergency."

MOTION

Senator Short moved that the following floor amendment no. 594 by Senator Short be adopted:

On page 6, line 39, after "or" strike "terminate" and insert "end"

On page 7, line 6, after "not" strike "terminate" and insert "end"

On page 7, at the beginning of line 8, strike "terminate" and insert "end"

On page 7, at the beginning of line 14, strike "terminating" and insert "ending"

On page 7, line 20, after "may" strike "terminate" and insert "end"

On page 7, line 29, after "deemed" strike "terminated" and insert "expired"

On page 7, line 37, after "not" strike "terminate" and insert "end"

On page 8, at the beginning of line 3, strike "termination"

On page 8, line 4, after "may" strike "terminate" and insert "end"

On page 8, line 23, after "will" strike "terminate" and insert "end"

On page 9, line 4, after "notice" strike "of termination" and insert "to vacate"

On page 9, at the beginning of line 5, strike "termination" and insert "the lease ending"

On page 10, line 13, after "the" strike "termination" and insert "ending"

On page 10, line 33, after "to the" strike "termination" and insert "end"

On page 10, line 35, after "for" strike "termination" and insert "ending the lease as"

On page 10, at the beginning of line 37, strike "termination of" and insert "ending"

On page 11, line 4, after "the" strike "termination" and insert "end"

On page 11, line 17, after "to" strike "terminate" and insert "end"

On page 11, line 21, after "to" strike "termination" and insert "the ending of the lease"

On page 11, line 22, after "notice" strike "of termination" and insert "to vacate"

On page 11, line 23, after "will" strike "terminate" and insert "end"

On page 11, line 27, after "for" strike "the termination" and insert "ending the lease"

On page 11, line 32, after "of" strike "termination" and insert "ending the lease"

On page 12, at the beginning of line 1, strike "termination" and insert "end"

On page 12, at the beginning of line 8, strike "termination" and insert "end"

On page 12, line 14, after "than by" strike "termination" and insert "the ending"

On page 12, line 28, after "not" strike "terminate" and insert "end"

On page 12, line 38, after "to" strike "terminate" and insert "end"

On page 13, line 1, after "to" strike "early termination" and insert "ending the tenancy early"

On page 13, line 18, after "shall" strike "be terminated" and insert "~~((be terminated))~~ end"

On page 13, line 24, after "may" strike "terminate" and insert "~~((terminate))~~ end"

On page 13, line 30, after "before" strike "termination of" and insert "~~((termination of))~~"

On page 13, line 30, after "tenancy" insert "ends"

On page 13, line 39, after "before" strike "termination of" and insert "~~((termination of))~~"

On page 13, line 39, after "tenancy" insert "ends"

On page 14, line 10, after "before" strike "termination of" and insert "~~((termination of))~~"

On page 14, line 10, after "tenancy" insert "ends"

On page 15, line 7, after "deemed" strike "terminated" and insert "~~((terminated))~~ expired"

On page 15, line 12, after "may" strike "terminate" and insert "~~((terminate))~~ end"

On page 15, at the beginning of line 14, strike "terminating" and insert "~~((terminating))~~ ending"

On page 17, beginning on line 28, after "shall" strike "be terminated" and insert "~~((be terminated))~~ end"

Senators Short and Kuderer spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 594 by Senator Short on page 6, line 39 to striking floor amendment no. 576.

The motion by Senator Short carried and floor amendment no. 594 was adopted by voice vote.

MOTION

Senator Gildon moved that the following floor amendment no. 595 by Senator Gildon be adopted:

On page 7, line 23, after "agreement of" strike "12" and insert "six"

On page 7, line 25, after "agreements of" strike "12" and insert "six"

Senator Gildon spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 595 by Senator Gildon on page 7, line 23 to striking floor amendment no. 576.

The motion by Senator Gildon carried and floor amendment no. 595 was adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 596 by Senator Warnick be adopted:

On page 8, after line 6, insert the following:

"(g) This section does not apply to a landlord who owns a rental property with no more than four dwelling units."

On page 13, line 21, after "landlord." insert "A landlord who owns a rental property with no more than four dwelling units may terminate a monthly or periodic tenancy by providing the tenant

a written notice of 20 days or more, preceding the end of any of the months or periods of tenancy."

Senator Warnick spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 596 by Senator Warnick on page 8, line 6 to striking floor amendment no. 576.

The motion by Senator Warnick carried and floor amendment no. 596 was adopted by voice vote.

#### MOTION

On motion of Senator Liias, further consideration of Engrossed Substitute House Bill No. 1236 was deferred and the bill held its place on the second reading calendar.

#### SECOND READING

HOUSE BILL NO. 1072, by Representatives Lekanoff, Valdez, Wylie, Simmons, Kloba, Gregerson, Santos, Macri and Pollet

Removing only one of the restrictions on the use of civil legal aid funds.

The measure was read the second time.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 1072 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1072.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1072 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

HOUSE BILL NO. 1072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1221, by House Committee on Children, Youth & Families (originally sponsored by Rule,

Bateman, Shewmake, Lekanoff, Senn, Santos, Thai, Ortiz-Self, Ormsby, Callan, Ramel, Riccelli and Macri)

Standardizing homelessness definitions.

The measure was read the second time.

#### MOTION

On motion of Senator Darneille, the rules were suspended, Substitute House Bill No. 1221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, Gildon and Lovelett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1221.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1221 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Gildon, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1424, by House Committee on Consumer Protection & Business (originally sponsored by Walen, Ybarra, Springer, Simmons, Ramel and Berg)

Concerning consumer protection with respect to the sale of dogs and cats.

The measure was read the second time.

#### MOTION

On motion of Senator Mullet, the rules were suspended, Substitute House Bill No. 1424 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet, King, Rivers and Randall spoke in favor of passage of the bill.

Senators Dozier and Wilson, L. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1424.

#### ROLL CALL

EIGHTY FIFTH DAY, APRIL 5, 2021

The Secretary called the roll on the final passage of Substitute House Bill No. 1424 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Holy, Honeyford, Hunt, McCune, Muzzall, Padden, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:29 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

----

The Senate was called to order at 5:04 p.m. by President Heck.

#### REMARKS BY SENATOR BILLIG

Senator Billig: "Thank you Mr. President. I've got to say that when I was remote on Saturday and I had a photo in my background that I was going to comment on, I didn't have a chance. It was a picture of an institution in my district, in the 3<sup>rd</sup> Legislative District, in central Spokane. It happens to be the home to the number one basketball team in the country, that will be playing tonight for the national championship. I want to wish them good luck, hopefully on behalf of the entire body and Go Zags!"

#### MOTION

At 5:06 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Tuesday, April 6, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**EIGHTY SIXTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Tuesday, April 6, 2021

The Senate was called to order at 10:02 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Lia Carroll led the Senate in the Pledge of Allegiance. Miss Carroll is a student at Lake Washington High School in Kirkland and a guest of Senator Dhingra.

The prayer was offered by Rabbi David Weiner of Temple De Hirsch Sinai, Seattle.

**MOTIONS**

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

Pursuant to Rule 46, on motion of Senator Liias, and without objection, the Committee on Transportation was granted special leave to meet during the day's floor session.

On motion of Senator Liias, the Senate advanced to the fourth order of business.

**MESSAGES FROM THE HOUSE**

April 5, 2021

MR. PRESIDENT:  
The House has passed:

- SENATE BILL NO. 5015,
- SENATE BILL NO. 5016,
- SENATE BILL NO. 5018,
- SENATE BILL NO. 5046,
- SUBSTITUTE SENATE BILL NO. 5068,
- SENATE BILL NO. 5106,
- SUBSTITUTE SENATE BILL NO. 5152,
- SUBSTITUTE SENATE BILL NO. 5169,
- SENATE BILL NO. 5184,
- SUBSTITUTE SENATE BILL NO. 5228,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5284,
- SENATE BILL NO. 5303,
- ENGROSSED SENATE BILL NO. 5356,
- SENATE BILL NO. 5385,
- SUBSTITUTE SENATE BILL NO. 5425,
- SENATE BILL NO. 5431,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

April 5, 2021

MR. PRESIDENT:  
The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1532,
- HOUSE BILL NO. 1546,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

**MOTION**

At 10:06 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

----

The Senate was called to order at 11:35 a.m. by President Heck.

**MOTION**

On motion of Senator Liias, the Senate advanced to the eighth order of business.

**MOTION**

Senator Hobbs moved adoption of the following resolution:

**SENATE RESOLUTION  
8622**

By Senators Hobbs and King

WHEREAS, Mr. David Brian Ward was a proud Michigander turned proud Minnesotan who graduated from the University of Minnesota; and

WHEREAS, David had an industrious career, working in the financial industry in Taiwan and with refugee communities in the United States, before working at the Washington State Office of Financial Management; and

WHEREAS, David began his Senate career as a revenue analyst for the Senate Transportation Committee in October of 2004, before serving as the committee's budget coordinator in 2008, and later transferring to the Joint Transportation Committee in 2019; and

WHEREAS, David worked with five different committee chairs during his tenure on the Senate Transportation Committee, enjoying a reputation as a brilliant nonpartisan and bicameral staffer; and

WHEREAS, David traveled to all ends of the state as part of a transportation revenue package listening tour in 2014 to learn the statewide significance of the SR 522 Snohomish River Bridge, the US 12 Wildcat Bridge, the US 2 Trestle, the SR 14 Bingen Overpass, the I-82 Red Mountain Interchange, and various stoplights along SR 9 in Snohomish county; and

WHEREAS, David assisted members in the development and perfection of strategies to finance some of the most difficult and expensive public works projects in the history of civilization, such as the world's largest deep bore tunnel and the world's longest floating bridge; and

WHEREAS, David provided members with his wisdom to deliver a balanced 10 year, 12 year, or 16 year transportation budget depending on how terrible the state's gas tax collections were in a given year; and

WHEREAS, David oversaw transportation budget negotiations for the Senate each session and was known to provide helpful nonpartisan advice to members like "You can't spend the money twice, Senator,"; and

WHEREAS, Staff and members alike were mesmerized by David's preternatural command of the audio-visual equipment known as the Wardistrator 5000 that he used to educate, entertain,

EIGHTY SIXTH DAY, APRIL 6, 2021

2021 REGULAR SESSION

and enrich members while developing a transportation budget; and

WHEREAS, David served as a generous mentor to new staff and elected members of the Senate Transportation Committee, imparting his humor, positivity, and wisdom onto them; and

WHEREAS, David was known for meticulously researching the best places to eat and drink during legislative tours of transportation projects, and while he did not participate in karaoke, he did offer his colleagues encouragement and critiques of their performances; and

WHEREAS, David was respected by members, staff, and the lobbying community alike for his humility, dedication, and talent; and

WHEREAS, In 2020, David was diagnosed with a medical condition that would test him severely and David fought valiantly with love and support from many, but ultimately his battle concluded when he died at his Thurston county home on August 17, 2020; and

WHEREAS, David leaves behind a legacy of excellence and service as a model public servant; and

WHEREAS, David did some of his best work in the Senate Transportation Committee conference room as he ably assisted members and staff in directing the development of the state transportation budget, and as such we shall forever refer to room 318 in the John A. Cherberg building as the "David Ward Senate Transportation Committee Conference Room," or what is affectionately known to his friends as the "Ward Room"; and

WHEREAS, Although David would be deeply and humbly opposed to the passage of this resolution, David's tireless commitment to the state of Washington cannot go unrecognized;

NOW, THEREFORE, BE IT RESOLVED, That this resolution is offered in memory of our friend and colleague David Brian Ward and in honor of his legacy throughout the Washington State Transportation system; and

BE IT FURTHER RESOLVED, That the Washington State Senate express its deepest gratitude for the 16 years of service given to the Legislature, and for the many more years of service given to our state government and his greater community by Mr. David Ward; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to David's mother, Ruth Ward-Gross, David's partner, Alison Riffer, the Senate Transportation Committee, and Senate Committee Services.

Senators Hobbs and King spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8622.

The motion by Senator Hobbs carried and the resolution was adopted by voice vote.

MOTIONS

Senator Liias moved that all members names be added to Senate Resolution No. 8622.

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1009, by Representatives Thai, Slatter, Wicks, Ortiz-Self, Kloba, Lekanoff, Bateman, J. Johnson, Ryu, Senn, Gregerson, Valdez, Cody, Riccelli, Frame, Santos, Macri and Pollet

Concerning student health plans.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, House Bill No. 1009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

Senators Muzzall and Short spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1009.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1009 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Absent: Senator Ericksen

HOUSE BILL NO. 1009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1148, by House Committee on Appropriations (originally sponsored by Cody, Macri, Stonier, Lekanoff and Pollet)

Protecting patients in acute care hospitals.

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.41.020 and 2016 c 226 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

(1) "Aftercare" means the assistance provided by a lay caregiver to a patient under this chapter after the patient's discharge from a hospital. The assistance may include, but is not limited to, assistance with activities of daily living, wound care, medication assistance, and the operation of medical equipment. "Aftercare" includes assistance only for conditions that were

present at the time of the patient's discharge from the hospital. "Aftercare" does not include:

(a) Assistance related to conditions for which the patient did not receive medical care, treatment, or observation in the hospital; or

(b) Tasks the performance of which requires licensure as a health care provider.

(2) "Department" means the Washington state department of health.

(3) "Discharge" means a patient's release from a hospital following the patient's admission to the hospital.

(4) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine.

(5) "Emergency care to victims of sexual assault" means medical examinations, procedures, and services provided by a hospital emergency room to a victim of sexual assault following an alleged sexual assault.

(6) "Emergency contraception" means any health care treatment approved by the food and drug administration that prevents pregnancy, including but not limited to administering two increased doses of certain oral contraceptive pills within seventy-two hours of sexual contact.

(7) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include birthing centers, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, intellectual disability, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this chapter or the rules adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations.

(8) "Immediate jeopardy" means a situation in which the hospital's noncompliance with one or more statutory or regulatory requirements has placed the health and safety of patients in its care at risk for serious injury, serious harm, serious impairment, or death.

(9) "Lay caregiver" means any individual designated as such by a patient under this chapter who provides aftercare assistance to a patient in the patient's residence. "Lay caregiver" does not include a long-term care worker as defined in RCW 74.39A.009.

~~((9))~~ (10) "Originating site" means the physical location of a patient receiving health care services through telemedicine.

~~((40))~~ (11) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

~~((14))~~ (12) "Secretary" means the secretary of health.

~~((42))~~ (13) "Sexual assault" has the same meaning as in RCW 70.125.030.

~~((13))~~ (14) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. "Telemedicine" does not include the use of audio-only telephone, facsimile, or email.

~~((44))~~ (15) "Victim of sexual assault" means a person who alleges or is alleged to have been sexually assaulted and who presents as a patient.

**Sec. 2.** RCW 70.41.130 and 2011 c 302 s 3 are each amended to read as follows:

(1) The department is authorized to ~~((deny, suspend, revoke, or modify a))~~ take any of the actions identified in this section against a hospital's license or provisional license in any case in which it finds that there has been a failure or refusal to comply with the requirements of this chapter or the standards or rules adopted under this chapter or the requirements of RCW 71.34.375.

(a) When the department determines the hospital has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule, or has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule, or when the hospital failed to correct noncompliance with a statute or rule by a date established or agreed to by the department, the department may impose reasonable conditions on a license. Conditions may include correction within a specified amount of time, training, or hiring a department-approved consultant if the hospital cannot demonstrate to the department that it has access to sufficient internal expertise. If the department determines that the violations constitute immediate jeopardy, the conditions may be imposed immediately in accordance with subsection (3) of this section.

(b)(i) In accordance with the authority the department has under RCW 43.70.095, the department may assess a civil fine of up to \$10,000 per violation, not to exceed a total fine of \$1,000,000, on a hospital licensed under this chapter when the department determines the hospital has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule, or has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule, or when the hospital failed to correct noncompliance with a statute or rule by a date established or agreed to by the department.

(ii) Proceeds from these fines may only be used by the department to offset costs associated with licensing hospitals.

(iii) The department shall adopt in rules under this chapter specific fine amounts in relation to:

(A) The severity of the noncompliance and at an adequate level to be a deterrent to future noncompliance; and

(B) The number of licensed beds and the operation size of the hospital. The licensed hospital beds will be categorized as:

(I) Up to 25 beds;

(II) 26 to 99 beds;

(III) 100 to 299 beds; and

(IV) 300 beds or greater.

(iv) If a licensee is aggrieved by the department's action of assessing civil fines, the licensee has the right to appeal under RCW 43.70.095.

(c) The department may suspend a specific category or categories of services or care or recovery units within the hospital as related to the violation by imposing a limited stop service. This may only be done if the department finds that noncompliance results in immediate jeopardy.

(i) Prior to imposing a limited stop service, the department shall provide a hospital written notification upon identifying deficient practices or conditions that constitute an immediate jeopardy, and

EIGHTY SIXTH DAY, APRIL 6, 2021

2021 REGULAR SESSION

upon the review and approval of the notification by the secretary or the secretary's designee. The hospital shall have 24 hours from notification to develop and implement a department-approved plan to correct the deficient practices or conditions that constitute an immediate jeopardy. If the deficient practice or conditions that constitute immediate jeopardy are not verified by the department as having been corrected within the same 24 hour period, the department may issue the limited stop service.

(ii) When the department imposes a limited stop service, the hospital may not admit any new patients to the units in the category or categories subject to the limited stop service until the limited stop service order is terminated.

(iii) The department shall conduct a follow-up inspection within five business days or within the time period requested by the hospital if more than five business days is needed to verify the violation necessitating the limited stop service has been corrected.

(iv) The limited stop service shall be terminated when:

(A) The department verifies the violation necessitating the limited stop service has been corrected or the department determines that the hospital has taken intermediate action to address the immediate jeopardy; and

(B) The hospital establishes the ability to maintain correction of the violation previously found deficient.

(d) The department may suspend new admissions to the hospital by imposing a stop placement. This may only be done if the department finds that noncompliance results in immediate jeopardy and is not confined to a specific category or categories of patients or a specific area of the hospital.

(i) Prior to imposing a stop placement, the department shall provide a hospital written notification upon identifying deficient practices or conditions that constitute an immediate jeopardy, and upon the review and approval of the notification by the secretary or the secretary's designee. The hospital shall have 24 hours from notification to develop and implement a department-approved plan to correct the deficient practices or conditions that constitute an immediate jeopardy. If the deficient practice or conditions that constitute immediate jeopardy are not verified by the department as having been corrected within the same 24 hour period, the department may issue the stop placement.

(ii) When the department imposes a stop placement, the hospital may not admit any new patients until the stop placement order is terminated.

(iii) The department shall conduct a follow-up inspection within five business days or within the time period requested by the hospital if more than five business days is needed to verify the violation necessitating the stop placement has been corrected.

(iv) The stop placement order shall be terminated when:

(A) The department verifies the violation necessitating the stop placement has been corrected or the department determines that the hospital has taken intermediate action to address the immediate jeopardy; and

(B) The hospital establishes the ability to maintain correction of the violation previously found deficient.

(e) The department may deny an application for a license or suspend, revoke, or refuse to renew a license.

(2) The department shall adopt in rules under this chapter a fee methodology that includes funding expenditures to implement subsection (1) of this section. The fee methodology must consider:

(a) The operational size of the hospital; and

(b) The number of licensed beds of the hospital.

(3)(a) Except as otherwise provided, RCW 43.70.115 governs notice of ~~((a license denial, revocation, suspension, or modification))~~ actions taken by the department under subsection (1) of this section and provides the right to an adjudicative

proceeding. Adjudicative proceedings and hearings under this section are governed by the administrative procedure act, chapter 34.05 RCW. The application for an adjudicative proceeding must be in writing, state the basis for contesting the adverse action, including a copy of the department's notice, be served on and received by the department within 28 days of the licensee's receipt of the adverse notice, and be served in a manner that shows proof of receipt. A hospital that prevails in an adjudicative proceeding, hearing, or appeal under this section is entitled to recover costs of litigation and reasonable attorneys' fees.

(b) When the department determines a licensee's noncompliance results in immediate jeopardy, the department may make the imposition of conditions on a licensee, a limited stop placement, stop placement, or the suspension of a license effective immediately upon receipt of the notice by the licensee, pending any adjudicative proceeding.

(i) When the department makes the suspension of a license or imposition of conditions on a license effective immediately, a licensee is entitled to a show cause hearing before a presiding officer within 14 days of making the request. The licensee must request the show cause hearing within 28 days of receipt of the notice of immediate suspension or immediate imposition of conditions. At the show cause hearing the department has the burden of demonstrating that more probably than not there is an immediate jeopardy.

(ii) At the show cause hearing, the presiding officer may consider the notice and documents supporting the immediate suspension or immediate imposition of conditions and the licensee's response and must provide the parties with an opportunity to provide documentary evidence and written testimony, and to be represented by counsel. Prior to the show cause hearing, the department must provide the licensee with all documentation that supports the department's immediate suspension or imposition of conditions.

(iii) If the presiding officer determines there is no immediate jeopardy, the presiding officer may overturn the immediate suspension or immediate imposition of conditions.

(iv) If the presiding officer determines there is immediate jeopardy, the immediate suspension or immediate imposition of conditions shall remain in effect pending a full hearing.

(v) If the presiding officer sustains the immediate suspension or immediate imposition of conditions, the licensee may request an expedited full hearing on the merits of the department's action. A full hearing must be provided within 90 days of the licensee's request."

On page 1, line 2 of the title, after "enforcement;" strike the remainder of the title and insert "and amending RCW 70.41.020 and 70.41.130."

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Health & Long Term Care to Second Substitute House Bill No. 1148.

The motion by Senator Cleveland carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 514 by Senator Padden be adopted:

On page 6, line 36, after "receipt." insert "A hospital that prevails in an adjudicative proceeding, hearing, or appeal under this section is entitled to recover costs of litigation and reasonable attorneys' fees. Funding for a prevailing hospital to recover the

costs of litigation and reasonable attorneys' fees under this section must be paid from the department's local account where fees and charges for the regulation of hospitals are deposited or the state general fund if payment would result in a cash deficit to the department's local account where fees and charges for the regulation of hospitals are deposited. The department shall not increase hospital licensing fees for the sole purpose of funding a prevailing hospital's costs of litigation and reasonable attorneys' fees under this section."

Senators Padden and Muzzall spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 514 by Senator Padden on page 6, line 36 to Second Substitute House Bill No. 1148.

The motion by Senator Padden did not carry and floor amendment no. 514 was not adopted by voice vote.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, Second Substitute House Bill No. 1148 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1148.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1148 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Gildon, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Solomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Hawkins, Holy, Honeyford, King, McCune, Padden, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Absent: Senator Ericksen

SECOND SUBSTITUTE HOUSE BILL NO. 1148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Wagoner, Senator Ericksen was excused.

#### SECOND READING

HOUSE BILL NO. 1087, by Representatives Berry, Wicks, Simmons, Kloba, Hackney, Santos, Macri and Sullivan

Clarifying the continuity of employee family and medical leave rights.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1087 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1087.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1087 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Solomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford and Schoesler

Excused: Senator Ericksen

HOUSE BILL NO. 1087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1176, by House Committee on Education (originally sponsored by Paul, Boehnke, Kloba, Callan, Davis, Dolan, Riccelli, Bergquist, Lekanoff and Shewmake)

Concerning access to higher education.

The measure was read the second time.

#### MOTION

Senator Liias moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.635.060 and 1997 c 266 s 13 are each amended to read as follows:

(1) Any pupil who defaces or otherwise injures any school property, or property belonging to a school contractor, employee, or another student, ~~(is)~~ may be subject to suspension and punishment. If any property of the school district, a contractor of the district, an employee, or another student has been lost or willfully cut, defaced, or injured, the school district may withhold the ~~((grades,))~~ diploma, ~~((and))~~ but not the grades or transcripts, of the ~~((pupil))~~ student responsible for the damage or loss until the ~~((pupil))~~ student or the ~~((pupil's))~~ student's parent or guardian has paid for the damages. ~~((If the student is suspended, the student may not be readmitted until the student or parents or legal guardian has made payment in full or until directed by the superintendent of schools. If the property damaged is a school bus owned and operated by or contracted to any school district, a student suspended for the damage may not be permitted to enter~~

EIGHTY SIXTH DAY, APRIL 6, 2021

2021 REGULAR SESSION

or ride any school bus until the student or parent or legal guardian has made payment in full or until directed by the superintendent.)) When the ((pupil)) student and parent or guardian are unable to pay for the damages, the school district shall provide a program of ((voluntary work)) community service for the ((pupil)) student in lieu of the payment of monetary damages. Upon completion of ((voluntary work)) community service the ((grades,)) diploma((, and transcripts)) of the ((pupil shall)) student must be released. The parent or guardian of ((such pupil)) the student shall be liable for damages as otherwise provided by law.

(2) Before ((any penalties are assessed)) the diploma is withheld under this section, a school district board of directors shall adopt procedures which insure that ((pupils)) students' rights to due process are protected.

(3) If the department of social and health services or a child-placing agency licensed by the department has been granted custody of a child, that child's records, if requested by the department or agency, are not to be withheld for nonpayment of school fees or any other reason.

(4)(a) Each school district that withholds a diploma under this section shall publish and maintain the following information on its website:

- (i) The number of diplomas withheld under this section, by graduating class, during the previous three school years; and
- (ii) The number of students with withheld diplomas who were eligible for free or reduced-price meals during their last two years of enrollment in the school district.

(b) To the extent practicable, school districts must publish the information required by this subsection (4) with the information published under RCW 28A.325.050.

**Sec. 2.** RCW 28A.225.330 and 2020 c 167 s 8 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

- (a) Any history of placement in special educational programs;
- (b) Any past, current, or pending disciplinary action;
- (c) Any history of violent behavior, or behavior listed in RCW 13.04.155;
- (d) Any unpaid fines or fees imposed by other schools; and
- (e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance from the school the student previously attended. ~~((If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.))~~

(3) Upon request, school districts shall furnish a set of unofficial educational records to a parent or guardian of a student who is transferring out of state and who meets the definition of a child of a military family in transition under Article II of RCW

28A.705.010. School districts may charge the parent or guardian the actual cost of providing the copies of the records.

(4) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. The records of a student who meets the definition of a child of a military family in transition under Article II of RCW 28A.705.010 shall be sent within ten days after receiving the request. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(5) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

(6) A school may not prevent a student who is dependent pursuant to chapter 13.34 RCW from enrolling if there is incomplete information as enumerated in subsection (1) of this section during the ten business days that the department of social and health services has to obtain that information under RCW 74.13.631. In addition, upon enrollment of a student who is dependent pursuant to chapter 13.34 RCW, the school district must make reasonable efforts to obtain and assess that child's educational history in order to meet the child's unique needs within two business days."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "and amending RCW 28A.635.060 and 28A.225.330."

Senators Liias and Wilson, C. spoke in favor of adoption of the committee striking amendment.

Senators Hawkins and Schoesler spoke against adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 1176.

The motion by Senator Liias carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute House Bill No. 1176 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Randall and Nobles spoke in favor of passage of the bill.

Senators Hawkins, Schoesler, Wilson, J., Fortunato, Rivers and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1176.

MOTION

On motion of Senator Wagoner, Senator McCune was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1176 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Mullet, Muzzall, Padden, Rivers, Rolfes, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 12:41 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

---

 AFTERNOON SESSION
 

---

The Senate was called to order at 1:34 p.m. by President Heck.

## SECOND READING

HOUSE BILL NO. 1063, by Representatives Harris, Cody, Bateman, Kloba, Ortiz-Self, Leavitt, Slatter, Tharinger, Callan, Riccelli, Macri, Rule, Davis and Pollet

Allowing additional renewals for behavioral health professional trainee and associate credentials.

The measure was read the second time.

## MOTION

On motion of Senator Dhingra, the rules were suspended, House Bill No. 1063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1063.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1063 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short,

Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1207, by House Committee on Transportation (originally sponsored by Ramel, Boehnke, Lekanoff, Lovick, Ortiz-Self, Eslick, Bergquist and Leavitt)

Improving access to department of licensing issued documents by extending the issuance period of driver licenses and identicards to eight years, allowing online issuance and renewal of instruction permits, and expanding online renewal of driver licenses and identicards.

The measure was read the second time.

## MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that a driver's license or identicard is a fundamental document that Washingtonians need to live, work, drive, and access essential needs. The COVID-19 pandemic has significantly reduced the department of licensing's ability to provide in-person driver licensing services, resulting in a growing backlog of customers that cannot access the agency's critical services. This act is intended to address that backlog by expanding online renewals, extending driver's license and identicard issuance up to eight years, and providing more online options for instruction permits. The legislature recognizes the critical role of the department of licensing's front line staff during the pandemic and does not intend that this act will result in staffing reductions at the department of licensing now or in the future. To ensure that a driver's license and identicard remain affordable for Washington residents, the legislature intends for the department of licensing to continue to offer a six-year issuance option. The legislature further recognizes the potential of remote photo capture to enable expanded online renewals while ensuring that customer information remains updated. In implementing remote photo capture, the legislature intends that the department of licensing will prioritize data security and antifraud features as well as closely monitor its usage. The legislature also intends that within a year of initial implementation of remote photo capture, driver's license and identicard photos should be updated with each renewal whenever possible, recognizing that technology limitations and other challenges will prevent some customers from using remote photo capture.

**Sec. 2.** RCW 46.20.049 and 2012 c 80 s 11 are each amended to read as follows:

There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall be ~~((eighty-five dollars from October 1, 2012, to June 30, 2013, and one hundred two dollars after June 30, 2013,))~~ one hundred thirty-six dollars for the original commercial driver's license or subsequent renewals. If the commercial driver's license is issued, renewed, or extended

EIGHTY SIXTH DAY, APRIL 6, 2021

2021 REGULAR SESSION

for a period other than ~~((five))~~ eight years ~~((from October 1, 2012, to June 30, 2013, or six years after June 30, 2013))~~, the fee for each class shall be seventeen dollars for each year that the commercial driver's license is issued, renewed, or extended. The fee shall be deposited in the highway safety fund.

**Sec. 3.** RCW 46.20.055 and 2017 c 197 s 6 are each amended to read as follows:

(1) **Driver's instruction permit.** The department may issue a driver's instruction permit online or in person with or without a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid an application fee of twenty-five dollars, and meets the following requirements:

- (a) Is at least fifteen and one-half years of age; or
- (b) Is at least fifteen years of age and:

- (i) Has submitted a proper application; and
- (ii) Is enrolled in a driver training education course offered as part of a traffic safety education program authorized by the office of the superintendent of public instruction and certified under chapter 28A.220 RCW or offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.

(2) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in a driver training education course as defined in RCW 46.82.280 or 28A.220.020.

The department may require proof of registration in such a course as it deems necessary.

(3) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

- (a) The person has immediate possession of the permit;
- (b) The person is not using a wireless communications device, unless the person is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property; and
- (c) A driver training education course instructor who meets the qualifications of chapter 46.82 or 28A.220 RCW, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

(4) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

- (a) The department may issue one additional one-year permit.
- (b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.
- (c) A person applying for an additional instruction permit must submit the application to the department ~~((in person))~~ and pay an application fee of twenty-five dollars for each issuance.

**Sec. 4.** RCW 46.20.091 and 2000 c 115 s 4 are each amended to read as follows:

(1) **Application.** In order to apply for a driver's license or instruction permit the applicant must provide ~~((his or her))~~ the applicant's:

- (a) Name of record, as established by documentation required under RCW 46.20.035;
- (b) Date of birth, as established by satisfactory evidence of age;
- (c) Sex;
- (d) Washington residence address;
- (e) Description;
- (f) Driving licensing history, including:
- (i) Whether the applicant has ever been licensed as a driver or chauffeur and, if so, (A) when and by what state or country; (B) whether the license has ever been suspended or revoked; and (C) the date of and reason for the suspension or revocation; or

- (ii) Whether the applicant's application to another state or country for a driver's license has ever been refused and, if so, the date of and reason for the refusal; and

- (g) Any additional information required by the department.

(2) **Sworn statement.** An application for an instruction permit or for an original driver's license must be made upon a form provided by the department. The form must include a section for the applicant to indicate whether ~~((he or she))~~ the applicant has received driver training and, if so, where. The identifying documentation verifying the name of record must be accompanied by the applicant's ~~((written))~~ sworn statement that it is valid. ~~((The))~~ For an original driver's license, the information provided on the form must be sworn to and signed by the applicant before a person authorized to administer oaths. An applicant who makes a false statement on an application for a driver's license or instruction permit is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040.

(3) **Driving records from other jurisdictions.** If a person previously licensed in another jurisdiction applies for a Washington driver's license, the department shall request a copy of the applicant's driver's record from the other jurisdiction. The driving record from the other jurisdiction becomes a part of the driver's record in this state.

(4) **Driving records to other jurisdictions.** If another jurisdiction requests a copy of a person's Washington driver's record, the department shall provide a copy of the record. The department shall forward the record without charge if the other jurisdiction extends the same privilege to the state of Washington. Otherwise the department shall charge a reasonable fee for transmittal of the record.

**Sec. 5.** RCW 46.20.117 and 2020 c 261 s 2 and 2020 c 124 s 2 are each reenacted and amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

- (a) Does not hold a valid Washington driver's license;
- (b) Proves ~~((his or her))~~ the applicant's identity as required by RCW 46.20.035; and
- (c) Pays the required fee. Except as provided in subsection (7) of this section, the fee is ~~((fifty-four))~~ seventy-two dollars, unless an applicant is:

- (i) A recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services or by the secretary of children, youth, and families;

- (ii) Under the age of twenty-five and does not have a permanent residence address as determined by the department by rule; or

- (iii) An individual who is scheduled to be released from an institution as defined in RCW 13.40.020, a community facility as defined in RCW 72.05.020, or other juvenile rehabilitation facility operated by the department of social and health services or the department of children, youth, and families; or an individual who has been released from such an institution or facility within thirty calendar days before the date of the application.

For those persons under (c)(i) through (iii) of this subsection, the fee must be the actual cost of production of the identicard.

(2)(a) **Design and term.** The identicard must:

- (i) Be distinctly designed so that it will not be confused with the official driver's license; and

- (ii) Except as provided in subsection (7) of this section, expire on the ~~((sixth))~~ eighth anniversary of the applicant's birthdate after issuance.

- (b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161(4).

(c) If applicable, the identicard may include a medical alert designation as provided in subsection (5) of this section.

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; ~~((or))~~

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew ~~((his or her))~~ the identicard by mail or by electronic commerce when it last expired; or

(c) From January 1, 2022, to June 30, 2024, electronic commerce, if permitted by rule of the department.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on an identicard issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed; and

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and law enforcement and emergency medical service providers as designated by law.

(7) **Alternative issuance/renewal/extension.** The department may issue or renew an identicard for a period other than ~~((six))~~ eight years, or may extend by mail or electronic commerce an identicard that has already been issued ~~((in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders))~~. The fee for an identicard issued or renewed for a period other than ~~((six))~~ eight years, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department must offer the option to issue or renew an identicard for six years in addition to the eight year issuance. The department may adopt any rules as are necessary to carry out this subsection.

(8) Identicard photos must be updated in the same manner as driver's license photos under RCW 46.20.120(5).

**Sec. 6.** RCW 46.20.120 and 2012 c 80 s 7 are each amended to read as follows:

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department must ensure that examinations are given at places and times reasonably available to the people of this state. If the department does not administer driver licensing examinations as a routine part of its licensing services within a department region because adequate testing sites are provided by driver training schools or school districts within that region, the department shall, at a minimum, administer driver licensing examinations by appointment to applicants eighteen years of age and older in at least one licensing office within that region.

(1) **Waiver.** The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

(b) All or any part of the examination involving operating a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; or

(ii) Provides for verification a valid driver's license issued by a foreign driver licensing jurisdiction with which the department has an informal agreement under RCW 46.20.125; and

(iii) Is otherwise qualified to be licensed.

(2) **Fee.** Each applicant for a new license must pay an examination fee of thirty-five dollars.

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

(i) Who has not been previously licensed in this state; or

(ii) Whose last previous Washington license has been expired for more than ~~((six))~~ eight years.

(3) An application for driver's license renewal may be submitted by means of:

(a) Personal appearance before the department; ~~((or))~~

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew ~~((his or her))~~ the license by mail or by electronic commerce when it last expired; or

(c) From January 1, 2022, to June 30, 2024, electronic commerce, if permitted by rule of the department.

(4) A person whose license expired or will expire while ~~((he or she))~~ the licensee is living outside the state, may:

(a) Apply to the department to extend the validity of ~~((his or her))~~ the license for no more than twelve months. If the person establishes to the department's satisfaction that ~~((he or she))~~ the licensee is unable to return to Washington before the date ~~((his or her))~~ the license expires, the department shall extend the person's license. The department may grant consecutive extensions, but in no event may the cumulative total of extensions exceed twelve months. An extension granted under this section does not change the expiration date of the license for purposes of RCW 46.20.181. The department shall charge a fee of five dollars for each license extension;

(b) Apply to the department to renew ~~((his or her))~~ the license by mail or, if permitted by rule of the department, by electronic commerce even if subsection (3)(b) of this section would not otherwise allow renewal by that means. If the person establishes to the department's satisfaction that ~~((he or she))~~ the licensee is unable to return to Washington within twelve months of the date that ~~((his or her))~~ the license expires, the department shall renew the person's license by mail or, if permitted by rule of the department, by electronic commerce.

(5)(a) If a qualified person submits an application for renewal under subsection (3)(b) or (c) or (4)(b) of this section, ~~((he or she))~~ the applicant is not required to pass an examination ~~((nor))~~ and only needs to provide an updated photograph:

(i) At least every 16 years, except that persons under 30 must provide an updated photograph every eight years; and

(ii) Beginning January 1, 2023, persons renewing through electronic commerce must provide an updated photograph in a form and manner approved by the department with each renewal unless they are unable to provide a photograph that meets the department's requirements and the most recent photograph on file with the department is not more than 10 years old at the time of renewal.

EIGHTY SIXTH DAY, APRIL 6, 2021

2021 REGULAR SESSION

(b) A license renewed by mail or by electronic commerce that does not include a photograph of the licensee must be labeled "not valid for identification purposes."

(6) Driver training schools licensed by the department under chapter 46.82 RCW may administer the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle.

(7) School districts that offer a traffic safety education program under chapter 28A.220 RCW may administer the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle.

**Sec. 7.** RCW 46.20.161 and 2020 c 261 s 3 are each amended to read as follows:

(1) The department, upon receipt of a fee of ~~((forty five)) seventy-two~~ dollars ~~((from October 1, 2012, to June 30, 2013, and fifty four dollars after June 30, 2013)),~~ unless the driver's license is issued for a period other than ~~((five)) eight~~ years ~~((from October 1, 2012, to June 30, 2013, or six years after June 30, 2013)),~~ in which case the fee shall be nine dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. A driver's license issued to a person under the age of eighteen is an intermediate license, subject to the restrictions imposed under RCW 46.20.075, until the person reaches the age of eighteen.

(2) The license must include:

- (a) A distinguishing number assigned to the licensee;
- (b) The name of record;
- (c) Date of birth;
- (d) Washington residence address;
- (e) Photograph;
- (f) A brief description of the licensee;

(g) Either a facsimile of the signature of the licensee or a space upon which the licensee shall write ~~((his or her)) the licensees'~~ usual signature with pen and ink immediately upon receipt of the license;

(h) If applicable, the person's status as a veteran as provided in subsection (4) of this section; and

(i) If applicable, a medical alert designation as provided in subsection (5) of this section.

(3) No license is valid until it has been signed by the licensee.

(4)(a) A veteran, as defined in RCW 41.04.007, or an individual who otherwise meets the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, may apply to the department to obtain a veteran designation on a driver's license issued under this section by providing:

(i) A United States department of veterans affairs identification card or proof of service letter;

(ii) A United States department of defense discharge document, DD Form 214 or DD Form 215, as it exists on June 7, 2018, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the armed forces of the United States;

(iii) A national guard state-issued report of separation and military service, NGB Form 22, as it exists on June 7, 2018, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, or equivalent or successor discharge paperwork, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's active duty or reserve service in the national guard; or

(iv) A United States uniformed services identification card, DD Form 2, that displays on its face that it has been issued to a retired member of any of the armed forces of the United States, including the national guard and armed forces reserves.

(b) The department may permit a veteran, as defined in RCW 41.04.007, or an individual who otherwise meets the criteria of RCW 41.04.007 but who has received a general discharge under honorable conditions, to submit an alternate form of documentation to apply to obtain a veteran designation on a driver's license, as specified by rule, that requires a discharge status of "honorable" or "general under honorable conditions" and that establishes the person's service as required under RCW 41.04.007.

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on a driver's license issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a driver health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed;

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and law enforcement and emergency medical service providers as designated by law; and

(c) Is subject to the privacy protections of the driver's privacy protection act, 18 U.S.C. Sec. 2725.

**Sec. 8.** RCW 46.20.181 and 2012 c 80 s 9 are each amended to read as follows:

(1) Except as provided in subsection (4) or (5) of this section, every driver's license expires on the ~~((sixth)) eighth~~ anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew ~~((his or her)) a~~ license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of ~~((forty five)) seventy-two~~ dollars ~~((from October 1, 2012, to June 30, 2013, and fifty four dollars after June 30, 2013)).~~ This fee includes the fee for the required photograph.

(3) A person renewing ~~((his or her)) a~~ driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless ~~((his or her)) the~~ license expired when:

(a) The person was outside the state and ~~((he or she)) the licensee~~ renews the license within sixty days after returning to this state; or

(b) The person was incapacitated and ~~((he or she)) the licensee~~ renews the license within sixty days after the termination of the incapacity.

(4) The department may issue or renew a driver's license for a period other than ~~((five)) eight~~ years ~~((from October 1, 2012, to June 30, 2013, or six years after June 30, 2013)),~~ or may extend by mail or electronic commerce a license that has already been issued ~~((in order to evenly distribute, as nearly as possible, the yearly renewal rate of licensed drivers)).~~ The fee for a driver's license issued or renewed for a period other than ~~((five)) eight~~

years (~~from October 1, 2012, to June 30, 2013, or six years after June 30, 2013~~), or that has been extended by mail or electronic commerce, is nine dollars for each year that the license is issued, renewed, or extended. The department must offer the option to issue or renew a driver's license for six years in addition to the eight year issuance. The department may adopt any rules as are necessary to carry out this subsection.

(5) A driver's license that includes a hazardous materials endorsement under chapter 46.25 RCW may expire on an anniversary of the licensee's birthdate other than the ~~((sixth)) eighth~~ year following issuance or renewal of the license in order to match, as nearly as possible, the validity of certification from the federal transportation security administration that the licensee has been determined not to pose a security risk. The fee for a driver's license issued or renewed for a period other than ~~((five)) eight~~ years (~~from October 1, 2012, to June 30, 2013, or six years after June 30, 2013,~~) is nine dollars for each year that the license is issued or renewed, not including any endorsement fees. The department may adjust the expiration date of a driver's license that has previously been issued to conform to the provisions of this subsection if a hazardous materials endorsement is added to the license subsequent to its issuance. If the validity of the driver's license is extended, the licensee must pay a fee of nine dollars for each year that the license is extended.

(6) The department may adopt any rules as are necessary to carry out this section.

**Sec. 9.** RCW 46.20.202 and 2017 c 310 s 3 are each amended to read as follows:

(1) The department may enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between the state of Washington and the Canadian province of British Columbia.

(2) The department may enter into an agreement with the Canadian province of British Columbia for the purposes of implementing a border-crossing initiative.

(3)(a) The department may issue an enhanced driver's license or identicard for the purposes of crossing the border between the state of Washington and the Canadian province of British Columbia to an applicant who provides the department with proof of: United States citizenship, identity, and state residency. The department shall continue to offer a standard driver's license and identicard. If the department chooses to issue an enhanced driver's license, the department must allow each applicant to choose between a standard driver's license or identicard, or an enhanced driver's license or identicard.

(b) The department shall implement a one-to-many biometric matching system for the enhanced driver's license or identicard. An applicant for an enhanced driver's license or identicard shall submit a biometric identifier as designated by the department. The biometric identifier must be used solely for the purpose of verifying the identity of the holders and for any purpose set out in RCW 46.20.037. Applicants are required to sign a declaration acknowledging their understanding of the one-to-many biometric match.

(c) The enhanced driver's license or identicard must include reasonable security measures to protect the privacy of Washington state residents, including reasonable safeguards to protect against unauthorized disclosure of data about Washington state residents. If the enhanced driver's license or identicard includes a radio frequency identification chip, or similar technology, the department shall ensure that the technology is encrypted or otherwise secure from unauthorized data access.

(d) The requirements of this subsection are in addition to the requirements otherwise imposed on applicants for a driver's license or identicard. The department shall adopt such rules as necessary to meet the requirements of this subsection. From time

to time the department shall review technological innovations related to the security of identity cards and amend the rules related to enhanced driver's licenses and identicards as the director deems consistent with this section and appropriate to protect the privacy of Washington state residents.

(e) Notwithstanding RCW 46.20.118, the department may make images associated with enhanced drivers' licenses or identicards from the negative file available to United States customs and border agents for the purposes of verifying identity.

(4) Beginning on July 23, 2017, the fee for an enhanced driver's license or enhanced identicard is ~~((twenty-four)) thirty-two~~ dollars, which is in addition to the fees for any regular driver's license or identicard. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than ~~((six)) eight~~ years, the fee for each class is four dollars for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.

(5) The enhanced driver's license and enhanced identicard fee under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 209, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

**Sec. 10.** RCW 46.20.505 and 2012 c 80 s 13 are each amended to read as follows:

Every person applying for a special endorsement of a driver's license authorizing such person to drive a two or three-wheeled motorcycle or a motor-driven cycle shall pay a fee of five dollars, which is not refundable. In addition, the endorsement fee for the initial motorcycle endorsement shall not exceed ~~((twelve)) sixteen~~ dollars, unless the endorsement is issued for a period other than ~~((six)) eight~~ years, in which case the endorsement fee shall not exceed two dollars for each year the initial motorcycle endorsement is issued. The subsequent renewal endorsement fee shall not exceed ~~((thirty)) forty~~ dollars, unless the endorsement is renewed or extended for a period other than ~~((six)) eight~~ years, in which case the subsequent renewal endorsement fee shall not exceed five dollars for each year that the endorsement is renewed or extended. Fees collected under this section shall be deposited in the motorcycle safety education account of the highway safety fund.

**NEW SECTION. Sec. 11.** The department of licensing must evaluate the impact of expanded online renewals and remote photo capture on backlog reduction, access to services, employment, public safety, identity fraud, and other topics as determined by the department. In completing this evaluation, the department of licensing must consult with relevant stakeholders and experts, including law enforcement, organizations representing the department's employees, organizations with expertise in data security and identity fraud, organizations representing commercial drivers, and others as determined by the department. The department of licensing must submit a report to

EIGHTY SIXTH DAY, APRIL 6, 2021

2021 REGULAR SESSION

the governor and transportation committees of the legislature by December 1, 2023.

**NEW SECTION. Sec. 12.** Sections 2 and 5 through 11 of this act take effect January 1, 2022.

**NEW SECTION. Sec. 13.** Sections 1, 3, and 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 5 of the title, after "identificards;" strike the remainder of the title and insert "amending RCW 46.20.049, 46.20.055, 46.20.091, 46.20.120, 46.20.161, 46.20.181, 46.20.202, and 46.20.505; reenacting and amending RCW 46.20.117; creating new sections; providing an effective date; and declaring an emergency."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1207.

The motion by Senator Hobbs carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1207.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1207 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1276, by House Committee on Health Care & Wellness (originally sponsored by Bronoske, Lovick, Fitzgibbon, Cody, Hackney, Fey, Macri, Leavitt, Ormsby, Harris-Talley and Stonier)

Providing for certain emergency medical services personnel to work in diversion centers.

The measure was read the second time.

MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute House Bill No. 1276 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1276.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1276 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1276, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1342, by Representatives Berg, Gregerson, Berry, Wicks, Chopp, Valdez, Morgan, Sells, Fitzgibbon, Orwall, Santos, Ryu, Peterson, Rude, Maycumber, Shewmake, Stokesbary, Ormsby, Lovick, Stonier, Bergquist, Bateman, Lekanoff, Callan, Frame, Riccelli, Pollet and Harris-Talley

Eliminating lunch copays for students who qualify for reduced-price lunches.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed House Bill No. 1342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1342.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1342 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege,

Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford, Padden and Schoesler

ENGROSSED HOUSE BILL NO. 1342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1446, by House Committee on Environment & Energy (originally sponsored by Fey)

Prohibiting a utility from being assessed a penalty for not meeting its biennial acquisition target for cost-effective conservation in special circumstances outside the utility's control.

The measure was read the second time.

#### MOTION

On motion of Senator Carlyle, the rules were suspended, Substitute House Bill No. 1446 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlyle and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1446.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1446 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1446, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1107, by House Committee on Transportation (originally sponsored by Chapman, Barkis, Corry, Tharinger and Graham)

Expanding certain nonresident vessel permit provisions.

The measure was read the second time.

#### MOTION

Senator Rolfes moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Senator Rolfes spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1107.

The motion by Senator Rolfes carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Rolfes, the rules were suspended, Substitute House Bill No. 1107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1107.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1107 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

SUBSTITUTE HOUSE BILL NO. 1107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1096, by Representatives Schmick, Cody, Leavitt, Ortiz-Self, Riccelli and Macri

Concerning nonmedicare plans offered through the Washington state health insurance pool.

The measure was read the second time.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, House Bill No. 1096 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1096.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1096 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

EIGHTY SIXTH DAY, APRIL 6, 2021

2021 REGULAR SESSION

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1443, by House Committee on Commerce & Gaming (originally sponsored by Morgan, Wicks, Simmons, Berry, J. Johnson, Ramel, Kloba, Ryu, Peterson, Ormsby, Ortiz-Self, Harris-Talley and Macri)

Concerning social equity within the cannabis industry.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Labor, Commerce & Tribal Affairs be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.330.540 and 2020 c 236 s 3 are each amended to read as follows:

(1) The ~~((marijuana))~~ cannabis social equity technical assistance ~~((competitive))~~ grant program is established and is to be administered by the department.

(2)(a) The ~~((marijuana))~~ cannabis social equity technical assistance ~~((competitive))~~ grant program must award grants ~~((on a competitive basis to marijuana retailer))~~ to:

(i) Cannabis license applicants who are social equity applicants submitting social equity plans under RCW 69.50.335; and

(ii) Cannabis licensees holding a license issued after June 30, 2020, and before the effective date of this section who meet the social equity applicant criteria under RCW 69.50.335.

(b) Grant recipients under this subsection (2) must demonstrate completion of their project within 12 months of receiving a grant, unless a grant recipient requests, and the department approves, additional time to complete the project.

(3) The department must award grants primarily based on the strength of the social equity plans submitted by cannabis license applicants and cannabis licensees holding a license issued after June 30, 2020, and before the effective date of this section, but may also consider additional criteria if deemed necessary or appropriate by the department. Technical assistance activities eligible for funding ~~((under the marijuana social equity technical assistance competitive grant program))~~ include, but are not limited to:

(a) Assistance navigating the ~~((marijuana-retailer))~~ cannabis licensure process;

(b) ~~((Marijuana-business))~~ Cannabis-business specific education and business plan development;

(c) Regulatory compliance training;

(d) Financial management training and assistance in seeking financing; ~~((and))~~

(e) Strengthening a social equity plan; and

(f) Connecting social equity applicants with established industry members and tribal ~~((marijuana))~~ cannabis enterprises and programs for mentoring and other forms of support ~~((approved by the [Washington state liquor and cannabis] board)).~~

~~((3))~~ (4) The department may contract to establish a roster of mentors who are available to support and advise social equity applicants and current licensees who meet the social equity applicant criteria under RCW 69.50.335. Contractors under this section must:

(a) Have knowledge and experience demonstrating their ability to effectively advise eligible applicants and licensees in navigating the state's licensing and regulatory framework or on producing and processing cannabis;

(b) Be a business that is at least 51% minority or woman-owned; and

(c) Meet department reporting and invoicing requirements.

(5) Funding for the ~~((marijuana))~~ cannabis social equity technical assistance ~~((competitive))~~ grant program must be provided through the dedicated marijuana account under RCW 69.50.540. Additionally, the department may solicit, receive, and expend private contributions to support the grant program.

~~((4))~~ (6) The department may adopt rules to implement this section.

(7) For the purposes of this section, "cannabis" has the meaning provided for "marijuana" under RCW 69.50.101.

Sec. 2. RCW 69.50.335 and 2020 c 236 s 2 are each amended to read as follows:

(1) Beginning December 1, 2020, and until July 1, ~~((2028))~~ 2029, ~~((marijuana))~~ cannabis retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or ~~((marijuana))~~ cannabis retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of ~~((marijuana))~~ cannabis retailer licenses established before January 1, 2020, by the board, may be issued or reissued to an applicant who meets the ~~((marijuana))~~ cannabis retailer license requirements of this chapter.

(2)(a) In order to be considered for a retail license under subsection (1) of this section, an applicant must be a social equity applicant and submit a social equity plan along with other ~~((marijuana))~~ cannabis retailer license application requirements to the board. If the application proposes ownership by more than one person, then at least fifty-one percent of the proposed ownership structure must reflect the qualifications of a social equity applicant.

(b) Persons holding an existing ~~((marijuana))~~ cannabis retailer license or title certificate for a ~~((marijuana))~~ cannabis retailer business in a local jurisdiction subject to a ban or moratorium on ~~((marijuana))~~ cannabis retail businesses may apply for a license under this section.

(3)(a) In determining the issuance of a license among applicants, the board may prioritize applicants based on the extent to which the application addresses the components of the social equity plan.

(b) The board may deny any application submitted under this subsection if the board determines that:

(i) The application does not meet social equity goals or does not meet social equity plan requirements; or

(ii) The application does not otherwise meet the licensing requirements of this chapter.

(4) The board may adopt rules to implement this section. Rules may include strategies for receiving advice on the social equity program from individuals the program is intended to benefit. Rules may also require that licenses awarded under this section be transferred or sold only to individuals or groups of individuals

who comply with the requirements for initial licensure as a social equity applicant with a social equity plan under this section.

(5) The annual fee for issuance, reissuance, or renewal for any license under this section must be equal to the fee established in RCW 69.50.325.

(6) For the purposes of this section:

(a) "Cannabis" has the meaning provided for "marijuana" under this chapter.

(b) "Disproportionately impacted area" means a census tract or comparable geographic area that satisfies the following criteria, which may be further defined in rule by the board after consultation with the commission on African American affairs and other agencies, commissions, and (stakeholders) community members as determined by the board:

- (i) The area has a high poverty rate;
- (ii) The area has a high rate of participation in income-based federal or state programs;
- (iii) The area has a high rate of unemployment; and
- (iv) The area has a high rate of arrest, conviction, or incarceration related to the sale, possession, use, cultivation, manufacture, or transport of ((marijuana)) cannabis.

~~((b))~~ (c) "Social equity applicant" means:

(i) An applicant who has at least fifty-one percent ownership and control by one or more individuals who have resided ~~((for at least five of the preceding ten years))~~ in a disproportionately impacted area for a period of time defined in rule by the board after consultation with the commission on African American affairs and other commissions, agencies, and community members as determined by the board; ~~((or))~~

(ii) An applicant who has at least fifty-one percent ownership and control by at least one individual who has been convicted of a ((marijuana)) cannabis offense, a drug offense, or is a family member of such an individual; or

((iii)) (iii) An applicant who meets criteria defined in rule by the board after consultation with the commission on African American affairs and other commissions, agencies, and community members as determined by the board.

~~((c))~~ (d) "Social equity goals" means:

(i) Increasing the number of ((marijuana)) cannabis retailer licenses held by social equity applicants from disproportionately impacted areas; and

(ii) Reducing accumulated harm suffered by individuals, families, and local areas subject to severe impacts from the historical application and enforcement of ((marijuana)) cannabis prohibition laws.

~~((d))~~ (e) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection ~~((6))~~ (c), along with any additional plan components or requirements approved by the board following consultation with the task force created in RCW 69.50.336. The plan may include:

(i) A statement that the social equity applicant qualifies as a social equity applicant and intends to own at least fifty-one percent of the proposed ((marijuana)) cannabis retail business or applicants representing at least fifty-one percent of the ownership of the proposed business qualify as social equity applicants;

(ii) A description of how issuing a ((marijuana)) cannabis retail license to the social equity applicant will meet social equity goals;

(iii) The social equity applicant's personal or family history with the criminal justice system including any offenses involving ((marijuana)) cannabis;

(iv) The composition of the workforce the social equity applicant intends to hire;

(v) Neighborhood characteristics of the location where the social equity applicant intends to operate, focusing especially on disproportionately impacted areas; and

(vi) Business plans involving partnerships or assistance to organizations or residents with connection to populations with a history of high rates of enforcement of ((marijuana)) cannabis prohibition.

**Sec. 3.** RCW 69.50.336 and 2020 c 236 s 5 are each amended to read as follows:

(1) A legislative task force on social equity in ((marijuana)) cannabis is established. The purpose of the task force is to make recommendations to the board including but not limited to establishing a social equity program for the issuance and reissuance of existing retail ((marijuana)) processor, and producer cannabis licenses, and to advise the governor and the legislature on policies that will facilitate development of a ((marijuana)) cannabis social equity program.

(2) The members of the task force are as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(i) One member from each of the following:

(A) The commission on African American affairs;

(B) The commission on Hispanic affairs;

(C) The governor's office of Indian affairs;

(D) An organization representing the African American community;

(E) An organization representing the Latinx community;

(F) A labor organization involved in the ((marijuana)) cannabis industry;

(G) The liquor and cannabis board;

(H) The department of commerce;

(I) The office of the attorney general; and

(J) The association of Washington cities;

(ii) Two members that currently hold a ((marijuana)) cannabis retail license; ~~((and))~~

(iii) Two members that currently hold a producer ~~((processor))~~ license ~~((or both));~~ and

(iv) Two members that currently hold a processor license.

(3) In addition to the members appointed to the task force under subsection (2) of this section, individuals representing other sectors may be invited by the chair of the task force, in consultation with the other appointed members of the task force, to participate in an advisory capacity in meetings of the task force.

(a) Individuals participating in an advisory capacity under this subsection are not members of the task force, may not vote, and are not subject to the appointment process established in this section.

(b) There is no limit to the number of individuals who may participate in task force meetings in an advisory capacity under this subsection.

(c) A majority of the task force members constitutes a quorum. If a member has not been designated for a position set forth in this section, that position may not be counted for the purpose of determining a quorum.

(4) The task force shall hold its first meeting by July 1, 2020. The task force shall elect a chair from among its legislative members at the first meeting. The election of the chair must be by a majority vote of the task force members who are present at the meeting. The chair of the task force is responsible for arranging subsequent meetings and developing meeting agendas.

(5) Staff support for the task force, including arranging the first meeting of the task force and assisting the chair of the task force in arranging subsequent meetings, must be provided by the health

EIGHTY SIXTH DAY, APRIL 6, 2021

2021 REGULAR SESSION

equity council of the governor's interagency council on health disparities. ~~((If Engrossed Second Substitute House Bill No. 1783 is enacted by June 30, 2020, then))~~ The responsibility for providing staff support for the task force must be transferred to the office of equity created ((by Engrossed Second Substitute House Bill No. 1783)) under chapter 43.06D RCW when requested by the office of equity.

~~((The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.~~

~~((7))~~ Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

~~((8))~~ (7) The task force is a class one group under chapter 43.03 RCW.

~~((9))~~ (8) A public comment period must be provided at every meeting of the task force.

~~((10))~~ (9) The task force shall submit one or more reports on recommended policies that will facilitate the development of a ~~((marijuana))~~ cannabis social equity program in Washington to the governor, the board, and the appropriate committees of the legislature. The task force is encouraged to submit individual recommendations, as soon as possible, to facilitate the board's early work to implement the recommendations. The final recommendations must be submitted by ~~((December 1, 2020))~~ December 9, 2022. The recommendations must include:

(a) Factors the board must consider in distributing the licenses currently available from ~~((marijuana))~~ cannabis retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or ~~((marijuana))~~ cannabis retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of ~~((marijuana))~~ cannabis retailer licenses established by the board before January 1, 2020; ~~((and))~~

(b) Whether any additional ~~((marijuana))~~ cannabis producer, processor, or retailer licenses should be issued beyond the total number of ~~((marijuana))~~ licenses that have been issued as of June 11, 2020. For purposes of determining the total number of licenses issued as of June 11, 2020, the total number includes licenses that have been forfeited, revoked, or canceled;

(c) The social equity impact of altering residential cannabis agriculture regulations;

(d) The social equity impact of shifting primary regulation of cannabis production from the board to the department of agriculture, including potential impacts to the employment rights of workers;

(e) The social equity impact of removing nonviolent cannabis-related felonies and misdemeanors from the existing point system used to determine if a person qualifies for obtaining or renewing a cannabis license;

(f) Whether to create workforce training opportunities for underserved communities to increase employment opportunities in the cannabis industry;

(g) The social equity impact of creating new cannabis license types; and

(h) Recommendations for the cannabis social equity technical assistance grant program created under RCW 43.330.540.

~~((11))~~ (10) The board may adopt rules to implement the recommendations of the task force. However, any

recommendation to increase the number of retail outlets above the current statewide limit of retail outlets, established by the board before January 1, 2020, must be approved by the legislature.

~~((12))~~ (11) For the purposes of this section, "cannabis" has the meaning provided for "marijuana" under this chapter.

(12) This section expires June 30, ((2022)) 2023."

On page 1, line 1 of the title, after "industry;" strike the remainder of the title and insert "amending RCW 43.330.540, 69.50.335, and 69.50.336; and providing an expiration date."

WITHDRAWAL OF AMENDMENT

On motion of Senator Mullet and without objection, floor amendment no. 510 by Senator Mullet on page 8, line 26 to Engrossed Substitute House Bill No. 1443 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Saldaña and without objection, floor amendment no. 603 by Senator Saldaña on page 8, line 26 to Engrossed Substitute House Bill No. 1443 was withdrawn.

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce & Tribal Affairs to Engrossed Substitute House Bill No. 1443.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 1443 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, King and Saldaña spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1443.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1443 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Honeyford, McCune, Padden, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5262, by Senators Liias, Warnick and Saldaña

Broadening the eligibility requirements and extending the expiration date for the data center tax incentive.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5262 was substituted for Senate Bill No. 5262 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hasegawa moved that the following floor amendment no. 574 by Senator Hasegawa be adopted:

On page 2, beginning on line 17, after "the" strike all material through "centers" on line 19 and insert "data center sector in Washington state by encouraging development of new data center facilities"

On page 3, beginning on line 16, after "2047" strike all material through "year" on line 23

On page 5, at the beginning of line 19, strike all material through "position," on line 31

On page 7, line 35, after "purchaser" strike "shall" and insert "must"

On page 8, beginning on line 7, after "means" strike all material through "For" on line 8 and insert "for"

On page 8, beginning on line 11, after "center" strike all material through "center" on line 15

On page 9, beginning on line 17, after "or" strike all material through "subsection" on line 22 and insert "other improvements made to existing facilities"

On page 9, beginning on line 26, after "center." strike all material through "construction."" on line 29

On page 11, line 1, after "means" insert "the initial replacement of original"

On page 11, beginning on line 2, after "~~((replaces~~" strike all material through "qualified" on line 4 and insert "~~existing server equipment, if the sale or use of the server equipment to be replaced-qualified~~);

(A) Qualifies"

On page 11, beginning on line 5, after "82.12.986;" strike all material through "applies;" on line 10

On page 11, beginning on line 12, after "occupancy" strike all material through "center" on line 13

On page 11, line 20, after "means" insert "the initial replacement of original"

On page 11, beginning on line 21, after "(A)" strike all material through "qualified" on line 22 and insert "~~((Replaces existing server equipment, if the sale or use of the server equipment to be replaced-qualified))~~ Qualifies"

On page 11, beginning on line 23, after "82.12.986;" strike all material through "applies;" on line 28

On page 11, beginning on line 35, after "occupancy" strike all material through "center" on line 36 and insert ".

The exemption under this section does not apply to subsequent replacement of server equipment occurring after the initial replacement of original server equipment for any business whose computer data center qualifies as an eligible computer data center under (f)(i)(C)(III) of this subsection (6) or for a qualifying tenant who leases space within an eligible computer data center on or after the effective date of this section"

On page 12, beginning on line 27, after "(k)" strike all material through "(l)" on line 38

Senators Hasegawa and Rolfes spoke in favor of adoption of the amendment.

Senators Braun, Dozier and Warnick spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 574 by Senator Hasegawa on page 2, line 17 to Substitute Senate Bill No. 5262.

The motion by Senator Hasegawa did not carry and floor amendment no. 574 was not adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Warnick and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5262.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5262 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Erickson, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nobles, Padden, Pedersen, Randall, Rivers, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Darneille, Hasegawa, Nguyen, Robinson, Rolfes and Saldaña

SUBSTITUTE SENATE BILL NO. 5262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5192, by Senators Das, Lovelett, Carlyle, Kuderer, Nguyen, and Wilson, C.

Supporting access to electric vehicle supply equipment.

MOTION

On motion of Senator Das, Second Substitute Senate Bill No. 5192 was substituted for Senate Bill No. 5192 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Liias moved that the following striking floor amendment no. 532 by Senator Liias be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.94.010 and 2019 c 96 s 1 are each amended to read as follows:

EIGHTY SIXTH DAY, APRIL 6, 2021

2021 REGULAR SESSION

(1) The definitions in this section apply throughout this chapter and to any rules adopted pursuant to this chapter unless the context clearly requires otherwise.

(a) "City" means a first-class city or a code city, as defined in RCW 35A.01.035, with a population of over fifty thousand persons.

(b) "City sealer" means the person duly authorized by a city to enforce and administer the weights and measures program within such city and any duly appointed deputy sealer acting under the instructions and at the direction of the city sealer.

(c) "Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this chapter. An individual item or lot of any commodity not in packaged form, but on which there is marked a selling price based on established price per unit of weight or of measure, shall be construed to be a commodity in package form.

(d) "Consumer package" or "package of consumer commodity" means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by persons, or used by persons for the purpose of personal care or in the performance of services ordinarily rendered in or about a household or in connection with personal possessions.

(e) "Cord" means the measurement of wood intended for fuel or pulp purposes that is contained in a space of one hundred twenty-eight cubic feet, when the wood is ranked and well stowed.

(f) "Department" means the department of agriculture of the state of Washington.

(g) "Director" means the director of the department or duly authorized representative acting under the instructions and at the direction of the director.

(h) "Fish" means any waterbreathing animal, including shellfish, such as, but not limited to, lobster, clam, crab, or other mollusca that is prepared, processed, sold, or intended for sale.

(i) "Net weight" means the weight of a commodity excluding any materials, substances, or items not considered to be part of such commodity. Materials, substances, or items not considered to be part of a commodity shall include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.

(j) "Nonconsumer package" or "package of nonconsumer commodity" means a commodity in package form other than a consumer package and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.

(k) "Meat" means and shall include all animal flesh, carcasses, or parts of animals, and shall also include fish, shellfish, game, poultry, and meat food products of every kind and character, whether fresh, frozen, cooked, cured, or processed.

(l) "Official seal of approval" means the seal or certificate issued by the director or city sealer which indicates that a secondary weights and measures standard or a weighing or measuring instrument or device conforms with the specifications, tolerances, and other technical requirements adopted in RCW 19.94.190.

(m) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(n) "Poultry" means all fowl, domestic or wild, that is prepared, processed, sold, or intended or offered for sale.

(o) "Service agent" means a person who for hire, award, commission, or any other payment of any kind, installs, tests, inspects, checks, adjusts, repairs, reconditions, or systematically standardizes the graduations of a weighing or measuring instrument or device.

(p) "Ton" means a unit of two thousand pounds avoirdupois weight.

(q) "Weighing or measuring instrument or device" means any equipment or apparatus used commercially to establish the size, quantity, capacity, count, extent, area, heaviness, or measurement of quantities, things, produce, or articles for distribution or consumption, that are purchased, offered or submitted for sale, hire, or award on the basis of weight, measure or count, including any accessory attached to or used in connection with a weighing or measuring instrument or device when such accessory is so designed or installed that its operation affects, or may effect, the accuracy or indication of the device. This definition shall be strictly limited to those weighing or measuring instruments or devices governed by Handbook 44 as adopted under RCW 19.94.190.

(r) "Weight" means net weight as defined in this section.

(s) "Weights and measures" means the recognized standards or units of measure used to indicate the size, quantity, capacity, count, extent, area, heaviness, or measurement of any consumable commodity.

(t) "Secondary weights and measures standard" means the physical standards that are traceable to the primary standards through comparisons, used by the director, a city sealer, or a service agent that under specified conditions defines or represents a recognized weight or measure during the inspection, adjustment, testing, or systematic standardization of the graduations of any weighing or measuring instrument or device.

(u) "Charging session" means an event starting when a user or a vehicle initiates a refueling event and stops when a user or a vehicle ends a refueling event.

(v) "Clearly marked" means, at a minimum, a sign, sticker, plaque, or any other visible marker that is readable, which may include standards from the Americans with disabilities act of 1990, 2010 standards for accessible design.

(w) "Common interest community" has the same meaning as defined in RCW 64.90.010.

(x) "Direct current fast charger" means electric vehicle supply equipment capable of supplying direct current electricity to a vehicle fitted with the appropriate connection to support refueling the vehicle's energy storage battery.

(y) "Electric vehicle service provider" means the entity responsible for operating one or more networked or nonnetworked electric vehicle supply equipment. Operating includes, but is not limited to: Sending commands or messages to a networked electric vehicle supply equipment; receiving commands or messages from a networked electric vehicle supply equipment; or providing billing, maintenance, reservations, or other services to a nonnetworked or networked electric vehicle supply equipment. An electric vehicle service provider may designate another entity to act as the electric vehicle service provider for purposes of this chapter. A state agency, an electric utility as defined in RCW 19.405.020, or a municipal corporation as defined in RCW 39.69.010 is considered an electric vehicle service provider when responsible for operating one or more networked or nonnetworked electric vehicle supply equipment.

(z) "Electric vehicle supply equipment" means the unit controlling the power supply to one or more vehicles during a

charging session including, but not limited to, level 2 electric vehicle supply equipment and direct current fast chargers.

(aa) "Installed" means operational and made available for a charging session.

(bb) "Kiosk" means a stand-alone physical unit that allows users to pay for and initiate a charging session at one or more electric vehicle supply equipment located at the same site as the kiosk.

(cc) "Level 2 electric vehicle supply equipment" means electric vehicle supply equipment capable of supplying 208 to 240 volt alternating current.

(dd) "Networked electric vehicle supply equipment" means electric vehicle supply equipment capable of receiving and sending commands or messages remotely from an electric vehicle service provider.

(ee) "Nonnetworked electric vehicle supply equipment" means electric vehicle supply equipment incapable of receiving and sending commands or messages remotely from an electric vehicle service provider, including electric vehicle supply equipment with remote communication capabilities that have been disabled or electric vehicle supply equipment with secondary systems that provide remote communication capabilities that have been installed.

(ff) "Publicly available electric vehicle supply equipment" means electric vehicle supply equipment and associated parking space or spaces designated by a property owner or lessee to be available to, and accessible by, the public.

(2) The director shall prescribe by rule other definitions as may be necessary for the implementation of this chapter.

**NEW SECTION. Sec. 2.** A new section is added to chapter 19.94 RCW to read as follows:

(1) In addition to the definition of publicly available electric vehicle supply equipment provided in RCW 19.94.010 and except for the applicable exemptions in section 3 of this act, electric vehicle supply equipment is considered publicly available and is subject to the requirements of this chapter if:

(a) A lessee, electric vehicle service provider, or a property owner designates electric vehicle supply equipment to be available only to customers or visitors of a business or charging network;

(b) Any member of the public can obtain vehicular access to electric vehicle supply equipment and associated parking spaces located in a parking garage or gated facility for free or through payment of a fee; or

(c) The electric vehicle supply equipment and associated parking spaces are made available to the public for only limited time periods, then the electric vehicle supply equipment and associated parking spaces are considered publicly available electric vehicle supply equipment during those limited time periods only.

(2) The director may by rule subject additional types of electric vehicle supply equipment to the requirements of this chapter to benefit the public and provide protections to consumers.

**NEW SECTION. Sec. 3.** A new section is added to chapter 19.94 RCW to read as follows:

(1) Publicly available electric vehicle supply equipment is exempt from compliance with the requirements of sections 4 through 6 of this act if:

(a) Members of the public may use the electric vehicle supply equipment at no cost, including no charges, fees, memberships, minimum balance on an account, and other cost at all times; and

(b) It is clearly marked that the electric vehicle supply equipment is available for use at no cost at all times.

(2) This chapter does not apply to:

(a) Workplace electric vehicle supply equipment and its associated parking spaces if it is clearly marked and operated as

available exclusively to employees or contracted drivers, regardless of the physical accessibility of the electric vehicle supply equipment to the public, and that is available for use at no cost;

(b) Electric vehicle supply equipment and associated parking spaces reserved exclusively and available for use at no cost for residents, tenants, visitors, or employees of a private residence or common interest community; or a residential building adjacent to a private residence;

(c) Level 2 electric vehicle supply equipment located on or near the curb of a residential electric utility customer's property, directly connected to that residential electric utility customer's meter, and intended to serve only that residential electric utility customer;

(d) Electric vehicle supply equipment and associated parking spaces provided by a vehicle dealer licensed under chapter 46.70 RCW at its established place of business that meets the requirements of subsection (1) of this section.

(3) The director may by rule provide exemptions from compliance with some or all requirements of this chapter to benefit the public and provide protections to consumers, including electric vehicle supply equipment that is not available or intended for use by the public but where charges, fees, or other costs are required to initiate a charging session.

**NEW SECTION. Sec. 4.** A new section is added to chapter 19.94 RCW to read as follows:

(1) By January 1, 2023, the electric vehicle service provider must ensure all publicly available electric vehicle supply equipment is clearly marked and discloses all charges, fees, and costs associated with a charging session at the point of sale and prior to a user or a vehicle initiating a charging session. At a minimum, the electric vehicle service provider must disclose to the user the following information at the point of sale, if applicable:

(a) A fee for use of the parking space;

(b) A nonmember plug-in fee from the electric vehicle service provider;

(c) Price to refuel in United States dollars per kilowatt-hour or megajoule;

(d) Any potential changes in the price to refuel, in United States dollars per kilowatt-hour or megajoule, due to variable pricing; and

(e) Any other fees charged for a charging session.

(2) If the charging session or portion of a charging session is offered at no cost, it must be disclosed at the location where the charging session is initiated and prior to a user or a vehicle initiating a charging session.

(3) For the purpose of this section, "point of sale" means the location where the charging session and associated commercial transaction is initiated including, but not limited to, electric vehicle supply equipment or kiosk used to service that electric vehicle supply equipment.

**NEW SECTION. Sec. 5.** A new section is added to chapter 19.94 RCW to read as follows:

(1) By July 1, 2022, the department, in consultation with the department of commerce and the Washington utilities and transportation commission, must adopt rules requiring all electric vehicle service providers make available multiple payment methods at all publicly available level 2 electric vehicle supply equipment or direct current fast charger electric vehicle supply equipment installed in Washington and may review and, if necessary, amend the rules every two years, to maintain consistency with evolving technology. At a minimum, the rules must include:

(a) Deadlines for electric vehicle service provider compliance for publicly available level 2 electric vehicle supply equipment

EIGHTY SIXTH DAY, APRIL 6, 2021

2021 REGULAR SESSION

and direct current fast charger electric vehicle supply equipment installed prior to a specific date;

(b) Deadlines for electric vehicle service provider compliance for publicly available level 2 electric vehicle supply equipment and direct current fast charger electric vehicle supply equipment installed on or after a specific date;

(c) Minimum required payment methods that are convenient and reasonably support access for all current and future users at publicly available level 2 electric vehicle supply equipment or direct current fast charger electric vehicle supply equipment installed in Washington. Payment methods may include, but are not limited to:

(i) A credit card reader device physically located on either the electric vehicle supply equipment unit or a kiosk used to service that electric vehicle supply equipment;

(ii) A toll-free number on each electric vehicle supply equipment and kiosk used to service that electric vehicle supply equipment that provides the user with the option to initiate a charging session and submit payment at any time that the electric vehicle supply equipment is operational and publicly available;

(iii) A mobile payment option used to initiate a charging session;

(d) Means for conducting a charging session in languages other than English;

(e) Means for facilitating charging sessions for consumers who are unbanked, underbanked, or low-moderate income, such as accepting prepaid cards through a card reader device.

(2) The electric vehicle service provider may not require a subscription, membership, or account or a minimum balance on an account in order to initiate a charging session at electric vehicle supply equipment subject to this section.

(3) For the purpose of this section, "mobile payment" means an electronic fund transfer initiated through a mobile phone or device.

**NEW SECTION. Sec. 6.** A new section is added to chapter 19.94 RCW to read as follows:

(1) Interoperability standards provide safeguards to consumers and support access to electric vehicle supply equipment. In order for Washington to have reliable, accessible, and competitive markets for electric vehicle supply equipment that are necessary for the movement of goods and people by electric vehicles, interoperability standards that align with national and international best practices or standards are necessary.

(2) By July 1, 2022, the department, in consultation with the department of commerce and the Washington utilities and transportation commission, must adopt rules establishing requirements for all electric vehicle service providers to, at a minimum, meet and maintain nonproprietary interoperability standards for publicly available level 2 electric vehicle supply equipment and direct current fast charger electric vehicle supply equipment and may review and, if necessary, amend the rules every two years, to maintain consistency with evolving technology. The requirements shall not provide that any charging provider must purchase or license proprietary technology or software from any other company, and shall not require that companies maintain interoperability agreements with other companies.

(3) For the purpose of this section, "interoperability" means the ability of hardware, software, or a communications network provided by one party, vendor, or service provider to interact with or exchange and make use of information, including payment information, between hardware, software, or a communications network provided by a different party, vendor, or service provider.

(4) The requirements of this section shall not apply to publicly available electric vehicle supply equipment provided by a manufacturer of electric vehicles for the exclusive use by vehicles it manufactures.

**NEW SECTION. Sec. 7.** A new section is added to chapter 19.94 RCW to read as follows:

(1) This section applies to all electric vehicle service providers operating one or more publicly available level 2 electric vehicle supply equipment or direct current fast charger electric vehicle supply equipment installed in Washington. If an electric vehicle service provider also operates electric vehicle supply equipment that is not available to the public, the requirements of this section apply only to that electric vehicle service provider's publicly available level 2 electric vehicle supply equipment or direct current fast charger electric vehicle supply equipment installed in Washington.

(2) By January 1, 2023, electric vehicle service providers must report inventory and payment method information to the national renewable energy laboratory, alternative fuels data center. The information must be reported, at a minimum, annually and must include, but is not limited to:

(a) Electric vehicle service provider information;

(b) Electric vehicle supply equipment inventory for both active and retired, decommissioned, or removed electric vehicle supply equipment in Washington;

(c) Electric vehicle supply equipment payment method information.

**Sec. 8.** RCW 19.94.175 and 2019 c 96 s 3 are each amended to read as follows:

(1) Pursuant to RCW 19.94.015, the following annual registration fees shall be charged for each weighing or measuring instrument or device used for commercial purposes in this state:

(a)	Weighing devices:		
(i)	Small scales "zero to four hundred pounds capacity" .....	\$	16.00
(ii)	Intermediate scales "four hundred one pounds to five thousand pounds capacity" ...	\$	60.00
(iii)	Large scales "over five thousand pounds capacity" ...	\$	120.00
(iv)	Railroad track scales .....	\$	1,200.00
(b)	Liquid fuel metering devices:		
(i)	Motor fuel meters with flows of twenty gallons or less per minute .....	\$	16.00
(ii)	Motor fuel meters with flows of more than twenty but not more than one hundred fifty gallons per minute .....	\$	50.00
(iii)	Motor fuel meters with flows over one hundred fifty gallons per minute .....	\$	75.00
(c)	Liquid petroleum gas meters:		
(i)	With one inch diameter or smaller dispensers .....	\$	40.00
(ii)	With greater than one inch diameter dispensers .....	\$	80.00
(d)	Fabric meters .....	\$	15.00
(e)	Cordage meters .....	\$	15.00
(f)	Mass flow meters .....	\$	300.00
(g)	Taxi meters .....	\$	40.00
(h)	Level 2 electric vehicle supply equipment port .....	\$	20.00

(i)	<u>Direct current fast charger electric vehicle supply equipment port .....</u>	\$	<u>40.00</u>
-----	---	----	--------------

(2) Pursuant to RCW 19.94.015, a reasonable registration fee for electric vehicle supply equipment, in addition to the fees established in subsection (1) of this section, may be established through rule making to cover the remaining costs associated with enforcing this chapter on electric vehicle supply equipment. The department may consider differential fees to reduce the potential burden of the registration fee for electric vehicle service providers operating less than 25 publicly available electric vehicle supply equipment in Washington.

(3) With the exception of subsection ((3)) (4) of this section, no person shall be required to pay more than the annual registration fee for any weighing or measuring instrument or device in any one year.

((3)) (4) The department or a city sealer may establish reasonable inspection and testing fees for each type or class of weighing or measuring instrument or device specially requested to be inspected or tested by the device owner. These inspection and testing fees shall be limited to those amounts necessary for the department or city sealer to cover the direct costs associated with such inspection and testing. The fees shall not be set so as to compete with service agents normally engaged in such services.

((4)) (5) The weights and measures advisory group within the department must review the fees in subsection (1) of this section and report to stakeholders on the financial status of the program supported by the fees by September 1, 2024, and September 1st every five years thereafter.

Sec. 9. RCW 19.94.190 and 2019 c 96 s 4 are each amended to read as follows:

(1) The director and duly appointed city sealers must enforce the provisions of this chapter.

(2) The department's enforcement proceedings under this chapter are subject to the requirement to provide technical assistance in chapter 43.05 RCW and the administrative procedure act, chapter 34.05 RCW. City sealers undertaking enforcement actions must provide equivalent procedures.

(3) In assessing the amount of a civil penalty, the department or city must give due consideration to the gravity of the violation and history of previous violations.

(4) The director must adopt rules for enforcing and carrying out the purposes of this chapter including but not limited to the following:

(a) Establishing state standards of weight, measure, or count, and reasonable standards of fill for any commodity in package form;

(b) The establishment of technical test procedures to be followed, any necessary report and record forms, and marks of rejection to be used by the director and city sealers in the discharge of their official duties as required by this chapter;

(c) The establishment of technical test procedures, reporting procedures, and any necessary record and reporting forms to be used by service agents when testing and inspecting instruments or devices under RCW 19.94.255(3) or when otherwise installing, repairing, inspecting, or standardizing the graduations of any weighing or measuring instruments or devices;

(d) The establishment of exemptions from the marking or tagging requirements of RCW 19.94.250 with respect to weighing or measuring instruments or devices of such a character or size that the marking or tagging would be inappropriate, impracticable, or damaging to the apparatus in question;

(e) The establishment of exemptions from the inspection and testing requirements of RCW 19.94.163 with respect to classes of weighing or measuring instruments or devices found to be of such

a character that periodic inspection and testing is unnecessary to ensure continued accuracy;

(f) The establishment of inspection and approval techniques, if any, to be used with respect to classes of weighing or measuring instruments or devices that are designed specifically to be used commercially only once and then discarded, or are uniformly mass-produced by means of a mold or die and are not individually adjustable;

(g) The establishment of inspection and testing procedures to be used for classes of weighing or measuring instruments or devices found to be few in number, highly complex, and of such character that differential or special inspection and testing is necessary, including railroad track scales. The department's procedures shall include requirements for the provision, maintenance, and transport of any weight or measure necessary for the inspection and testing at no expense to the state;

(h) Specifications, tolerances, and other technical requirements for commercial weighing and measuring instruments or devices that must be consistent with the most recent edition of the national institute of standards and technology handbook 44 except where modified to achieve state objectives; and

(i) Packaging, labeling, and method of sale of commodities that must be consistent with the most recent edition of the national institute of standards and technology handbook 44 and 130 (for legal metrology and engine fuel quality) except where modified to achieve state objectives.

(5) Rules adopted under this section must also include specifications and tolerances for the acceptable range of accuracy required of weighing or measuring instruments or devices and must be designed to eliminate from use, without prejudice to weighing or measuring instruments or devices that conform as closely as practicable to official specifications and tolerances, those that: (a) Are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly; or (b) facilitate the perpetration of fraud.

(6) Rules adopted by the director related to the sale of electricity sold as a vehicle fuel and electric vehicle fueling systems may be modified to achieve state objectives, reviewed, and, if necessary, amended, to maintain consistency with evolving technology. These rules may take effect no earlier than January 1, 2024. To ensure existing infrastructure may continue operating without substantial equipment replacement or alteration, electric vehicle supply equipment installed and placed into service before January 1, 2024, is exempt from the rules of this section until January 1, 2034. Electric vehicle supply equipment that is replaced or retrofitted with new hardware after January 1, 2024, must be considered as having been installed and placed into service after January 1, 2024.

Sec. 10. RCW 19.94.517 and 2019 c 96 s 19 are each amended to read as follows:

(1) Whenever the department or a city sealer tests or inspects a weighing or measuring instrument or device and finds the instrument or device to be incorrect to the economic benefit of the owner/operator of the weighing or measuring instrument or device and to the economic detriment of the customer, the owner of the weighing or measuring instrument or device is subject to the following civil penalties:

Device deviations outside the tolerances stated in Handbook 44.

	Penalty
Small weighing or measuring instruments or devices:	
First violation .....	\$ 200.00
Second or subsequent violation within one year of first violation .....	\$ 500.00

EIGHTY SIXTH DAY, APRIL 6, 2021

2021 REGULAR SESSION

Medium weighing or measuring instruments or devices:	
First violation .....	\$ 400.00
Second or subsequent violation within one year of first violation .....	\$ 1,000.00
Large weighing or measuring instruments or devices:	
First violation .....	\$ 500.00
Second or subsequent violation within one year of first violation .....	\$ 2,000.00
<u>Electric vehicle fuel measuring instruments or devices:</u>	
<u>First violation .....</u>	<u>\$ 200.00</u>
<u>Second or subsequent violation within one year of first violation .....</u>	<u>\$ 500.00</u>

(2) For the purposes of this section:

(a) The following are small weighing or measuring instruments or devices: Scales of zero to four hundred pounds capacity, liquid fuel metering devices with flows of not more than twenty gallons per minute, liquid petroleum gas meters with one inch in diameter or smaller dispensers, fabric meters, cordage meters, and taxi meters.

(b) The following are medium weighing or measuring instruments or devices: Scales of four hundred one to five thousand pounds capacity, liquid fuel metering devices with flows of more than twenty but not more than one hundred fifty gallons per minute, and mass flow meters.

(c) The following are large weighing or measuring instruments or devices: Liquid petroleum gas meters with greater than one inch diameter dispensers, liquid fuel metering devices with flows over one hundred fifty gallons per minute, and scales of more than five thousand pounds capacity and scales of more than five thousand pounds capacity with supplemental devices.

(3) The weighing or measuring instrument or device owner may appeal the civil penalty.

NEW SECTION. Sec. 11. A new section is added to chapter 19.94 RCW to read as follows:

(1) An electric vehicle service provider that fails to meet the requirements established under sections 4 through 6 of this act, or any rule adopted pursuant to the authority granted to the department under sections 4 through 6 of this act, is subject to a civil penalty of \$200 per electric vehicle supply equipment for the first violation and \$500 per electric vehicle supply equipment for each subsequent violation within one year of the first violation.

(2) Moneys collected under this section must first be used to cover the department's costs to enforce this section. Any remaining moneys must be deposited into the electric vehicle account created in RCW 82.44.200.

Sec. 12. RCW 46.08.185 and 2013 c 60 s 1 are each amended to read as follows:

(1) ~~((An))~~ Publicly available electric vehicle ~~((charging station))~~ supply equipment must be indicated by vertical signage identifying the station as ~~((an))~~ publicly available electric vehicle ~~((charging station))~~ supply equipment and indicating that it is only for electric vehicle charging. The signage must be consistent with the manual on uniform traffic control devices, as adopted by the department of transportation under RCW 47.36.030, and contain the information required in section 4 of this act. ~~((Additionally, the electric vehicle charging station must be indicated by green pavement markings.))~~ Supplementary signage may be posted to provide additional information including, but not limited to, the amount of the monetary penalty under subsection (2) of this section for parking in the station while not connected to the charging equipment.

(2) It is a parking infraction, with a monetary penalty of one hundred twenty-four dollars, for any person to park a vehicle in ~~((an electric vehicle charging station provided on public or private property))~~ a parking space served by publicly available electric vehicle supply equipment if the vehicle is not connected to the charging equipment. The parking infraction must be processed as prescribed under RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270~~((3))~~ (2).

(3) For purposes of this section, "publicly available electric vehicle ~~((charging station" means a public or private parking space that is served by charging equipment that has as its primary purpose the transfer of electric energy to a battery or other energy storage device in an electric vehicle))~~ supply equipment" has the same meaning as provided in RCW 19.94.010 and described in sections 2 and 3 of this act.

Sec. 13. RCW 19.28.211 and 2013 c 23 s 33 are each amended to read as follows:

(1) The department shall issue a certificate of competency to all applicants who have passed the examination provided in RCW 19.28.201, met the in-class education requirements of RCW 19.28.205 if applicable, and who have complied with RCW 19.28.161 through 19.28.271 and the rules adopted under this chapter. The certificate may include a photograph of the holder. The certificate shall bear the date of issuance, and shall expire on the holder's birthday. The certificate shall be renewed every three years, upon application, on or before the holder's birthdate. A fee shall be assessed for each certificate and for each annual renewal.

(2) If the certificate holder demonstrates to the department that he or she has satisfactorily completed an annual eight-hour continuing education course, the certificate may be renewed without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date. For pump and irrigation or domestic pump specialty electricians, the continuing education course may combine both electrical and plumbing education provided that there is a minimum of four hours of electrical training in the course.

(a) The contents and requirements for satisfactory completion of the continuing education course shall be determined by the director and approved by the board.

(b) The department shall accept proof of a certificate holder's satisfactory completion of a continuing education course offered in another state as meeting the requirements for maintaining a current Washington state certificate of competency if the department is satisfied the course is comparable in nature to that required in Washington state for maintaining a current certificate of competency.

(3) If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. The department shall set the fees by rule for issuance and renewal of a certificate of competency. The fees shall cover but not exceed the costs of issuing the certificates and of administering and enforcing the electrician certification requirements of this chapter.

(4) ~~((The))~~ Except for electric vehicle infrastructure training program certification requirements specified in section 14 of this act, the certificates of competency and temporary permits provided for in this chapter grant the holder the right to work in the electrical construction trade as a master electrician, journey level electrician, or specialty electrician in accordance with their provisions throughout the state and within any of its political subdivisions without additional proof of competency or any other license, permit, or fee to engage in such work.

NEW SECTION. Sec. 14. A new section is added to chapter 19.28 RCW to read as follows:

(1) The legislature finds that consistent training standards for installers of electric vehicle supply equipment is necessary to ensure interoperability, consumer access, and reliability of electric vehicle supply equipment.

(2) Effective July 1, 2023, all electric vehicle supply equipment intended to be available for public use and located on the customer side of the electric utility service point as defined in the 2020 national electrical code must be installed by appropriately licensed electrical contractors and appropriately certified electricians meeting the following qualifications:

(a) On each jobsite where such electric vehicle supply equipment is being installed or maintained, at least one appropriately certified electrician must be present, at any given time, who holds an electric vehicle infrastructure training program certification as specified by rule of the department; and

(b) On each jobsite where such electric vehicle supply equipment includes one or more charging ports intended for supplying 25 kilowatts or more to a vehicle are being installed, at least 25 percent of the total certified electricians present on the jobsite at any given time must hold an electric vehicle infrastructure training program certification as specified by rule of the department.

(3) Exemptions from electrical contractor licensing and electrician certification laws in this chapter do not apply to work described in this section.

(4) Subsection (2) of this section does not apply to electric vehicle charging infrastructure and electric vehicle supply equipment that are subject to any agreements or contracts with any public agency entered into prior to January 1, 2022, even if it is funded or authorized after January 1, 2022.

**NEW SECTION. Sec. 15.** A new section is added to chapter 19.94 RCW to read as follows:

If an electric vehicle service provider sells or intends to sell consumer data collected during or associated with a charging session, the electric vehicle service provider shall disclose all types of data collected to the consumer.

**NEW SECTION. Sec. 16.** Section 15 of this act takes effect only if chapter . . . (Substitute Senate Bill No. 5062), Laws of 2021 is not enacted by June 30, 2021."

On page 1, line 2 of the title, after "equipment;" strike the remainder of the title and insert "amending RCW 19.94.010, 19.94.175, 19.94.190, 19.94.517, 46.08.185, and 19.28.211; adding new sections to chapter 19.94 RCW; adding a new section to chapter 19.28 RCW; prescribing penalties; and providing a contingent effective date."

Senators Liias and Das spoke in favor of adoption of the striking amendment.

Senator Braun spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 532 by Senator Liias to Second Substitute Senate Bill No. 5192.

The motion by Senator Liias did not carry and striking floor amendment no. 532 was not adopted by voice vote.

#### MOTION

On motion of Senator Das, the rules were suspended, Second Substitute Senate Bill No. 5192 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Das spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5192.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5192 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Honeyford, McCune, Muzzall, Padden, Schoesler, Short, Wagoner, Warnick and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1192, by Representatives Goodman and Dufault

Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025.

The measure was read the second time.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed House Bill No. 1192 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1192.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1192 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED HOUSE BILL NO. 1192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

EIGHTY SIXTH DAY, APRIL 6, 2021

2021 REGULAR SESSION

HOUSE BILL NO. 1031, by Representatives Walen, Valdez, Leavitt, Ortiz-Self, Springer, Stonier and Santos

MOTION

Concerning the government issuance of a certificate of birth resulting in stillbirth.

On motion of Senator Keiser, the rules were suspended, House Bill No. 1022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The measure was read the second time.

Senators Keiser and King spoke in favor of passage of the bill.

MOTION

The President declared the question before the Senate to be the final passage of House Bill No. 1022.

On motion of Senator Cleveland, the rules were suspended, House Bill No. 1031 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

ROLL CALL

Senators Cleveland, Muzzall, Wagoner, Salomon and Short spoke in favor of passage of the bill.

The Secretary called the roll on the final passage of House Bill No. 1022 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

The President declared the question before the Senate to be the final passage of House Bill No. 1031.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1031 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

HOUSE BILL NO. 1022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND READING

HOUSE BILL NO. 1031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097, by House Committee on Labor & Workplace Standards (originally sponsored by Sells, Bateman, Ortiz-Self, Kloba, Chopp, Ormsby, Stonier and Macri)

SECOND READING

Increasing worker protections.

HOUSE BILL NO. 1022, by Representatives MacEwen, Kloba, Peterson, Kirby and Schmick

The measure was read the second time.

MOTION

Modifying Washington state horse racing commission provisions.

Senator Short moved that the following floor amendment no. 589 by Senator Short be adopted:

The measure was read the second time.

On page 1, line 17, after "workplace." insert "Any order issued under this section must include the full text of any law, rule, guidance, or policy governing the order, including the effective date of the law, rule, guidance, or policy."

MOTION

Senator Rolfes moved that the following floor amendment no. 512 by Senator Rolfes be adopted:

Senator Short spoke in favor of adoption of the amendment. Senator Keiser spoke against adoption of the amendment.

On page 2, after line 2, insert the following:  
"NEW SECTION. Sec. 2. This act expires June 30, 2023."

The President declared the question before the Senate to be the adoption of floor amendment no. 589 by Senator Short on page 1, line 17 to Engrossed Substitute House Bill No. 1097.

On page 1, line 2 of the title, after "provisions;" strike "and amending RCW 67.16.100" and insert "amending RCW 67.16.100; and providing an expiration date"

The motion by Senator Short did not carry and floor amendment no. 589 was not adopted by voice vote.

MOTION

Senator Rolfes spoke in favor of adoption of the amendment. The President declared the question before the Senate to be the adoption of floor amendment no. 512 by Senator Rolfes on page 2, line 2 to House Bill No. 1022.

Senator Rivers moved that the following floor amendment no. 593 by Senator Rivers be adopted:

The motion by Senator Rolfes carried and floor amendment no. 512 was adopted by voice vote.

On page 7, line 8, after "~~(thirty)~~" strike "90" and insert "45"

Senators Rivers and King spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 593 by Senator Rivers on page 7, line 8 to Engrossed Substitute House Bill No. 1097.

The motion by Senator Rivers did not carry and floor amendment no. 593 was not adopted by voice vote.

#### MOTION

Senator Honeyford moved that the following floor amendment no. 586 by Senator Honeyford be adopted:

On page 7, line 29, after "(3)" insert "Within 10 days of the receipt of the complaint filed under this section, the director shall notify the employer of the complaint."

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 586 by Senator Honeyford on page 7, line 29 to Engrossed Substitute House Bill No. 1097.

The motion by Senator Honeyford did not carry and floor amendment no. 586 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 590 by Senator Wagoner be adopted:

On page 8, line 32, after "has" strike "15 working" and insert "30"

On page 8, line 37, after "within" strike "15 working" and insert "30"

Senators Wagoner and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 590 by Senator Wagoner on page 8, line 32 to Engrossed Substitute House Bill No. 1097.

The motion by Senator Wagoner carried and floor amendment no. 590 was adopted by voice vote.

#### MOTION

Senator King moved that the following floor amendment no. 602 by Senator King be adopted:

Beginning on page 10, line 1, strike all of section 4

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "49.17.140," strike "49.17.160, and 49.17.180" and insert "and 49.17.160"

Senators King and Padden spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 602 by Senator King on page 10, line 1 to Engrossed Substitute House Bill No. 1097.

The motion by Senator King did not carry and floor amendment no. 602 was not adopted by voice vote.

#### MOTION

Senator Keiser moved that the following floor amendment no. 570 by Senator Keiser be adopted:

On page 13, line 19, after "(6)" insert "All funds expended from the accident fund for grants under this section must be reimbursed to the accident fund from the state general fund in the omnibus appropriations act adopted for the biennium following the expenditures.

(7)"

Correct any internal references accordingly.

Senators Keiser and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 570 by Senator Keiser on page 13, line 19 to Engrossed Substitute House Bill No. 1097.

The motion by Senator Keiser carried and floor amendment no. 570 was adopted by voice vote.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 1097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, King and Mullet spoke in favor of passage of the bill.

Senator Short spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1097.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1097 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:27 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

---

The Senate was called to order at 4:15 p.m. by President Heck.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054, by House Committee on Public Safety (originally sponsored by J. Johnson, Entenman, Dolan, Ryu, Berry, Simmons, Bateman,

EIGHTY SIXTH DAY, APRIL 6, 2021

Kloba, Lekanoff, Duerr, Fitzgibbon, Slatter, Wylie, Ramos, Berg, Tharinger, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Valdez, Callan, Hackney, Morgan, Chopp, Cody, Ormsby, Taylor, Frame, Santos, Macri, Davis, Pollet, Bergquist and Harris-Talley)

Establishing requirements for tactics and equipment used by peace officers.

The measure was read the second time.

#### MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be not adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Law enforcement agency" includes any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency," as those terms are defined in RCW 10.93.020, and any state or local agency providing or otherwise responsible for the custody, safety, and security of adults or juveniles incarcerated in correctional, jail, or detention facilities. "Law enforcement agency" does not include the national guard or state guard under Title 38 RCW or any other division of the United States armed forces.

(2) "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in RCW 10.93.020, and any employee, whether part-time or full-time, of a jail, correctional, or detention facility who is responsible for the custody, safety, and security of adult or juvenile persons confined in the facility.

**NEW SECTION. Sec. 2.** (1) A peace officer may not use a chokehold on another person in the course of his or her duties as a peace officer.

(2) A peace officer may not use a neck restraint on another person in the course of his or her duties as a peace officer unless the neck restraint is necessary to protect against an imminent threat of serious physical injury or death to the officer or another person.

(3) Any policies pertaining to the use of force adopted by law enforcement agencies must be consistent with this section.

(4) For the purposes of this section:

(a) "Chokehold" means the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway.

(b) "Neck restraint" refers to any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow.

**NEW SECTION. Sec. 3.** (1) The criminal justice training commission shall convene a work group to develop a model policy for the training and use of canine teams.

(2) The criminal justice training commission must ensure that the work group is equally represented between community and law enforcement stakeholders, including the following: Families who have lost loved ones as a result of violent interactions with law enforcement; an organization advocating for civil rights; a statewide organization advocating for Black Americans; a statewide organization advocating for Latinos; a statewide organization advocating for Asian Americans, Pacific Islanders, and Native Hawaiians; a federally recognized tribe located in Washington state; a community organization from eastern

2021 REGULAR SESSION

Washington working on police accountability; a community organization from western Washington working on police accountability; a community organization serving persons who are unhoused; the faith-based community with advocacy on police accountability; an emergency room doctor with relevant experience; Washington association of sheriffs and police chiefs; Washington state patrol; Washington fraternal order of police; Washington council of police and sheriffs; Washington state patrol troopers association; council of metropolitan police and sheriffs; teamsters local 117; and Washington state police canine association.

(3) The model policy work group shall consider:

(a) Training curriculum, including the history of race and policing;

(b) Circumstances where the deployment of a canine may not be appropriate;

(c) Circumstances where deployment of a canine on leash may be appropriate;

(d) Strategies for reducing the overall rate of canine bites;

(e) Circumstances where a canine handler should consider the use of tactics other than deploying a canine;

(f) Explicitly prohibiting the use of canines for crowd control purposes;

(g) Canine reporting protocols;

(h) Circumstances where the use of voluntary canines and canine handlers may be appropriate; and

(i) Identifying circumstances that would warrant the decertification of canine teams.

(4) The criminal justice training commission shall publish the model policy on its website by January 1, 2022.

(5) This section expires July 1, 2022.

**NEW SECTION. Sec. 4.** (1) A law enforcement agency may not use or authorize its peace officers or other employees to use tear gas unless necessary to alleviate a present risk of serious harm posed by a riot inside a correctional, jail, or detention facility, barricaded subject, or hostage situation. Prior to deploying tear gas, the officer or employee shall:

(a) Exhaust alternatives to the use of tear gas that are available and appropriate under the circumstances;

(b) Obtain authorization to use tear gas from the chief law enforcement officer, who must determine whether the present circumstances warrant the use of tear gas and whether available and appropriate alternatives have been exhausted as provided under this section;

(c) Announce to the subject or subjects the intent to use tear gas;

(d) Allow sufficient time and space for the subject or subjects to comply with the officer's or employee's directives; and

(e) Announce to the subject or subjects for a second time, immediately prior to deploying tear gas, the intent to use tear gas.

(2) For the purposes of this section:

(a) "Chief law enforcement officer" refers to the chief law enforcement officer of the law enforcement agency, including: The sheriff or chief for a general authority Washington law enforcement agency; and the executive head of the department or agency for a limited authority Washington law enforcement agency, such as the secretary of corrections for the department of corrections.

(b) "Tear gas" refers to chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury, except "tear gas" does not include oleoresin capsicum (OC).

**NEW SECTION. Sec. 5.** (1) A law enforcement agency may not acquire or use any military equipment. Any law

enforcement agency in possession of military equipment as of the effective date of this section shall return the equipment to the federal agency from which it was acquired, if applicable, or destroy the equipment by December 31, 2022.

(2)(a) Each law enforcement agency shall compile an inventory of military equipment possessed by the agency, including the proposed use of the equipment, estimated number of times the equipment has been used in the prior year, and whether such use is necessary for the operation and safety of the agency or some other public safety purpose. The agency shall provide the inventory to the Washington association of sheriffs and police chiefs no later than November 1, 2021.

(b) The Washington association of sheriffs and police chiefs shall summarize the inventory information from each law enforcement agency and provide a report to the governor and the appropriate committees of the legislature no later than December 31, 2021.

(3) For the purposes of this section:

(a) "Military equipment" means firearms and ammunition of .50 caliber or greater, machine guns, armed helicopters, armed or armored drones, armed vessels, armed vehicles, armed aircraft, tanks, mine resistant ambush protected vehicles, long range acoustic hailing devices, rockets, rocket launchers, bayonets, grenades, missiles, directed energy systems, and electromagnetic spectrum weapons.

(b) "Grenade" refers to any explosive grenade designed to injure or kill subjects, such as a fragmentation grenade or antitank grenade, or any incendiary grenade designed to produce intense heat or fire. "Grenade" does not include other nonexplosive grenades designed to temporarily incapacitate or disorient subjects without causing permanent injury, such as a stun grenade, sting grenade, smoke grenade, tear gas grenade, or blast ball.

(4) This section does not prohibit a law enforcement agency from participating in a federal military equipment surplus program, provided that any equipment acquired through the program does not constitute military equipment. This may include, for example: Medical supplies; hospital and health care equipment; office supplies, furniture, and equipment; school supplies; warehousing equipment; unarmed vehicles and vessels; conducted energy weapons; public address systems; scientific equipment; and protective gear and weather gear.

**NEW SECTION. Sec. 6.** All law enforcement agencies shall adopt policies and procedures to ensure that uniformed peace officers while on duty and in the performance of their official duties are reasonably identifiable. For purposes of this section, "reasonably identifiable" means that the peace officer's uniform clearly displays the officer's name or other information that members of the public can see and the agency can use to identify the peace officer.

**NEW SECTION. Sec. 7.** (1) A peace officer may not engage in a vehicular pursuit, unless:

(a) There is probable cause to believe that a person in the vehicle has committed or is committing a violent offense or sex offense as defined in RCW 9.94A.030, a driving under the influence offense under RCW 46.61.502, or an escape under chapter 9A.76 RCW;

(b) The pursuit is necessary for the purpose of identifying or apprehending the person;

(c) The person poses an imminent threat to the safety of others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances;

(d)(i) Except as provided in (d)(ii) of this subsection, the officer has received authorization to engage in the pursuit from a supervising officer and there is supervisory control of the pursuit.

The officer in consultation with the supervising officer must consider alternatives to the vehicular pursuit. The supervisor must consider the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle, and the vehicular pursuit must be terminated if any of the requirements of this subsection are not met;

(ii) For those jurisdictions with fewer than 10 commissioned officers, if a supervisor is not on duty at the time, the officer will request the on-call supervisor be notified of the pursuit according to the agency's procedures. The officer must consider alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle. The officer must terminate the vehicular pursuit if any of the requirements of this subsection are not met.

(2) A pursuing officer shall comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit and comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable.

(3) A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

(4) For purposes of this section, "vehicular pursuit" means an attempt by a uniformed law enforcement officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

**Sec. 8.** RCW 10.31.040 and 2010 c 8 s 1030 are each amended to read as follows:

(1) To make an arrest in criminal actions, the officer may break open any outer or inner door, or windows of a dwelling house or other building, or any other ((inclosure [enclosure] found)) enclosure, if, after notice of his or her office and purpose, he or she be refused admittance.

(2) An officer may not seek and a court may not issue a search or arrest warrant granting an express exception to the requirement for the officer to provide notice of his or her office and purpose when executing the warrant.

**NEW SECTION. Sec. 9.** RCW 43.101.226 (Vehicular pursuits—Model policy) and 2003 c 37 s 2 are each repealed.

**NEW SECTION. Sec. 10.** Sections 1 through 7 of this act constitute a new chapter in Title 10 RCW."

On page 1, line 2 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 10.31.040; adding a new chapter to Title 10 RCW; repealing RCW 43.101.226; and providing an expiration date."

Senator Pedersen spoke in favor of adoption of the committee striking amendment.

Senator Padden spoke against adoption of the committee striking amendment.

EIGHTY SIXTH DAY, APRIL 6, 2021

2021 REGULAR SESSION

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Law & Justice to Engrossed Substitute House Bill No. 1054.

The motion by Senator Pedersen carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Pedersen moved that the following striking floor amendment no. 493 by Senator Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Law enforcement agency" includes any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency," as those terms are defined in RCW 10.93.020, and any state or local agency providing or otherwise responsible for the custody, safety, and security of adults or juveniles incarcerated in correctional, jail, or detention facilities. "Law enforcement agency" does not include the national guard or state guard under Title 38 RCW or any other division of the United States armed forces.

(2) "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in RCW 10.93.020, and any employee, whether part-time or full-time, of a jail, correctional, or detention facility who is responsible for the custody, safety, and security of adult or juvenile persons confined in the facility.

**NEW SECTION. Sec. 2.** (1) A peace officer may not use a chokehold or neck restraint on another person in the course of his or her duties as a peace officer.

(2) Any policies pertaining to the use of force adopted by law enforcement agencies must be consistent with this section.

(3) For the purposes of this section:

(a) "Chokehold" means the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway.

(b) "Neck restraint" refers to any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow.

**NEW SECTION. Sec. 3.** (1) The criminal justice training commission shall convene a work group to develop a model policy for the training and use of canine teams.

(2) The criminal justice training commission must ensure that the work group is equally represented between community and law enforcement stakeholders, including the following: Families who have lost loved ones as a result of violent interactions with law enforcement; an organization advocating for civil rights; a statewide organization advocating for Black Americans; a statewide organization advocating for Latinos; a statewide organization advocating for Asian Americans, Pacific Islanders, and Native Hawaiians; a federally recognized tribe located in Washington state; a community organization from eastern Washington working on police accountability; a community organization from western Washington working on police accountability; a community organization serving persons who are unhoused; the faith-based community with advocacy on police accountability; an emergency room doctor with relevant experience; Washington association of sheriffs and police chiefs; Washington state patrol; Washington fraternal order of police; Washington council of police and sheriffs; Washington state

patrol troopers association; council of metropolitan police and sheriffs; teamsters local 117; and Washington state police canine association.

(3) The model policy work group shall consider:

(a) Training curriculum, including the history of race and policing;

(b) Circumstances where the deployment of a canine may not be appropriate;

(c) Circumstances where deployment of a canine on leash may be appropriate;

(d) Strategies for reducing the overall rate of canine bites;

(e) Circumstances where a canine handler should consider the use of tactics other than deploying a canine;

(f) Explicitly prohibiting the use of canines for crowd control purposes;

(g) Canine reporting protocols;

(h) Circumstances where the use of voluntary canines and canine handlers may be appropriate; and

(i) Identifying circumstances that would warrant the decertification of canine teams.

(4) The criminal justice training commission shall publish the model policy on its website by January 1, 2022.

(5) This section expires July 1, 2022.

**NEW SECTION. Sec. 4.** (1) A law enforcement agency may not use or authorize its peace officers or other employees to use tear gas unless necessary to alleviate a present risk of serious harm posed by a: (a) Riot inside a correctional, jail, or detention facility; (b) barricaded subject; or (c) hostage situation.

(2) Prior to deploying tear gas as authorized under subsection (1) of this section, the officer or employee shall:

(a) Exhaust alternatives to the use of tear gas that are available and appropriate under the circumstances;

(b) Obtain authorization to use tear gas from the chief law enforcement officer, who must determine whether the present circumstances warrant the use of tear gas and whether available and appropriate alternatives have been exhausted as provided under this section;

(c) Announce to the subject or subjects the intent to use tear gas;

(d) Allow sufficient time and space for the subject or subjects to comply with the officer's or employee's directives; and

(e) Announce to the subject or subjects for a second time, immediately prior to deploying tear gas, the intent to use tear gas.

(3) For the purposes of this section:

(a) "Barricaded subject" means an individual who is the focus of a law enforcement intervention effort, has taken a position in a physical location that does not allow immediate law enforcement access, and is refusing law enforcement orders to exit.

(b) "Chief law enforcement officer" means the chief law enforcement officer of the law enforcement agency, including: The sheriff or chief for a general authority Washington law enforcement agency; and the executive head of the department or agency for a limited authority Washington law enforcement agency, such as the secretary of corrections for the department of corrections.

(c) "Hostage situation" means a scenario in which a person is being held against his or her will by an armed, potentially armed, or otherwise dangerous suspect.

(d) "Tear gas" means chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury, except "tear gas" does not include oleoresin capsicum (OC).

**NEW SECTION. Sec. 5.** (1) A law enforcement agency may not acquire or use any military equipment. Any law

enforcement agency in possession of military equipment as of the effective date of this section shall return the equipment to the federal agency from which it was acquired, if applicable, or destroy the equipment by December 31, 2022.

(2)(a) Each law enforcement agency shall compile an inventory of military equipment possessed by the agency, including the proposed use of the equipment, estimated number of times the equipment has been used in the prior year, and whether such use is necessary for the operation and safety of the agency or some other public safety purpose. The agency shall provide the inventory to the Washington association of sheriffs and police chiefs no later than November 1, 2021.

(b) The Washington association of sheriffs and police chiefs shall summarize the inventory information from each law enforcement agency and provide a report to the governor and the appropriate committees of the legislature no later than December 31, 2021.

(3) For the purposes of this section:

(a) "Military equipment" means firearms and ammunition of .50 caliber or greater, machine guns, armed helicopters, armed or armored drones, armed vessels, armed vehicles, armed aircraft, tanks, mine resistant ambush protected vehicles, long range acoustic hailing devices, rockets, rocket launchers, bayonets, grenades, missiles, directed energy systems, and electromagnetic spectrum weapons.

(b) "Grenade" refers to any explosive grenade designed to injure or kill subjects, such as a fragmentation grenade or antitank grenade, or any incendiary grenade designed to produce intense heat or fire. "Grenade" does not include other nonexplosive grenades designed to temporarily incapacitate or disorient subjects without causing permanent injury, such as a stun grenade, sting grenade, smoke grenade, tear gas grenade, or blast ball.

(4) This section does not prohibit a law enforcement agency from participating in a federal military equipment surplus program, provided that any equipment acquired through the program does not constitute military equipment. This may include, for example: Medical supplies; hospital and health care equipment; office supplies, furniture, and equipment; school supplies; warehousing equipment; unarmed vehicles and vessels; conducted energy weapons; public address systems; scientific equipment; and protective gear and weather gear.

**NEW SECTION. Sec. 6.** All law enforcement agencies shall adopt policies and procedures to ensure that uniformed peace officers while on duty and in the performance of their official duties are reasonably identifiable. For purposes of this section, "reasonably identifiable" means that the peace officer's uniform clearly displays the officer's name or other information that members of the public can see and the agency can use to identify the peace officer.

**NEW SECTION. Sec. 7.** (1) A peace officer may not engage in a vehicular pursuit, unless:

(a)(i) There is probable cause to believe that a person in the vehicle has committed or is committing a violent offense or sex offense as defined in RCW 9A.04A.030, or an escape under chapter 9A.76 RCW; or

(ii) There is reasonable suspicion a person in the vehicle has committed or is committing a driving under the influence offense under RCW 46.61.502;

(b) The pursuit is necessary for the purpose of identifying or apprehending the person;

(c) The person poses an imminent threat to the safety of others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances; and

(d)(i) Except as provided in (d)(ii) of this subsection, the officer has received authorization to engage in the pursuit from a supervising officer and there is supervisory control of the pursuit. The officer in consultation with the supervising officer must consider alternatives to the vehicular pursuit. The supervisor must consider the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle, and the vehicular pursuit must be terminated if any of the requirements of this subsection are not met;

(ii) For those jurisdictions with fewer than 10 commissioned officers, if a supervisor is not on duty at the time, the officer will request the on-call supervisor be notified of the pursuit according to the agency's procedures. The officer must consider alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle. The officer must terminate the vehicular pursuit if any of the requirements of this subsection are not met.

(2) A pursuing officer shall comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit and comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable.

(3) A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

(4) For purposes of this section, "vehicular pursuit" means an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

**Sec. 8.** RCW 10.31.040 and 2010 c 8 s 1030 are each amended to read as follows:

(1) To make an arrest in criminal actions, the officer may break open any outer or inner door, or windows of a dwelling house or other building, or any other (~~enclosure~~ ~~[enclosure])~~ enclosure, if, after notice of his or her office and purpose, he or she be refused admittance.

(2) An officer may not seek and a court may not issue a search or arrest warrant granting an express exception to the requirement for the officer to provide notice of his or her office and purpose when executing the warrant.

**NEW SECTION. Sec. 9.** RCW 43.101.226 (Vehicular pursuits—Model policy) and 2003 c 37 s 2 are each repealed.

**NEW SECTION. Sec. 10.** Sections 1 through 7 of this act constitute a new chapter in Title 10 RCW."

On page 1, line 2 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 10.31.040; adding a new chapter to Title 10 RCW; repealing RCW 43.101.226; and providing an expiration date."

## MOTION

Senator McCune moved that the following floor amendment no. 592 by Senator McCune be adopted:

On page 3, line 6, after "policy" insert "for the training of canine teams"

Senator Holy spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 577 by Senator Holy on page 2, line 9 to striking floor amendment no. 493.

The motion by Senator Holy did not carry and floor amendment no. 577 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 578 by Senator Holy be adopted:

On page 3, beginning on line 17, after "from" strike "the chief law enforcement" and insert "a supervising"

On page 3, line 23, after "gas;" insert "and"

On page 3, beginning on line 25, after "directives" strike all material through "use tear gas" on line 27

Beginning on page 3, line 33, after "(b)" strike all material through "(c)" on page 4, line 1

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senators Holy, Fortunato, Ericksen, Hobbs and Gildon spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 578 by Senator Holy on page 3, line 17 to striking floor amendment no. 493.

The motion by Senator Holy did not carry and floor amendment no. 578 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 579 by Senator Wagoner be adopted:

On page 4, beginning on line 30, after "tanks," strike "mine resistant ambush protected vehicles,"

Senators Wagoner, Hawkins and Dozier spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 579 by Senator Wagoner on page 4, line 30 to Engrossed Substitute House Bill No. 1054.

The motion by Senator Wagoner did not carry and floor amendment no. 579 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 580 by Senator Wagoner be adopted:

On page 4, beginning on line 31, after "vehicles," strike "long range acoustic hailing devices,"

On page 5, after line 11, insert the following:

On page 1, line 23, after "chokehold" strike "or neck restraint"

On page 1, line 26, after "section" insert "and the determination made by the criminal justice training commission under subsection (4) of this section"

On page 2, beginning on line 1, after "(b)" strike all material through "flow" on line 3 and insert ""Lateral vascular neck restraint" means the use of a control technique where pressure is applied to the sides of the neck, using a combination of physiological factors to restrict blood flow to the brain, which may cause the subject to temporarily lose consciousness"

On page 2, after line 3, insert the following:

"(4) The criminal justice training commission shall conduct a study to determine whether the use of a lateral vascular neck restraint constitutes deadly force, as defined in RCW 9A.16.010. The criminal justice training commission shall publish its findings in a report on its website by December 1, 2021. If the commission determines the use of a lateral vascular neck restraint does not constitute deadly force, the report required under this subsection must include a determination as to the appropriate circumstances for use of a lateral vascular neck restraint by a peace officer."

Senators McCune and Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 592 by Senator McCune on page 1, line 23 to striking floor amendment no. 493.

The motion by Senator McCune did not carry and floor amendment no. 592 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 608 by Senator Padden be adopted:

On page 1, line 23, after "chokehold" strike "or neck restraint"

On page 1, beginning on line 27, after "section" strike ": (a) "Chokehold" and insert ", "chokehold"

On page 2, beginning on line 1, strike all of subsection (b)

Senators Padden, Wagoner and Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 608 by Senator Padden on page 1, line 23 to striking floor amendment no. 493.

The motion by Senator Padden did not carry and floor amendment no. 608 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 577 by Senator Holy be adopted:

On page 2, beginning on line 9, after "following:" strike all material through "enforcement" on line 11 and insert "Families who have had a loved one injured or wounded by a law enforcement canine"

On page 2, beginning on line 27, after "(a)" strike all material through "(b)" on line 29

Reletter the remaining subsections consecutively and correct any internal references accordingly.

"(5) A law enforcement agency may acquire and use a long range acoustic hailing device from the military so long as the device is used only for the purposes of communication."

Senator Wagoner spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

Senator Fortunato spoke on adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 580 by Senator Wagoner on page 4, line 31 to striking floor amendment no. 493.

The motion by Senator Wagoner did not carry and floor amendment no. 580 was not adopted by voice vote.

#### MOTION

Senator Holy moved that the following floor amendment no. 581 by Senator Holy be adopted:

On page 5, line 21, after "There is" strike "probable cause" and insert "reasonable suspicion"

Senator Holy spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 581 by Senator Holy on page 5, line 21 to striking floor amendment no. 493.

The motion by Senator Holy did not carry and floor amendment no. 581 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 582 by Senator Wagoner be adopted:

On page 5, line 24, after "RCW;" strike "or"

On page 5, line 27, after "46.61.502;" insert "or"

(iii) There is reasonable suspicion a person in the vehicle has committed or is committing vehicular assault under RCW 46.61.522;"

Senator Wagoner spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 582 by Senator Wagoner on page 5, line 24 to striking floor amendment no. 493.

The motion by Senator Wagoner did not carry and floor amendment no. 582 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 583 by Senator Fortunato be adopted:

On page 5, line 24, after "RCW;" strike "or"

On page 5, line 27, after "46.61.502;" insert "or"

(iii) There is reasonable suspicion a person in the vehicle has committed or is committing any offense involving a firearm;"

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 583 by Senator Fortunato on page 5, line 24 to striking floor amendment no. 493.

The motion by Senator Fortunato did not carry and floor amendment no. 583 was not adopted by voice vote.

#### MOTION

Senator Short moved that the following floor amendment no. 591 by Senator Short be adopted:

On page 5, line 24, after "RCW;" strike "or"

On page 5, line 27, after "46.61.502;" insert "or"

(iii) There is reasonable suspicion a person in the vehicle has committed or is committing a hit and run offense under RCW 46.52.010 or 46.52.020;"

Senator Short spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 591 by Senator Short on page 5, line 24 to striking floor amendment no. 493.

The motion by Senator Short did not carry and floor amendment no. 591 was not adopted by voice vote.

#### MOTION

Senator Honeyford moved that the following floor amendment no. 584 by Senator Honeyford be adopted:

On page 5, line 27, after "RCW 46.61.502" insert "or a reckless driving offense under RCW 46.61.500"

Senators Honeyford, Gildon and Padden spoke in favor of adoption of the amendment to the striking amendment.

Senators Pedersen, Dhingra and Frockt spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 584 by Senator Honeyford on page 5, line 27 to striking floor amendment no. 493.

The motion by Senator Honeyford did not carry and floor amendment no. 584 was not adopted by voice vote.

#### MOTION

Senator Honeyford moved that the following floor amendment no. 585 by Senator Honeyford be adopted:

On page 7, at the beginning of line 1, strike "(1)"

On page 7, beginning on line 6, strike all of subsection (2)

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 585 by Senator Honeyford on page 7, line 1 to striking floor amendment no. 493.

The motion by Senator Honeyford did not carry and floor amendment no. 585 was not adopted by voice vote.

EIGHTY SIXTH DAY, APRIL 6, 2021

2021 REGULAR SESSION

MOTION

Senator Padden moved that the following floor amendment no. 609 by Senator Padden be adopted:

On page 7, beginning on line 10, strike all of section 9 and insert the following:

"**Sec. 9.** RCW 43.101.226 and 2003 c 37 s 2 are each amended to read as follows:

(1) By December 1, (~~2003~~) 2021, the Washington state criminal justice training commission, the Washington state patrol, the Washington association of sheriffs and police chiefs, and organizations representing state and local law enforcement officers shall develop a written model policy on vehicular pursuits.

(2) The model policy must meet all of the following minimum standards:

(a) Provide for supervisory control, if available, of the pursuit;

(b) Provide procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit;

(c) Provide procedures for coordinating operations with other jurisdictions; and

(d) Provide guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated.

(3) By June 1, (~~2004~~) 2022, every state, county, and municipal law enforcement agency shall adopt and implement a written vehicular pursuit policy. The policy adopted may, but need not, be the model policy developed under subsections (1) and (2) of this section. However, any policy adopted must address the minimum requirements specified in subsection (2) of this section."

On page 7, beginning on line 15, after "10.31.040" strike all material through "43.101.226;" on line 16 and insert "and 43.101.226; adding a new chapter to Title 10 RCW;"

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 609 by Senator Padden on page 7, line 10 to striking floor amendment no. 493.

The motion by Senator Padden did not carry and floor amendment no. 609 was not adopted by voice vote.

Senator Pedersen spoke in favor of adoption of the striking amendment as amended.

Senator Hobbs spoke against adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 493 by Senator Pedersen as amended to Engrossed Substitute House Bill No. 1054.

The motion by Senator Pedersen carried and striking floor amendment no. 493 as amended was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute House Bill No. 1054, as amended by the

Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

POINT OF INQUIRY

Senator Padden: "Senator Pedersen, Chairman of the Senate Law and Justice Committee, do you agree that a peace officer always has a legal defense for necessity for the right of self-defense if an officer has reasonable belief that he or she must protect themselves or others, and when there are no other reasonable alternatives available at the time the peace officer acts?"

Senator Pedersen: "Thank you very much for the question Senator Padden. I do agree there's nothing in the bill that undoes the common law defenses that would be available to officers in those situations."

Senator Padden: "Thank you Senator Pedersen. And thank you Mr. President."

Senator Wellman spoke in favor of passage of the bill.

Senators Fortunato, Ericksen, King, Holy, McCune, Wilson, J., and Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1054 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1054, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Wagoner, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Van De Wege, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1001, by Representatives Maycumber, Lovick, Ryu, Boehnke, Leavitt, Lekanoff, Tharinger, Goodman, Young, Graham, Cody, Robertson and J. Johnson

Establishing a law enforcement professional development outreach grant program.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 1001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1001.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1001 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1445, by House Committee on Health Care & Wellness (originally sponsored by Thai, Cody, Ormsby, Pollet and Harris-Talley)

Concerning the definition of compounding for purposes of the practice of pharmacy.

The measure was read the second time.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1445.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1445 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1034, by Representatives Fitzgibbon, Cody, Ortiz-Self and Wylie

Concerning park and recreation district levies.

The measure was read the second time.

#### MOTION

Senator Rolfes moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.69.145 and 2010 c 106 s 303 are each amended to read as follows:

(1) A park and recreation district may impose regular property tax levies in an amount equal to ~~((sixty))~~ 60 cents or less per ~~((thousand dollars))~~ \$1,000 of assessed value of property in the district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the voters thereof approving a proposition authorizing the levies submitted at a special election or at the regular election of the district, at which election the number of voters voting "yes" on the proposition must constitute three-fifths of a number equal to ~~((forty))~~ 40 per centum of the number of voters voting in such district at the last preceding general election when the number of voters voting on the proposition does not exceed ~~((forty))~~ 40 per centum of the number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters thereof voting on the proposition if the number of voters voting on the proposition exceeds ~~((forty))~~ 40 per centum of the number of voters voting in such taxing district in the last preceding general election. A proposition authorizing the tax levies may not be submitted by a park and recreation district more than twice in any ~~((twelve))~~ 12-month period. Ballot propositions must conform with RCW 29A.36.210. ~~((In the event a park and recreation district is levying property taxes, which in combination with property taxes levied by other taxing districts subject to the one percent limitation provided for in Article 7, section 2, of our state Constitution result in taxes in excess of the limitation provided for in RCW 84.52.043(2), the park and recreation district property tax levy must be reduced or eliminated as provided in RCW 84.52.010.))~~

(2) The limitation in RCW 84.55.010 does not apply to the first levy imposed under this section following the approval of the levies by the voters under subsection (1) of this section.

Sec. 2. RCW 84.52.010 and 2017 c 196 s 10 are each amended to read as follows:

(1) Except as is permitted under RCW 84.55.050, all taxes must be levied or voted in specific amounts.

(2) The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county must be determined, calculated and fixed by the county assessors

EIGHTY SIXTH DAY, APRIL 6, 2021

2021 REGULAR SESSION

of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

(3) When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor must recompute and establish a consolidated levy in the following manner:

(a) The full certified rates of tax levy for state, county, county road district, regional transit authority, and city or town purposes must be extended on the tax rolls in amounts not exceeding the limitations established by law; however, any state levy takes precedence over all other levies and may not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 36.69.145 by a park and recreation district described under (a)(vii) of this subsection (3), 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, 84.52.135, and 84.52.140, and the portion of the levy by a flood control zone district that was protected under RCW 84.52.816, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies must be reduced as follows:

(i) The portion of the levy by a flood control zone district that was protected under RCW 84.52.816 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(ii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.140 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district or regional fire protection service authority that is protected under RCW 84.52.125 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iv) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(v) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vi) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 36.69.145 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any

property or must be eliminated. This subsection (3)(a)(vii) only applies to a park and recreation district located on an island and within a county with a population exceeding 2,000,000:

(viii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of ~~((thirty))~~ 30 cents per ~~((thousand dollars))~~ \$1,000 of assessed value, must be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated; and

~~((viii))~~ (ix) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the ~~((thirty))~~ 30 cents per ~~((thousand dollars))~~ \$1,000 of assessed value of tax levy imposed under RCW 84.52.069 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(b) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property must be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(i) First, the certified property tax levy authorized under RCW 84.52.821 must be reduced on a pro rata basis or eliminated;

(ii) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, ~~((36.69.145,))~~ 35.95A.100, and 67.38.130 must be reduced on a pro rata basis or eliminated;

(iii) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts other than the portion of a levy protected under RCW 84.52.816 must be reduced on a pro rata basis or eliminated;

(iv) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first ~~((fifty))~~ 50 cent per ~~((thousand dollars))~~ \$1,000 of assessed valuation levies for metropolitan park districts, and the first ~~((fifty))~~ 50 cent per ~~((thousand dollars))~~ \$1,000 of assessed valuation levies for public hospital districts, must be reduced on a pro rata basis or eliminated;

(v) Fifth, if the consolidated tax levy rate still exceeds these limitations, the first ~~((fifty))~~ 50 cent per ~~((thousand dollars))~~ \$1,000 of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, must be reduced on a pro rata basis or eliminated;

(vi) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) must be reduced on a pro rata basis or eliminated; and

(vii) Seventh, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first ~~((fifty))~~ 50 cent per ~~((thousand dollars))~~ \$1,000 of assessed valuation levy, and public hospital districts under their first ~~((fifty))~~ 50 cent per ~~((thousand dollars))~~ \$1,000

of assessed valuation levy, must be reduced on a pro rata basis or eliminated.

**Sec. 3.** RCW 84.52.043 and 2020 c 253 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named are as follows:

(1) Levies of the senior taxing districts are as follows: (a) The levies by the state may not exceed the applicable aggregate rate limit specified in RCW 84.52.065 (2) or (4) adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county may not exceed one dollar and ~~((eighty)) 80~~ cents per ~~((thousand dollars)) \$1,000~~ of assessed value; (c) the levy by any road district may not exceed two dollars and ~~((twenty-five)) 25~~ cents per ~~((thousand dollars)) \$1,000~~ of assessed value; and (d) the levy by any city or town may not exceed three dollars and ~~((thirty-seven and one-half)) 37.5~~ cents per ~~((thousand dollars)) \$1,000~~ of assessed value. However, any county is hereby authorized to increase its levy from one dollar and ~~((eighty)) 80~~ cents to a rate not to exceed two dollars and ~~((forty-seven and one-half)) 47.5~~ cents per ~~((thousand dollars)) \$1,000~~ of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per ~~((thousand dollars)) \$1,000~~ of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, may not exceed five dollars and ~~((ninety)) 90~~ cents per ~~((thousand dollars)) \$1,000~~ of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection do not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; (i) the portions of levies by fire protection districts and regional fire protection service authorities that are protected under RCW 84.52.125; (j) levies by counties for transit-related purposes under RCW 84.52.140; (k) the portion of the levy by flood control zone districts that are protected under RCW 84.52.816; ~~((and))~~ (l) levies imposed by a regional transit authority under RCW 81.104.175; and (m) levies imposed by park and recreation districts under RCW 36.69.145.

**NEW SECTION. Sec. 4.** This act applies to taxes levied for collection in calendar years 2022 through 2026.

**NEW SECTION. Sec. 5.** This act expires January 1, 2027."

On page 1, line 1 of the title, after "levies;" strike the remainder of the title and insert "amending RCW 36.69.145, 84.52.010, and 84.52.043; creating a new section; and providing an expiration date."

#### MOTION

Senator Rolfes moved that the following floor amendment no. 607 by Senator Rolfes be adopted:

On page 4, at the beginning of line 28, strike "~~((36.69.145;))~~" and insert "36.69.145 except a park and recreation district described under (a)(vii) of this subsection."

On page 6, line 33, after "by" strike all material through "36.69.145" and insert "any park and recreation district described under RCW 84.52.010(3)(a)(vii)"

Senator Rolfes spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 607 by Senator Rolfes on page 4, line 28 to the committee striking amendment.

The motion by Senator Rolfes carried and floor amendment no. 607 was adopted by voice vote.

Senator Rolfes spoke in favor of adoption of the committee striking amendment as amended.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to House Bill No. 1034.

The motion by Senator Rolfes carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

On motion of Senator Rolfes, the rules were suspended, House Bill No. 1034, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

Senator Wilson, L. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1034 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1034, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wagoner, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Warnick, Wilson, J. and Wilson, L.

HOUSE BILL NO. 1034, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1356, by House Committee on Education (originally sponsored by Lekanoff, Dolan, Davis, Ramos, Fitzgibbon, Callan, Simmons, Lovick, Berg, Ormsby, Bateman, Bergquist, Goodman, Macri, Ramel, Harris-Talley and Pollet)

EIGHTY SIXTH DAY, APRIL 6, 2021

2021 REGULAR SESSION

Prohibiting the inappropriate use of Native American names, symbols, or images as public school mascots, logos, or team names.

The measure was read the second time.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1) The legislature finds that the use of racially derogatory or discriminatory school mascots, logos, or team names in public schools is antithetical to their mission of providing an equal education to all, and contrary to the goal of making schools safe and respectful learning environments.

(2) The legislature finds also that certain mascots, logos, or team names that are or have been used by schools and other entities are uniquely discriminatory in singling out the Native American community for derision and cultural appropriation.

(3) Although the inappropriate use of Native American names, symbols, or images may be premised on the promotion of unity or school spirit, their use fails to respect the cultural heritage of Native Americans and promote productive relationships between sovereign governments. Furthermore, numerous individuals and organizations, including the United States commission on civil rights, have concluded that the use of Native American images and names in school sports is a barrier to equality and understanding, and that all residents of the United States would benefit from the discontinuance of their use.

(4) The legislature therefore, recognizing that no school has a cognizable interest in retaining a racially derogatory or discriminatory school mascot, logo, or team name, intends to prohibit the inappropriate use of Native American names, symbols, or images for those purposes.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) Except as provided otherwise by this section, beginning January 1, 2022, public schools may not use Native American names, symbols, or images as school mascots, logos, or team names.

(2) Subsection (1) of this section does not apply to public schools located within, or with enrollment boundaries that include a portion of, "Indian country," as defined in 18 U.S.C. Sec. 1151, or public schools in a county that contains all or part of a tribal reservation or tribal trust lands, if the tribe or tribes having regulatory jurisdiction over the territory within that boundary have:

(a) Been consulted by the appropriate school, district, or both. Consultations under this subsection (2)(a) must include summaries of completed and ongoing district and school actions required by RCW 28A.320.170; and

(b) Authorized the use of the name, symbol, or image as a mascot, logo, or team name through an appropriate enactment or resolution.

(3) A public school may use uniforms or other materials after January 1, 2022, bearing Native American names, symbols, or images as mascots, logos, or team names if the uniforms or materials were purchased before January 1, 2022, and if:

(a) The school selects a new mascot, logo, or team name by December 31, 2021, to take effect in the 2021-22 school year;

(b) Except as provided otherwise by this subsection (3)(b), the school does not purchase or acquire any uniforms or materials that include the discontinued Native American name, symbol, or image. However, a school using the discontinued Native American name, symbol, or image may, until January 1, 2023, purchase or acquire a number of uniforms equal to up to twenty percent of the total number of uniforms used by a team, band, or cheer squad at that school during the 2021-22 school year solely to replace damaged or lost uniforms;

(c) The school does not purchase, create, or acquire any yearbook, newspaper, program, or other similar material that includes or bears the discontinued Native American name, symbol, or image; and

(d) The school does not purchase, construct, or acquire a marquee, sign, or other new or replacement fixture that includes or bears the discontinued Native American name, symbol, or image.

(4) A public school that does not meet the geographic requirements in subsection (2) of this section is exempt from subsection (1) of this section if:

(a) The school is located in a county that is adjacent to a county that contains all or part of a tribal reservation or tribal trust lands; and

(b) The tribe that is consulted with and determines to authorize the use of the name, symbol, or image as a school mascot, logo, or team name as provided in subsection (2) of this section is the nearest federally recognized Indian tribe.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) The office of the superintendent of public instruction shall create a grant program to provide transitional support grants to school districts to support schools that incur costs as a result of compliance with section 2 of this act.

(2) Costs eligible for use by grants provided under this section are costs resulting from the replacement or redesign of items and materials that display Native American names, symbols, or images, including, but not limited to:

(a) Uniforms and equipment used by a team, band, cheer squad, or other extracurricular activity;

(b) School signage, including reader boards and score boards;

(c) Floor designs in gymnasiums or other flooring or surfaces;

(d) School letterhead and other office supplies;

(e) School spirit store supplies and items; and

(f) School web pages.

(3) In administering grants under this section, the office of the superintendent of public instruction is encouraged to incentivize schools that use Native American names, symbols, or images as school mascots, logos, or team names to select a new mascot, logo, or team name by September 1, 2021.

(4) This section expires August 31, 2023.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of section 3 of this act, referencing section 3 of this act by bill or chapter number and section number, is not provided by June 30, 2021, in the omnibus appropriations act, section 3 of this act is null and void."

On page 1, line 3 of the title, after "names;" strike the remainder of the title and insert "adding new sections to chapter 28A.320 RCW; creating new sections; and providing an expiration date."

MOTION

Senator Wilson, L. moved that the following floor amendment no. 611 by Senator Wilson, L. be adopted:

On page 3, beginning on line 7, after "instruction" strike all material through "grants to" on line 8 and insert "must reimburse"

On page 3, line 9, after "districts" strike "to support schools that incur" and insert "for their"

On page 3, line 10, after "act" insert ", up to a maximum of \$200,000 per school"

On page 3, line 11, after "for" strike "use by grants provided" and insert "reimbursement"

On page 3, line 12, after "are" insert "demonstrated"

On page 3, line 22, after "(3)" strike all material through "the" and insert "The"

On page 3, beginning on line 28, strike all of section 4

On page 4, line 3, after "creating" strike "new sections" and insert "a new section"

Senator Wilson, L. spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Wellman spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 611 by Senator Wilson, L. on page 3, line 7 to committee striking amendment.

The motion by Senator Wilson, L. did not carry and floor amendment no. 611 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Substitute House Bill No. 1356.

The motion by Senator Wellman carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1356, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Hawkins, Wagoner and Billig spoke in favor of passage of the bill.

Senators Warnick, Padden, Dozier and Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1356 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1356, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wagoner, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Brown, Dozier, Fortunato, Honeyford, Padden, Schoesler, Short, Warnick and Wilson, J.

SUBSTITUTE HOUSE BILL NO. 1356, as amended by the Senate, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1521, by House Committee on Finance (originally sponsored by Entenman, Sullivan, Callan, Jacobsen, Taylor, Stokesbary, Gregerson and Ormsby)

Supporting warehousing and manufacturing job centers.

The measure was read the second time.

#### MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute House Bill No. 1521 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Das spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1521.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1521 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nobles, Padden, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Carlyle, Honeyford, Nguyen, Pedersen and Schoesler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Hunt: "Thank you Mr. President. You know, yesterday we had that amazing experience with the Billy Frank memorial, a statue bill, and I've been corresponding with his son, Willie Frank, who pointed out maybe we were a day early because today was Billy's late wife Sue Crystal's birthday. So, I just wanted to point that out and say that, you know, Sue was also a key part of this and that maybe we should have done it today. But I am glad that it's done. Thank you, Mr. President."

#### MOTION

At 7:03 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, April 7, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**EIGHTY SEVENTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Wednesday, April 7, 2021

The Senate was called to order at 10:01 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Students from Wilson Creek Elementary School, led by Miss Elise and Mr. Kaegen Clinton, led the the Senate in the Pledge of Allegiance. The Clintons are the grandchildren of Senator Schoesler.

The prayer was offered by Pastor Dan Breznau of Fircrest United Methodist Church.

**MOTIONS**

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Liias, the Senate advanced to the fourth order of business.

**MESSAGES FROM THE HOUSE**

April 6, 2021

MR. PRESIDENT:  
The House has passed:

HOUSE BILL NO. 1316,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

April 6, 2021

MR. PRESIDENT:  
The House has passed:

SENATE BILL NO. 5005,

ENGROSSED SENATE BILL NO. 5026,

SENATE BILL NO. 5131,

SENATE BILL NO. 5296,

SUBSTITUTE SENATE BILL NO. 5325,

SENATE BILL NO. 5347,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5355,

ENGROSSED SENATE BILL NO. 5372,

SUBSTITUTE SENATE BILL NO. 5384,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

**MOTION**

On motion of Senator Liias, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

SB 5480 by Senators Das, Cleveland, Darneille, Keiser, Kuderer, Lovelett, Nobles, Robinson, Rolfes, Saldaña, Wellman, Wilson, C.

AN ACT Relating to the use and disclosure of toxic chemicals in cosmetic products; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

SHB 1080 by House Committee on Capital Budget (originally sponsored by Tharinger, Leavitt, Wylie, Callan and Hackney)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.19.501, 28B.15.210, 28B.15.310, 28B.20.725, 28B.30.750, 28B.35.370, 28B.50.360, 43.185.050, 43.155.150, 39.35D.030, and 43.63A.125; amending 2019 c 413 ss 1007, 1010, 1014, 1023, 1032, 1056, 1058, 1060, 1012, 1064, 1066, 1061, 1074, 1076, 1079, 1077, 4002, 4004, 1097, 1098, 2088, 2089, 3020, 3091, 3278, 3301, 3217, 3235, 5011, 5020, and 5047, and 2020 c 356 ss 6002, 1003, 1006, 1011, 1013, 1009, 1022, 1027, 3025, 3062, 5002, and 5011 (uncodified); reenacting and amending RCW 90.94.090 and 43.155.050; creating new sections; repealing 2019 c 413 ss 1004, 1107, 1108, 1109, and 2034 (uncodified); making appropriations; providing an expiration date; and declaring an emergency.

SHB 1532 by House Committee on Appropriations (originally sponsored by Ormsby, Lekanoff, Harris-Talley and Macri)

AN ACT Relating to court filing fees; amending RCW 3.62.060, 36.18.018, and 36.18.020; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1546 by Representatives Eslick, Barkis, Dent, Boehnke, Sutherland, Klicker and Robertson

AN ACT Relating to allowable uses for the multiuse roadway safety account; and amending RCW 46.09.540.

Referred to Committee on Transportation.

**MOTIONS**

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 1080 which was held at the desk.

On motion of Senator Liias, the Senate advanced to the eighth order of business.

**MOTION**

Senator Rivers moved adoption of the following resolution:

SENATE RESOLUTION  
8621

By Senator Rivers

WHEREAS, Many Washington citizens have literally given the gift of life by donating organs, eyes, and tissues; and

WHEREAS, It is essential that all citizens are aware of the opportunity to save and heal the lives of others through organ, eye, and tissue donation and transplantation; and

WHEREAS, There are more than 108,000 courageous Americans awaiting a lifesaving organ transplant, with 20 individuals losing their lives every day because of the shortage of organs for transplant; and

WHEREAS, Every 10 minutes, a person is added to the national organ transplant waiting list; and

WHEREAS, One organ donor can save the lives of up to eight people and heal many more through cornea and tissue donation; and

WHEREAS, Families receive comfort through the grieving process with the knowledge that through organ, eye, and tissue donation, another person's life has been saved or healed; and

WHEREAS, Organ donation offers transplant recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

WHEREAS, The families of organ, eye, and tissue donors receive gratitude from grateful recipients whose lives have been saved by transplantation; and

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others; and

WHEREAS, Donate Life America has designated April as National Donate Life Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor April as National Donate Life Month to remember those who have donated, and celebrate the lives of the recipients.

Senators Rivers, Lias, Keiser and Dozier spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8621.

The motion by Senator Rivers carried and the resolution was adopted by voice vote.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

#### MOTIONS

Senator Lias moved that all members names be added to Senate Resolution No. 8621.

At 10:22 a.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

#### AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Heck.

#### MOTION

On motion of Senator Lias, the Senate reverted to the sixth order of business.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1061, by House Committee on Appropriations (originally sponsored by Senn, Dent, Leavitt, Wicks, Slatter, Wylie, Simmons, Kloba, Ortiz-Self,

Gregerson, Callan, Young, Morgan, Frame, Santos, Rule and Davis)

Concerning youth eligible for developmental disability services who are expected to exit the child welfare system.

The measure was read the second time.

#### MOTION

On motion of Senator Darneille, the rules were suspended, Second Substitute House Bill No. 1061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1061.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1061 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE HOUSE BILL NO. 1061, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1167, by Representatives Bateman, Dolan and Hackney

Concerning Thurston county superior court judges.

The measure was read the second time.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 1167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1167.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1167 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Ericksen

HOUSE BILL NO. 1167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1170, by House Committee on Community & Economic Development (originally sponsored by Boehnke, Paul, Walsh, Kloba, Shewmake, Santos, Springer, Dolan, Dye, Graham, Leavitt, McCaslin, Young, Walen, Riccelli, Bateman, Lovick, Lekanoff, Eslick, Frame, Barkis, Sutherland, Robertson and Dent)

Building economic strength through manufacturing. Revised for 1st Substitute: Concerning building economic strength through manufacturing.

The measure was read the second time.

MOTION

On motion of Senator Mullet, the rules were suspended, Substitute House Bill No. 1170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Dozier spoke in favor of passage of the bill.

MOTION

On motion of Senator King, Senator Sheldon was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1170.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1170 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Sheldon

SUBSTITUTE HOUSE BILL NO. 1170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1194, by House Committee on Appropriations (originally sponsored by Ortiz-Self, Senn, Young, Santos, Callan, Morgan, Davis and Harris-Talley)

Strengthening parent-child visitation during child welfare proceedings.

The measure was read the second time.

MOTION

Senator Darneille moved that the following committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.065 and 2019 c 172 s 11 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within ~~((seventy-two))~~ 72 hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within ~~((seventy-two))~~ 72 hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) If it is likely that the child will remain in shelter care longer than ~~((seventy-two))~~ 72 hours, the department shall submit a recommendation to the court as to the further need for shelter care in all cases in which the child will remain in shelter care longer than the ~~((seventy-two))~~ 72 hour period. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parties, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care

hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the department to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative or other suitable person described in RCW 13.34.130(1)(b) and shall determine what efforts have been made toward such a placement;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home. If the dependency petition or other information before the court alleges that homelessness or the lack of suitable housing was a significant factor contributing to the removal of the child, the court shall inquire as to whether housing assistance was provided to the family to prevent or eliminate the need for removal of the child or children;

(e) Is the placement proposed by the department the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in RCW 13.38.040, whether the provisions of the federal Indian child welfare act or chapter 13.38 RCW apply, and whether there is compliance with the federal Indian child welfare act and chapter 13.38 RCW, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or

eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative or other suitable person as described in RCW 13.34.130(1)(b), unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. If such relative or other suitable person appears otherwise suitable and competent to provide care and treatment, the fingerprint-based background check need not be completed before placement, but as soon as possible after placement. The court must also determine whether placement with the relative or other suitable person is in the child's best interests. The relative or other suitable person must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the department's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative or other suitable person, and the court does not release the child to his or her parent, guardian, or legal custodian, the department shall make reasonable efforts to locate a relative or other suitable person pursuant to RCW 13.34.060(1). In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.

(d) If a relative or other suitable person is not available, the court shall order continued shelter care and shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other suitable person approved by the court pursuant to this section, shall be contingent upon cooperation with the department's or agency's case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other suitable person, subject to review by the court.

(f) If the child is placed in a qualified residential treatment program as defined in this chapter, the court shall, within ~~((sixty))~~ 60 days of placement, hold a hearing to:

(i) Consider the assessment required under RCW 13.34.420 and submitted as part of the department's social study, and any related documentation;

(ii) Determine whether placement in foster care can meet the child's needs or if placement in another available placement setting best meets the child's needs in the least restrictive environment; and

(iii) Approve or disapprove the child's placement in the qualified residential treatment program.

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

(g) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative or other suitable person under (b) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than ~~((thirty))~~ 30 days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a)(i) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(ii) If the court previously ordered that visitation between a parent and child be supervised or monitored, there shall be a presumption that such supervision or monitoring will no longer be necessary following a continued shelter care order under (a)(i) of this subsection. To overcome this presumption, a party must provide a report to the court including evidence establishing that removing visit supervision or monitoring would create a risk to the child's safety, and the court shall make a determination as to whether visit supervision or monitoring must continue.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

(9)(a) If a child is placed out of the home of a parent, guardian, or legal custodian following a shelter care hearing, the court shall order the petitioner to provide regular visitation with the parent, guardian, or legal custodian, and siblings. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and allowing family reunification. The court shall order a visitation plan individualized to the needs of the family with a goal of providing the maximum parent, child, and sibling contact possible.

(b) Visitation under this subsection shall not be limited as a sanction for a parent's failure to comply with recommended services during shelter care.

(c) Visitation under this subsection may only be limited where necessary to ensure the health, safety, or welfare of the child.

(d) The first visit must take place within 72 hours of the child being delivered into the custody of the department, unless the court finds that extraordinary circumstances require delay.

(e) If the first visit under (d) of this subsection occurs in an in-person format, this first visit must be supervised unless the department determines that visit supervision is not necessary.

**Sec. 2.** RCW 13.34.136 and 2020 c 312 s 117 are each amended to read as follows:

(1) Whenever a child is ordered to be removed from the home, a permanency plan shall be developed no later than ~~((sixty))~~ 60 days from the time the department assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The department shall submit a written permanency plan to all parties and the court not less than ~~((fourteen))~~ 14 days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's proposed permanency plan must be provided to the department, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including a tribal customary adoption as defined in RCW 13.38.040; guardianship pursuant to chapter 13.36 RCW; guardianship of a minor pursuant to RCW 11.130.215; long-term relative or foster care, if the child is between ages ~~((sixteen))~~ 16 and ~~((eighteen))~~ 18, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age ~~((sixteen))~~ 16 or older. Although a permanency plan of care may only identify long-term relative or foster care for children between ages ~~((sixteen))~~ 16 and ~~((eighteen))~~ 18, children under ~~((sixteen))~~ 16 may remain placed with relatives or in foster care. The department shall not discharge a child to an independent living situation before the child is ~~((eighteen))~~ 18 years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(A) If the parent is incarcerated, the plan must address how the parent will participate in the case conference and permanency planning meetings and, where possible, must include treatment that reflects the resources available at the facility where the parent is confined. The plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(B) If a parent has a developmental disability according to the definition provided in RCW 71A.10.020, and that individual is eligible for services provided by the department of social and health services developmental disabilities administration, the department shall make reasonable efforts to consult with the department of social and health services developmental disabilities administration to create an appropriate plan for services. For individuals who meet the definition of developmental disability provided in RCW 71A.10.020 and who are eligible for services through the developmental disabilities administration, the plan for services must be tailored to correct the parental deficiency taking into consideration the parent's disability and the department shall also determine an appropriate method to offer those services based on the parent's disability.

(ii)(A) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(B) Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation.

(C) Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. Visitation must occur in the least restrictive setting and be unsupervised unless the presence of threats or danger to the child requires the constant presence of an adult to ensure the safety of the child. When a parent or sibling has been identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child, the department shall make a concerted effort to consult with the assigned law enforcement officer in the criminal case before recommending any changes in parent/child or child/sibling contact. In the event that the law enforcement officer has information pertaining to the criminal case that may have serious implications for child safety or well-being, the law enforcement officer shall provide this information to the department during the consultation. The department may only use the information provided by law enforcement during the consultation to inform family visitation plans and may not share or otherwise distribute the information to any person or entity. Any information provided to the department by law enforcement during the consultation is considered investigative information and is exempt from public inspection pursuant to RCW 42.56.240. The results of the consultation shall be communicated to the court.

(D) The court and the department should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(E) If the court previously ordered that visitation between a parent and child be supervised or monitored, there shall be a presumption that such supervision or monitoring will no longer be necessary when the permanency plan is entered. To overcome this presumption, a party must provide a report to the court including evidence establishing that removing visit supervision or monitoring would create a risk to the child's safety, and the court shall make a determination as to whether visit supervision or monitoring must continue.

(F) The court shall advise the petitioner that the failure to provide court-ordered visitation may result in a finding that the petitioner failed to make reasonable efforts to finalize the permanency plan. The lack of sufficient contracted visitation providers will not excuse the failure to provide court-ordered visitation.

(iii)(A) The department, court, or caregiver in the out-of-home placement may not limit visitation or contact between a child and sibling as a sanction for a child's behavior or as an incentive to the child to change his or her behavior.

(B) Any exceptions, limitation, or denial of contacts or visitation must be approved by the supervisor of the department caseworker and documented. The child, parent, department, guardian ad litem, or court-appointed special advocate may challenge the denial of visits in court.

(iv) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(v) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department.

(vi) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vii) The department shall provide all reasonable services that are available within the department, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(9), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for ~~((fifteen))~~ 15 of the most recent ~~((twenty-two))~~ 22 months, and the court has not made a good cause exception, the court shall require the department to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(7). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department or other agency to agree to any specific provisions in an open adoption agreement and does not create a new obligation for the department to provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning, "guardianship" means a guardianship pursuant to chapter 13.36 RCW or a guardianship of a minor pursuant to RCW 11.130.215, or equivalent laws of another state or a federally recognized Indian tribe.

**Sec. 3.** RCW 13.34.138 and 2019 c 172 s 13 are each amended to read as follows:

(1) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ~~((ninety))~~ 90 days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision by the department shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are

recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the department is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Within ~~((sixty))~~ 60 days of the placement of a child in a qualified residential treatment program as defined in this chapter, and at each review hearing thereafter if the child remains in such a program, the following:

(A) Whether ongoing assessment of the child's strengths and needs continues to support the determination that the child's needs cannot be met through placement in a foster family home;

(B) Whether the child's placement provides the most effective and appropriate level of care in the least restrictive environment;

(C) Whether the placement is consistent with the child's permanency plan;

(D) What specific treatment or service needs will be met in the placement, and how long the child is expected to need the treatment or services; and

(E) What efforts the department has made to prepare the child to return home or be placed with a fit and willing relative as defined in RCW 13.34.030, a Title 13 RCW legal guardian, an adoptive parent, or in a foster family home.

(vii) Whether a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child by preventing the return of the child to the home of the child's parent and whether housing assistance should be provided by the department;

(viii) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(ix) Whether preference has been given to placement with the child's relatives if such placement is in the child's best interests;

(x) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(xi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(xii) Whether terms of visitation need to be modified. If the court previously ordered that visitation between a parent and child must be supervised or monitored, there shall be a presumption that such supervision or monitoring will no longer be necessary after the review hearing. To overcome this presumption, a party must provide a report to the court including evidence establishing that removing visit supervision or monitoring would create a risk to the child's safety, and the court shall make a determination as to whether visit supervision or monitoring must continue;

(xiii) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xiv) Whether any additional court orders need to be made to move the case toward permanency; and

(xv) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with the department's case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the department's case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's authority to order housing assistance under this chapter is: (a) Limited to cases in which a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child and housing assistance would aid the parent in providing an appropriate home for the child; and (b) subject to the availability of funds appropriated for this specific purpose. Nothing in this chapter shall be construed to create an entitlement to housing assistance nor to create judicial authority to order the provision of such assistance to any person or family if the assistance or funding are unavailable or the child or family are not eligible for such assistance.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(~~(6)~~) (7).

(6) The court shall advise the petitioner that the failure to provide court-ordered visitation may result in a finding that the petitioner failed to make reasonable efforts to finalize the permanency plan. The lack of sufficient contracted visitation providers will not excuse the failure to provide court-ordered visitation.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "proceedings;" strike the remainder of the title and insert "amending RCW 13.34.065, 13.34.136, and 13.34.138; and creating a new section."

Senator Darneille spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation to Engrossed Second Substitute House Bill No. 1194.

The motion by Senator Darneille carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Second Substitute House Bill No. 1194 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1194 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1194, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1194, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1279, by House Committee on Finance (originally sponsored by Rule, Ramel, Bateman, Boehnke, Shewmake, Chapman, Ryu, J. Johnson, Wicks, Senn, Hoff, Walen, Peterson, Hackney, Rude, Callan, Leavitt, Vick and Harris-Talley)

Modifying the Washington main street program tax incentive to respond to the economic impacts of the COVID-19 pandemic.

The measure was read the second time.

MOTION

Senator Mullet moved that the following committee striking amendment by the Committee on Business, Financial Services & Trade be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that as a result of the economic impacts of the COVID-19 pandemic, certain businesses that made contributions to a Washington main street community or to the main street trust fund in 2020, and qualified for a credit against the business and occupation tax or public utility tax, have received insufficient revenues, and have insufficient tax liabilities, to allow them to use the full amount of the credit for which they have qualified. With this act, the legislature intends to address this finding by allowing credits earned as result of contributions made in calendar year 2020 to be carried over for an additional two years, and by providing an additional credit against the business and occupation tax or public utility tax.

**Sec. 2.** RCW 82.73.030 and 2017 3rd sp.s. c 37 s 103 are each amended to read as follows:

(1) Subject to the limitations in this chapter, a credit is allowed against the tax imposed by chapters 82.04 and 82.16 RCW for approved contributions that are made by a person to a program or the main street trust fund.

(2) ((The)) (a) Except as provided in (b) of this subsection, the credit allowed under this section is limited to an amount equal to:

(((a))) (i) Seventy-five percent of the approved contribution made by a person to a program; or

(((b))) (ii) Fifty percent of the approved contribution made by a person to the main street trust fund.

(b) Beginning with contributions made in calendar year 2021, an additional credit is allowed equal to 25 percent of the approved contribution made by a person to the main street trust fund.

(3) The department may not approve credit with respect to a program in a city or town with a population of one hundred ninety thousand persons or more.

(4) The department must keep a running total of all credits approved under this chapter for each calendar year. The department may not approve any credits under this section that would cause the total amount of approved credits statewide to exceed ((two million five hundred thousand dollars)) \$5,000,000 in any calendar year.

(5)(a)(i) The total credits allowed under this chapter for contributions made to each program may not exceed ((one hundred thousand dollars)) \$160,000 in a calendar year.

(ii) Between 8:00 a.m., Pacific standard time, on the second Monday in January and ((March 31st)) 8:00 a.m., Pacific daylight time, on April 1st of the same calendar year, the department must evenly allocate the amount of statewide credits allowed under subsection (4) of this section based on the total number of programs and the main street trust fund as of January 1st in the same calendar year. The department may not approve contributions for a program or the main street trust fund that would cause the total amount of approved credits for a program or the main street trust fund to exceed the allocated amount.

(b) The total credits allowed under this chapter for a person may not exceed two hundred fifty thousand dollars in a calendar year.

(6) ((The)) Except as provided in subsection (8) of this section, the credit may be claimed against any tax due under chapters 82.04 and 82.16 RCW only in the calendar year immediately following the calendar year in which the credit was approved by the department and the contribution was made to the program or the main street trust fund. Credits may not be carried over to subsequent years. No refunds may be granted for credits under this chapter.

(7) The total amount of the credit claimed in any calendar year by a person may not exceed the lesser amount of:

(a) The approved credit; or

(b) Seventy-five percent of the amount of the contribution that is made by the person to a program and ((fifty)) 75 percent of the amount of the contribution that is made by the person to the main street trust fund, in the prior calendar year.

(8) Any credits provided in accordance with this chapter for approved contributions made in calendar year 2020 may be carried over for an additional two years and must be used by December 31, 2023.

(9) No credit is allowed or may be claimed under this section on or after January 1, 2032.

**NEW SECTION. Sec. 3.** A new section is added to chapter 82.73 RCW to read as follows:

This chapter expires January 1, 2032.

**NEW SECTION. Sec. 4.** Sections 2 and 3 of this act take effect October 1, 2021.

**NEW SECTION. Sec. 5.** 2017 3rd sp.s. c 37 s 1406 (uncodified) is repealed."

On page 1, line 3 of the title, after "pandemic;" strike the remainder of the title and insert "amending RCW 82.73.030; adding a new section to chapter 82.73 RCW; creating a new section; repealing 2017 3rd sp.s. c 37 s 1406 (uncodified); providing an effective date; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Business, Financial Services & Trade to Substitute House Bill No. 1279.

The motion by Senator Mullet carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Substitute House Bill No. 1279, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet, Lovelett, Dozier, Carlyle and Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1279 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1279, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1279, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1382, by House Committee on Appropriations (originally sponsored by Tharinger, Dolan, Fitzgibbon, Wylie, Hackney and Callan)

Streamlining the environmental permitting process for salmon recovery projects.

The measure was read the second time.

#### MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Second Substitute House Bill No. 1382 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1382.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1382 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1382, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1073, by House Committee on Appropriations (originally sponsored by Berry, Wicks, Fitzgibbon, Bateman, Tharinger, Simmons, Kloba, Ramel, Ortiz-Self, Goodman, Ryu, Bronoske,

Hackney, Chopp, Riccelli, Stonier, Frame, Macri, Davis, Pollet, Bergquist and Harris-Talley)

Expanding coverage of the paid family and medical leave program.

The measure was read the second time.

#### MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that many Washington workers have suffered direct effects from the COVID-19 pandemic. Due to the unprecedented global shutdown in response to COVID-19, many Washington workers who have paid into the paid family and medical leave insurance program are unable to access their benefits through no fault of their own. Workers recovering from COVID-19 or caring for an individual who is severely ill due to COVID-19 are unable to access their benefits.

(2) Therefore, the legislature intends to provide financial assistance to workers who are not otherwise eligible for paid family and medical leave due to COVID-19's impact on their ability to meet the hours worked threshold. The legislature intends to provide a pandemic leave assistance employee grant to provide an equivalent benefit to what the worker would otherwise be eligible to receive under the paid family and medical leave insurance program. Additionally, the legislature intends to provide a pandemic leave assistance employer grant to help offset small business employers' costs related to employees on leave who are receiving a pandemic leave assistance employee grant.

(3) The legislature intends to utilize federal funding from the America rescue plan act to provide financial assistance to COVID-19 impacted workers. The legislature does not intend for this worker assistance to affect the state's paid family and medical leave insurance account.

**NEW SECTION. Sec. 2.** A new section is added to chapter 50A.15 RCW to read as follows:

(1) Employees who do not meet the hours worked threshold for eligibility under RCW 50A.15.010 or 50A.30.020(1), and are otherwise eligible under Title 50A RCW for a claim with an effective start date in 2021 through March 31, 2022, are eligible for a pandemic leave assistance employee grant as provided under this section if they meet any of the following hours thresholds:

(a) Worked 820 hours in employment during the first through fourth calendar quarters of 2019; or

(b) Worked 820 hours in employment during the second through fourth calendar quarters of 2019 and first calendar quarter of 2020.

(2)(a) Subsection (1) of this section does not apply to an employee who does not meet the hours worked threshold for eligibility under RCW 50A.15.010 or 50A.30.020(1) because of an employment separation due to misconduct or a voluntary separation unrelated to the COVID-19 pandemic.

(b) An employee seeking eligibility under this section must attest, in a manner prescribed by the department, that their failure to meet the hours worked threshold for eligibility under RCW 50A.15.010 or 50A.30.020(1) is not due to the reasons specified in (a) of this subsection.

(3) Employees may file a claim with the department for a pandemic leave assistance employee grant beginning August 1, 2021.

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

(4) The amount of the pandemic leave assistance employee grant to each eligible employee must be equal to the weekly benefit amount calculated in Title 50A RCW and any rules promulgated thereunder. In calculating the weekly benefit amount for nonsalaried employees eligible under subsection (1) of this section, the typical workweek hours are the quotient derived by dividing the sum of the employee's hours reported by the sum of the number of weeks for which the employer reported hours.

(5) An employee is not eligible for a pandemic leave assistance employee grant under this section for any week in which the employee has received, is receiving, or will receive unemployment compensation under Title 50 RCW, workers' compensation under Title 51 RCW, or any other applicable federal unemployment compensation, industrial insurance, or disability insurance laws.

(6) Employers with 150 or fewer employees may be eligible for a pandemic leave assistance employer grant to assist with the costs of an employee on leave, as provided in section 3 of this act.

(7) Grants under this section are available only until funding provided by the legislature solely for these purposes is exhausted.

NEW SECTION. Sec. 3. A new section is added to chapter 50A.24 RCW to read as follows:

(1) The legislature recognizes that costs associated with employees on leave who have received or will receive a pandemic leave assistance employee grant under section 2 of this act may disproportionately impact small businesses. Therefore, the legislature intends to assist small businesses with the costs of such employees on leave.

(2) Employers with 150 or fewer employees and employers with 50 or fewer employees who are assessed all premiums under RCW 50A.10.030(5)(b) may apply to the department for a pandemic leave assistance employer grant under this section.

(3)(a) An employer may receive a pandemic leave assistance employer grant of \$3,000 if the employer hires a temporary worker to replace an employee on leave who has received or will receive a pandemic leave assistance employee grant under section 2 of this act.

(b) For an employee on leave who has received or will receive a pandemic leave assistance employee grant under section 2 of this act, an employer may receive a grant of up to \$1,000 as reimbursement for significant wage-related costs due to the employee's leave.

(c) An employer may receive a grant under (a) or (b) of this subsection, but not both, except that an employer who received a grant under (b) of this subsection may receive a grant of the difference between the grant awarded under (b) of this subsection and \$3,000 if the employee on leave who has received or will receive a pandemic leave assistance grant under section 2 of this act extended the leave beyond the leave initially planned and the employer hired a temporary worker for the employee on leave.

(4) An employer may apply for a pandemic leave assistance employer grant no more than once.

(5) To be eligible for a pandemic leave assistance employer grant under this section, the employer must provide the department written documentation showing the temporary worker hired or significant wage-related costs incurred are due to an employee on leave who has received or will receive a pandemic leave assistance employee grant under section 2 of this act.

(6) The department must assess an employer with fewer than 50 employees who receives a pandemic leave assistance employer grant under this section for all premiums for three years from the date of receipt of the grant.

(7) Pandemic leave assistance employer grants shall not be funded from the family and medical leave insurance account.

(8) For the purposes of this section, the number of employees must be calculated as provided in RCW 50A.10.030.

(9) An employer who has an approved voluntary plan is not eligible to receive a pandemic leave assistance employer grant under this section.

(10) Grants under this section are available only until funding provided by the legislature solely for these purposes is exhausted.

NEW SECTION. Sec. 4. Nothing in this act shall be construed to limit or interfere with the requirements, rights, and responsibilities of employers and employees under Title 50A RCW, except as provided in this act. Employees and employers receiving a grant under section 2 or 3 of this act must comply with all provisions of Title 50A RCW and any rules promulgated thereunder.

NEW SECTION. Sec. 5. The employment security department may adopt rules to implement this act.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act expire June 30, 2023.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new section to chapter 50A.15 RCW; adding a new section to chapter 50A.24 RCW; creating new sections; providing an expiration date; and declaring an emergency."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1073.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute House Bill No. 1073, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1073 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1073, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Erickson, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune,

Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1073, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1086, by House Committee on Appropriations (originally sponsored by Simmons, Caldier, Bateman, Ortiz-Self, Shewmake, Ryu, Chopp, Cody, Goodman, Fey, Stonier, Macri, Fitzgibbon, Frame and Davis)

Creating the state office of behavioral health consumer advocacy.

The measure was read the second time.

#### MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) According to the federal substance abuse and mental health services administration's 2019 report, one in five adults in the United States will experience some form of mental illness this year and one in thirteen will need substance use disorder treatment;

(b) Fewer than half of all individuals needing behavioral health treatment receive those services;

(c) An untreated behavioral health need can have long-term negative impacts on an individual's health, well-being, and productivity;

(d) The state has made significant investments in the efficacy of the publicly funded behavioral health system and its providers;

(e) Behavioral health parity is required by both state and federal law;

(f) All patients deserve to be treated and cared for with dignity and respect;

(g) Patients often cross local and administrative boundaries when seeking effective behavioral health care;

(h) Individuals with behavioral health needs are disproportionately involved with the criminal justice system; and

(i) Providing robust community-based services can prevent expensive hospitalizations.

(2) The legislature intends to create the state office of the behavioral health consumer advocacy that shall:

(a) Advocate for all patients seeking privately and publicly funded behavioral health services;

(b) Advocate for all patients receiving inpatient behavioral health services from a behavioral health provider or facility;

(c) Assure that patients are afforded all of the rights given to them by state and federal laws;

(d) Maintain independence and be free from all conflicts of interest;

(e) Provide consistent quality services across the state; and

(f) Retain an office within the boundaries of the region served by each behavioral health administrative services organization.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Behavioral health provider or facility" means:

(a) A behavioral health provider, as defined in RCW 71.24.025, to the extent it provides behavioral health services;

(b) A licensed or certified behavioral health agency, as defined in RCW 71.24.025;

(c) A long-term care facility, as defined in RCW 43.190.020, in which adults or children with behavioral health conditions reside;

(d) A state hospital, as defined in RCW 72.23.010; or

(e) A facility or agency that receives funds from the state to provide behavioral health treatment services to adults or children with a behavioral health condition.

(2) "Contracting advocacy organization" means the organization selected by the office pursuant to section 3 of this act.

(3) "Department" means the department of commerce.

(4) "Office" means the state office of behavioral health consumer advocacy.

**NEW SECTION. Sec. 3.** (1) By July 1, 2022, the department shall establish the state office of behavioral health consumer advocacy to provide behavioral health consumer advocacy services to patients, residents, and clients of behavioral health providers or facilities. Prior to the establishment and operation of the office, the department shall solicit recommendations from members of the behavioral health community for options to rename the office and the certified behavioral health consumer advocates in a way that shows respect for the community that the office and the advocates serve. Prior to the office beginning operations, the department must rename the office and the certified behavioral health consumer advocates from the options proposed by the community. The department shall contract with a private nonprofit organization to provide behavioral health consumer advocacy services, according to the standards established by the office. The department shall assure all program and staff support necessary to enable the contracting advocacy organization to effectively protect the interests of persons with behavioral health needs in accordance with this chapter. The department shall select the organization through a competitive bidding process and shall assure that the selected organization (a) has demonstrated financial stability and meets the qualifications for the duties identified in this chapter, and (b) does not have any conflicts of interest that would interfere with the duties identified in this chapter. The department shall encourage persons who have lived experience with behavioral health conditions or who are a family member of a person with behavioral health conditions to apply.

(2) Following the selection of the organization to carry out the ministerial functions of the office, the department shall not initiate the procurement of a new contract except upon a showing of cause. Prior to ending the contract and conducting a new competitive bidding process, the department shall provide an opportunity for comment by the contracting advocacy organization and to appeal the reselection to the department.

(3) The office shall adopt rules to carry out the purposes of this chapter, including:

(a) Establishing standards for the contracting advocacy organization to use when certifying behavioral health consumer advocates;

(b) Establishing procedures consistent with this act for appropriate access by behavioral health consumer advocates to behavioral health providers or facilities; and

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

(c) Establishing procedures consistent with section 14 of this act to protect the confidentiality of the records of patients, residents, clients, providers, and complainants.

**NEW SECTION. Sec. 4.** The state office of behavioral health consumer advocacy shall assure performance of the following activities, as authorized in contract:

(1) Selection of a name for the contracting advocacy organization to use for the advocacy program that it operates pursuant to contract with the office. The name must be selected by the statewide advisory council established in this section and must be separate and distinguishable from that of the office;

(2) Certification of behavioral health consumer advocates by October 1, 2022, and coordination of the activities of the behavioral health consumer advocates throughout the state according to standards adopted by the office;

(3) Provision of training regarding appropriate access by behavioral health consumer advocates to behavioral health providers or facilities according to standards adopted by the office;

(4) Establishment of a toll-free telephone number, website, and other appropriate technology to facilitate access to contracting advocacy organization services for patients, residents, and clients of behavioral health providers or facilities;

(5) Establishment of a statewide uniform reporting system to collect and analyze data relating to complaints and conditions provided by behavioral health providers or facilities for the purpose of identifying and resolving significant problems, with permission to submit the data to all appropriate state agencies on a regular basis;

(6) Establishment of procedures consistent with the standards adopted by the office to protect the confidentiality of the office's records, including the records of patients, residents, clients, providers, and complainants;

(7) Establishment of a statewide advisory council, a majority of which must be composed of people with lived experience, that shall include:

(a) Individuals with a history of mental illness including one or more members from the black community, the indigenous community, or a community of color;

(b) Individuals with a history of substance use disorder including one or more members from the black community, the indigenous community, or a community of color;

(c) Family members of individuals with behavioral health needs including one or more members from the black community, the indigenous community, or a community of color;

(d) One or more representatives of an organization representing consumers of behavioral health services;

(e) Representatives of behavioral health providers and facilities, including representatives of facilities offering inpatient and residential behavioral health services;

(f) One or more certified peer specialists;

(g) One or more medical clinicians serving individuals with behavioral health needs;

(h) One or more nonmedical providers serving individuals with behavioral health needs;

(i) One representative from a behavioral health administrative services organization;

(j) Other community representatives, as determined by the office; and

(k) One representative from a labor union representing workers who work in settings serving individuals with behavioral health conditions;

(8) Monitoring the development of and recommend improvements in the implementation of federal, state, and local laws, rules, regulations, and policies with respect to the provision

of behavioral health services in the state and advocate for consumers;

(9) Development and delivery of educational programs and information statewide to patients, residents, and clients of behavioral health providers or facilities, and their families on topics including, but not limited to, the execution of mental health advance directives, wellness recovery action plans, crisis services and contacts, peer services and supports, family advocacy and rights, and involuntary treatment; and

(10) Reporting to the office, the legislature, and all appropriate public agencies regarding the quality of services, complaints, problems for individuals receiving services from behavioral health providers or facilities, and any recommendations for improved services for behavioral health consumers.

**NEW SECTION. Sec. 5.** (1) A certified behavioral health consumer advocate shall:

(a) Identify, investigate, and resolve complaints made by, or on behalf of, patients, residents, and clients of behavioral health providers or facilities relating to administrative action, inaction, or decisions that may adversely affect the health, safety, welfare, and rights of these individuals;

(b) Assist and advocate on behalf of patients, residents, and clients of behavioral health providers or facilities before government agencies and seek administrative, legal, and other remedies on their behalf, if appropriate;

(c) Inform patients, residents, and clients or their representatives about applicable patient and resident rights, and provide information, as appropriate, to patients, residents, clients, family members, guardians, resident representatives, and others regarding the rights of patients and residents;

(d) Make recommendations through the office and the contracting advocacy organization for improvements to the quality of services provided to patients, residents, and clients of behavioral health providers or facilities; and

(e) With the consent of the patient, resident, or client, involve family members, friends, or other designated individuals in the process of resolving complaints.

(2) Nothing in this section shall be construed to grant a certified behavioral health consumer advocate:

(a) Statutory or regulatory licensing or sanctioning authority; or

(b) Binding adjudicative authority.

**NEW SECTION. Sec. 6.** (1) For state hospitals as defined in RCW 72.23.010, the state office of behavioral health consumer advocacy shall work with the department of social and health services to:

(a) Establish specialized training for behavioral health consumer advocates to work with forensic and criminal justice involved populations at the state hospitals;

(b) Create procedures and protocols that ensure that behavioral health consumer advocates have access to all state hospital patients and their families or guardians as needed to perform their duties, including persons who are awaiting admission to the state hospitals while in jail;

(c) Establish guidelines for how the state office of behavioral health consumer advocacy will work and collaborate with existing state employees who serve in an ombuds or advocate role for the state hospitals and ensure all legal requirements for these personnel are maintained; and

(d) Develop a direct reporting structure to the governor's office about any systemic issues that are discovered within the course of the advocates' duties within the state hospitals.

(2) The state office of behavioral health consumer advocacy shall complete this work in collaboration with the department of social and health services by July 1, 2023, and prior to the

deployment of behavioral health consumer advocates within the state hospitals.

(3) The state office of behavioral health consumer advocacy shall make strong efforts to encourage individuals with lived experience specific to the state hospitals to undergo training to fulfill behavioral health consumer advocate positions at the state hospitals.

**NEW SECTION. Sec. 7.** (1) The certified behavioral health consumer advocates shall have appropriate access to behavioral health providers or facilities to effectively carry out the provisions of this chapter, with provisions made for the privacy of patients, residents, and clients, according to the rules, policies, and procedures developed under section 3 of this act.

(2) Nothing in this chapter restricts, limits, or increases any existing right of any organizations or individuals not described in subsection (1) of this section to enter or provide assistance to patients, residents, and clients of behavioral health providers or facilities.

(3) Nothing in this chapter restricts any right or privilege of a patient, resident, or client of a behavioral health provider or facility to receive visitors of their choice.

**NEW SECTION. Sec. 8.** (1) Every behavioral health provider or facility shall post in a conspicuous location a notice providing the toll-free phone number and website of the contracting advocacy organization, as well as the name, address, and phone number of the office of the appropriate local behavioral health consumer advocate and a brief description of the services provided by the contracting advocacy organization. The form of the notice must be approved by the office. This information must also be distributed to the patients, residents, and clients of behavioral health providers or facilities, upon application for behavioral health services and upon admission to a behavioral health provider or facility. The information shall also be provided to the family members and legal guardians of the patients, residents, or clients of a behavioral health provider or facility, as allowed by state and federal privacy laws.

(2) Every behavioral health provider or facility must provide access to a free telephone for the express purpose of contacting the contracting advocacy organization.

**NEW SECTION. Sec. 9.** The contracting advocacy organization shall develop and submit, for approval by the office, a process to train and certify all behavioral health consumer advocates, whether paid or volunteer, authorized by this chapter as follows:

(1) Certified behavioral health consumer advocates must have training or experience in the following areas:

(a) Behavioral health and other related social services programs;

(b) The legal system, including differences in state or federal law between voluntary and involuntary patients, residents, or clients;

(c) Advocacy and supporting self-advocacy;

(d) Dispute or problem resolution techniques, including investigation, mediation, and negotiation; and

(e) All applicable patient, resident, and client rights established by either state or federal law.

(2) A certified behavioral health consumer advocate may not have been employed by any behavioral health provider or facility within the previous twelve months, except as a certified peer specialist or where prior to the effective date of this section the person has been employed by a regional behavioral health consumer advocate.

(3) No certified behavioral health consumer advocate or any member of a certified behavioral health consumer advocate's family may have, or have had, within the previous twelve months,

any significant ownership or financial interest in the provision of behavioral health services.

**NEW SECTION. Sec. 10.** (1) The contracting advocacy organization shall develop and submit for approval by the office referral procedures for the organization and all certified behavioral health consumer advocates to refer any complaint, in accordance with a mutually established working agreement, to an appropriate state or local government agency. The appropriate agency shall respond to any complaint referred to it by a certified behavioral health consumer advocate, in accordance with a mutually established working agreement.

(2) State agencies shall review a complaint against a behavioral health provider or facility which was referred to it by a certified behavioral health consumer advocate, in accordance with a mutually established working agreement, and shall forward to that certified behavioral health consumer advocate a summary of the results of the review or investigation and action proposed or taken.

(3) State agencies that regulate or contract with behavioral health providers or facilities shall adopt necessary rules to effectively work in coordination with the contracting advocacy organization.

**NEW SECTION. Sec. 11.** (1) The contracting advocacy organization shall develop and implement working agreements with the protection and advocacy agency, the long-term care ombuds, the developmental disabilities ombuds, the corrections ombuds, and the children and family ombuds, and work in cooperation to assure efficient, coordinated service.

(2) The contracting advocacy organization shall develop working agreements with each managed care organization, behavioral health administrative services organization, the state psychiatric hospitals, all appropriate state and local agencies, and other such entities as necessary to carry out their duties. Working agreements must include:

(a) The roles of the contracting advocacy organization and the agency or entity in complaint investigations, complaint referral criteria, and a process for sharing information regarding complaint review and investigation, as appropriate; and

(b) Processes and procedures to assure timely and seamless information sharing among all interested parties and that the contracting advocacy organization is responsive to all local information requests.

**NEW SECTION. Sec. 12.** (1) No certified behavioral health consumer advocate is liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against an employee or volunteer of a behavioral health provider or facility, or a patient, resident, or client of a behavioral health provider or facility, for any communication made, or information given or disclosed, to aid the certified behavioral health consumer advocate in carrying out duties and responsibilities under this chapter, unless the same was done maliciously or without good faith. This subsection is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee or volunteer for other reasons, and shall serve as a defense to any action in libel or slander.

(3) All communications by a certified behavioral health consumer advocate, if reasonably related to the requirements of that individual's responsibilities under this chapter and done in good faith, are privileged and confidential, subject to the procedures established by the office.

(4) A representative of the contracting advocacy organization is exempt from being required to testify in court as to any confidential matters except upon the express consent of the client, resident, or patient that is subject to the court proceedings, or their representatives, as applicable.

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

**NEW SECTION. Sec. 13.** It is the intent of the legislature that:

(1) Regional behavioral health ombuds programs existing prior to this act be integrated into this new statewide program and the ombuds from those programs be assessed and certified by the contracting advocacy organization as behavioral health consumer advocates, and for the state office of behavioral health consumer advocacy to provide the regional behavioral health ombuds programs with any additional training they may need to meet the requirements of section 5 of this act;

(2) There shall be a behavioral health consumer advocate office within the boundaries of the region served by each behavioral health administrative services organization;

(3) Federal medicaid requirements be complied with; and

(4) The department annually expend at least the amount expended on regional behavioral health ombuds services prior to the effective date of this section on the office and for the procurement of services from the contracting advocacy organization under this chapter.

**NEW SECTION. Sec. 14.** (1) All records and files of the office, the contracting advocacy organization, and any certified behavioral health consumer advocates related to any complaint or investigation made pursuant to carrying out their duties and the identities of complainants, witnesses, patients, residents, or clients and information that could reasonably identify any of these individuals shall remain confidential unless disclosure is authorized in writing by the subject of the information, or the subject's guardian or legal representative.

(2) No disclosures of records and files related to a complaint or investigation may be made to any organization or individual outside the office or the contracting advocacy organization without the written consent of any named witnesses, complainants, patients, residents, or clients unless the disclosure is made without the identity of any of these individuals and without information that could reasonably identify any of these individuals unless such disclosure is required in carrying out its duties under this chapter.

(3) Notwithstanding subsections (1) and (2) of this section, disclosures of records and files may be made pursuant to a court order.

(4) All disclosures must be compliant with state and federal privacy laws applicable to the type of information that is sought for disclosure.

**Sec. 15.** RCW 71.24.045 and 2019 c 325 s 1008 are each amended to read as follows:

(1) The behavioral health administrative services organization contracted with the authority pursuant to RCW 71.24.381 shall:

(a) Administer crisis services for the assigned regional service area. Such services must include:

(i) A behavioral health crisis hotline for its assigned regional service area;

(ii) Crisis response services twenty-four hours a day, seven days a week, three hundred sixty-five days a year;

(iii) Services related to involuntary commitments under chapters 71.05 and 71.34 RCW;

(iv) Additional noncrisis behavioral health services, within available resources, to individuals who meet certain criteria set by the authority in its contracts with the behavioral health administrative services organization. These services may include services provided through federal grant funds, provisos, and general fund state appropriations;

(v) Care coordination, diversion services, and discharge planning for nonmedicaid individuals transitioning from state hospitals or inpatient settings to reduce rehospitalization and

utilization of crisis services, as required by the authority in contract; and

(vi) Regional coordination, cross-system and cross-jurisdiction coordination with tribal governments, and capacity building efforts, such as supporting the behavioral health advisory board (~~(the behavioral health ombuds,)~~) and efforts to support access to services or to improve the behavioral health system;

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, investigation, transportation, court-related, and other services provided as required under chapter 71.05 RCW;

(c) Coordinate services for individuals under RCW 71.05.365;

(d) Administer and provide for the availability of resource management services, residential services, and community support services as required under its contract with the authority;

(e) Contract with a sufficient number, as determined by the authority, of licensed or certified providers for crisis services and other behavioral health services required by the authority;

(f) Maintain adequate reserves or secure a bond as required by its contract with the authority;

(g) Establish and maintain quality assurance processes;

(h) Meet established limitations on administrative costs for agencies that contract with the behavioral health administrative services organization; and

(i) Maintain patient tracking information as required by the authority.

(2) The behavioral health administrative services organization must collaborate with the authority and its contracted managed care organizations to develop and implement strategies to coordinate care with tribes and community behavioral health providers for individuals with a history of frequent crisis system utilization.

(3) The behavioral health administrative services organization shall:

(a) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met;

(b) Collaborate with local government entities to ensure that policies do not result in an adverse shift of persons with mental illness into state and local correctional facilities; and

(c) Work with the authority to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases.

**Sec. 16.** RCW 71.24.380 and 2019 c 325 s 1022 are each amended to read as follows:

(1) The director shall purchase behavioral health services primarily through managed care contracting, but may continue to purchase behavioral health services directly from providers serving medicaid clients who are not enrolled in a managed care organization.

(2) The director shall require that contracted managed care organizations have a sufficient network of providers to provide adequate access to behavioral health services for residents of the regional service area that meet eligibility criteria for services, and for maintenance of quality assurance processes. Contracts with managed care organizations must comply with all federal medicaid and state law requirements related to managed health care contracting, including RCW 74.09.522.

(3) A managed care organization must contract with the authority's selected behavioral health administrative services organization for the assigned regional service area for the administration of crisis services. The contract shall require the managed care organization to reimburse the behavioral health administrative services organization for behavioral health crisis

services delivered to individuals enrolled in the managed care organization.

(4) A managed care organization must contract with the contracting advocacy organization selected by the state office of behavioral health consumer advocacy established in section 3 of this act for the provision of behavioral health consumer advocacy services delivered to individuals enrolled in the managed care organization. The contract shall require the managed care organization to reimburse the office of behavioral health consumer advocacy for behavioral health consumer advocacy services delivered to individuals enrolled in the managed care organization.

(5) A managed care organization must collaborate with the authority and its contracted behavioral health administrative services organization to develop and implement strategies to coordinate care with tribes and community behavioral health providers for individuals with a history of frequent crisis system utilization.

~~((5))~~ (6) A managed care organization must work closely with designated crisis responders, behavioral health administrative services organizations, and behavioral health providers to maximize appropriate placement of persons into community services, ensuring the client receives the least restrictive level of care appropriate for their condition. Additionally, the managed care organization shall work with the authority to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases.

~~((6))~~ (7) As an incentive to county authorities to become early adopters of fully integrated purchasing of medical and behavioral health services, the standards adopted by the authority shall provide for an incentive payment to counties which elect to move to full integration by January 1, 2016. Subject to federal approval, the incentive payment shall be targeted at ten percent of savings realized by the state within the regional service area in which the fully integrated purchasing takes place. Savings shall be calculated in alignment with the outcome and performance measures established in RCW 71.24.435, 70.320.020, and 71.36.025, and incentive payments for early adopter counties shall be made available for up to a six-year period, or until full integration of medical and behavioral health services is accomplished statewide, whichever comes sooner, according to rules to be developed by the authority.

NEW SECTION. Sec. 17. RCW 71.24.350 (Behavioral health ombuds office) and 2019 c 325 s 1020, 2018 c 201 s 4019, 2016 sp.s. c 29 s 523, 2014 c 225 s 41, 2013 c 23 s 189, & 2005 c 504 s 803 are each repealed.

NEW SECTION. Sec. 18. Sections 1 through 14 of this act constitute a new chapter in Title 71 RCW.

NEW SECTION. Sec. 19. Sections 15 through 17 of this act take effect October 1, 2022.

NEW SECTION. Sec. 20. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "advocacy;" strike the remainder of the title and insert "amending RCW 71.24.045 and 71.24.380; adding a new chapter to Title 71 RCW; creating a new section; repealing RCW 71.24.350; and providing an effective date."

Senators Dhingra and Wagoner spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1086.

The motion by Senator Dhingra carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Second Substitute House Bill No. 1086, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1086 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1086, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1086, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1050, by House Committee on Appropriations (originally sponsored by Fitzgibbon, Ortiz-Self, Leavitt, Duerr, Chopp, Ramel, Peterson, Goodman, Ryu, Callan, Ramos, Ormsby, Pollet, Stonier, Fey, Macri and Bergquist)

Reducing greenhouse gas emissions from fluorinated gases.

The measure was read the second time.

#### MOTION

Senator Lovelett moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that hydrofluorocarbons are air pollutants that pose significant threats to our environment. Although hydrofluorocarbons currently represent a small proportion of the state's greenhouse gas emissions, emissions of hydrofluorocarbons have been rapidly increasing in the United States and worldwide, and they are hundreds to thousands of times more potent than carbon dioxide. In 2019, the legislature took a significant step towards reducing greenhouse gas emissions from hydrofluorocarbons by transitioning to the use of less damaging hydrofluorocarbons or

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

suitable substitutes in certain new foam, aerosol, and refrigerant uses. However, significant sources of hydrofluorocarbon emissions in Washington remain unaddressed by the 2019 legislation, including legacy uses of hydrofluorocarbons as a refrigerant in infrastructure that was installed prior to the effective dates of the restrictions in the 2019 law, and from sources like stationary air conditioners and heat pumps that were not covered by the 2019 law.

(2) Therefore, it is the intent of the legislature to reduce hydrofluorocarbon emissions, including by:

(a) Authorizing the establishment of a maximum global warming potential threshold for hydrofluorocarbons used as a refrigerant;

(b) Authorizing the regulation of hydrofluorocarbons in air conditioning and heat pumps;

(c) Applying the same basic emission control requirements to hydrofluorocarbons that have long applied to ozone-depleting substances used as refrigerants;

(d) Establishing a program to reduce leaks and encourage refrigerant recovery from large refrigeration and air conditioning systems;

(e) Directing the state building code council to adopt codes that are consistent with the goal of reducing greenhouse gas emissions associated with hydrofluorocarbons;

(f) Establishing a state procurement preference for recycled refrigerants; and

(g) Allowing consideration of the global warming potential of refrigerants used in equipment incentivized under utility conservation programs.

(3) Furthermore, it is the intent of the legislature that the ice rink used by Seattle's newest hockey franchise, the Seattle Kraken, should be as cold as possible, but also should be refrigerated using climate-friendly refrigerants, so that on opening night of the 2021-2022 National Hockey League season, as many fans as possible can simultaneously yell the Pacific Northwest's favorite new phrase: 'Release the Kraken!'

NEW SECTION. Sec. 2. (1)(a) "Air conditioning" means the process of treating air to meet the requirements of a conditioned space by controlling its temperature, humidity, cleanliness, or distribution.

(b)(i) "Air conditioning" includes chillers, except for purposes of section 8 of this act.

(ii) "Air conditioning" includes heat pumps.

(c) "Air conditioning" applies to stationary air conditioning equipment and does not apply to mobile air conditioning, including those used in motor vehicles, rail and trains, aircraft, watercraft, recreational vehicles, recreational trailers, and campers.

(2) "Class I substance" and "class II substance" means those substances listed in 42 U.S.C. Sec. 7671a, as of November 15, 1990, or those substances listed in Appendix A or B of Subpart A of 40 C.F.R. Part 82, as of January 3, 2017.

(3) "Department" means the department of ecology.

(4) "Hydrofluorocarbons" means a class of greenhouse gases that are saturated organic compounds containing hydrogen, fluorine, and carbon.

(5) "Ice rink" means a frozen body of water, hardened chemicals, or both, including, but not limited to, professional ice skating rinks and those used by the general public for recreational purposes.

(6) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces any product that contains or uses hydrofluorocarbons or is an importer or domestic distributor of such a product.

(7) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of the state.

(8) "Refrigeration equipment" or "refrigeration system" means any stationary device that is designed to contain and use refrigerant. "Refrigeration equipment" includes refrigeration equipment used in retail food, cold storage, industrial process refrigeration and cooling that does not use a chiller, ice rinks, and other refrigeration applications.

(9) "Regulated refrigerant" means a class I or class II substance as listed in Title VI of section 602 of the federal clean air act amendments of November 15, 1990.

(10) "Residential consumer refrigeration products" has the same meaning as defined in section 430.2 of Subpart A of 10 C.F.R. Part 430 (2017).

(11) "Retrofit" has the same meaning as defined in section 152 of Subpart F of 40 C.F.R. Part 82, as that section existed as of January 3, 2017.

(12) "Substitute" means a chemical, product, or alternative manufacturing process, whether existing or new, that is used to perform a function previously performed by a class I substance or class II substance and any chemical, product, or alternative manufacturing process subsequently developed, adapted, or adopted to perform that function including, but not limited to, hydrofluorocarbons. "Substitute" does not include 2-BTP or any compound as applied to its use in aerospace fire extinguishing systems.

**Sec. 3.** RCW 70A.45.010 and 2020 c 79 s 5 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Carbon dioxide equivalents" means a metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

(2) "Carbon sequestration" means the process of capturing and storing atmospheric carbon dioxide through biologic, chemical, geologic, or physical processes.

~~(3) ("Class I substance" and "class II substance" means those substances listed in 42 U.S.C. Sec. 7671a, as it read on November 15, 1990, or those substances listed in Appendix A or B of Subpart A of 40 C.F.R. Part 82, as those read on January 3, 2017.~~

~~(4))~~ "Climate advisory team" means the stakeholder group formed in response to executive order 07-02.

~~((5))~~ ~~(4)~~ "Climate impacts group" means the University of Washington's climate impacts group.

~~((6))~~ ~~(5)~~ "Department" means the department of ecology.

~~((7))~~ ~~(6)~~ "Director" means the director of the department.

~~((8))~~ ~~(7)~~ "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and any other gas or gases designated by the department by rule.

~~((9))~~ "Hydrofluorocarbons" means a class of greenhouse gases that are saturated organic compounds containing hydrogen, fluorine, and carbon.

~~(10)~~ "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces any product that contains or uses hydrofluorocarbons or is an importer or domestic distributor of such a product.

~~((11))~~ ~~(8)~~ "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of the state.

~~((12))~~ ~~(9)~~ "Program" means the department's climate change program.

~~((13)) "Residential consumer refrigeration products" has the same meaning as defined in section 430.2 of Subpart A of 10 C.F.R. Part 430 (2017).~~

~~(14) "Retrofit" has the same meaning as defined in section 152 of Subpart F of 40 C.F.R. Part 82, as that section existed as of January 3, 2017.~~

~~(15) "Substitute" means a chemical, product substitute, or alternative manufacturing process, whether existing or new, that is used to perform a function previously performed by a class I substance or class II substance and any substitute subsequently adopted to perform that function, including, but not limited to, hydrofluorocarbons. "Substitute" does not include 2-BTP or any compound as applied to its use in aerospace fire extinguishing systems.~~

~~(16)) (10) "Western climate initiative" means the collaboration of states, Canadian provinces, Mexican states, and tribes to design a multisector market-based mechanism as directed under the western regional climate action initiative signed by the governor on February 22, 2007.~~

**Sec. 4.** RCW 70A.15.6410 and 1991 c 199 s 602 are each amended to read as follows:

~~(1) (Regulated refrigerant means a class I or class II substance as listed in Title VI of section 602 of the federal clean air act amendments of November 15, 1990.~~

~~(2)) (A) A person who services or repairs or disposes of a motor vehicle air conditioning system; commercial or industrial air conditioning, heating, or refrigeration system; or consumer appliance shall use refrigerant extraction equipment to recover regulated refrigerants and substitutes that would otherwise be released into the atmosphere. ((This subsection does not apply to off road commercial equipment.~~

~~(3)) (2) Upon request, the department shall provide information and assistance to persons interested in collecting, transporting, or recycling regulated refrigerants and substitutes.~~

~~((4)) (3) The willful release of regulated refrigerants and substitutes from a source listed in subsection ((2)) (1) of this section is prohibited.~~

**Sec. 5.** RCW 70A.15.6420 and 1991 c 199 s 603 are each amended to read as follows:

No person may sell, offer for sale, or purchase any of the following:

~~(1) A substitute with a global warming potential of greater than 150 or a regulated refrigerant in a container designed for consumer recharge of a motor vehicle air conditioning system or consumer appliance during repair or service((-This subsection does not apply to a regulated refrigerant purchased for the recharge of the air conditioning system of off road commercial or agricultural equipment and sold or offered for sale at an establishment which specializes in the sale of off road commercial or agricultural equipment or parts or service for such equipment));~~

~~(2) Nonessential consumer products that contain hydrofluorocarbons with a global warming potential of greater than 150 and chlorofluorocarbons or other ozone-depleting chemicals, and for which ((substitutes)) suitable alternatives are readily available. Products affected under this subsection shall include, but are not limited to, party streamers, tire inflators, air horns, noise makers, and ((chlorofluorocarbon containing)) cleaning sprays designed for noncommercial or nonindustrial cleaning of electronic or photographic equipment. Products and equipment subject to restrictions on applications or end uses under RCW 70A.45.080 (as recodified by this act) are not nonessential products for which hydrofluorocarbons are restricted under this section.~~

**Sec. 6.** RCW 70A.15.6430 and 2020 c 20 s 1160 are each amended to read as follows:

The department shall adopt rules to implement RCW 70A.15.6410 and 70A.15.6420 (as recodified by this act). Rules shall include but not be limited to minimum performance specifications for refrigerant extraction equipment, procedures under which owners or operators of stationary refrigeration equipment and air conditioning equipment subject to the requirements of section 9 of this act must provide the department with information related to their use of regulated refrigerants and substitutes, as well as procedures for enforcing RCW 70A.15.6410 and 70A.15.6420 (as recodified by this act) and section 8 of this act.

~~((Enforcement provisions adopted by the department shall not include penalties or fines in areas where equipment to collect or recycle regulated refrigerants is not readily available.))~~

**Sec. 7.** RCW 70A.45.080 and 2020 c 20 s 1404 are each amended to read as follows:

(1) A person may not offer any product or equipment for sale, lease, or rent, or install or otherwise cause any equipment or product to enter into commerce in Washington if that equipment or product consists of, uses, or will use a substitute, as set forth in appendix U and V, Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017, for the applications or end uses restricted by appendix U or V of the federal regulation, as those read on January 3, 2017, consistent with the deadlines established in subsection (2) of this section. Except where existing equipment is retrofit, nothing in this subsection requires a person that acquired a restricted product or equipment prior to the effective date of the restrictions in subsection (2) of this section to cease use of that product or equipment. Products or equipment manufactured prior to the applicable effective date of the restrictions specified in subsection (2) of this section may be sold, imported, exported, distributed, installed, and used after the specified effective date.

(2) The restrictions under subsection (1) of this section for the following products and equipment identified in appendix U and V, Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017, take effect beginning:

(a) January 1, 2020, for:

(i) Propellants;

(ii) Rigid polyurethane applications and spray foam, flexible polyurethane, integral skin polyurethane, flexible polyurethane foam, polystyrene extruded sheet, polyolefin, phenolic insulation board, and bunstock;

(iii) Supermarket systems, remote condensing units, and stand-alone units(~~(, and vending machines));~~)

(b) January 1, 2021, for:

(i) Refrigerated food processing and dispensing equipment;

(ii) Compact residential consumer refrigeration products;

(iii) Polystyrene extruded boardstock and billet, and rigid polyurethane low-pressure two component spray foam;

(c) January 1, 2022, for ~~((residential));~~

(i) Residential consumer refrigeration products other than compact and built-in residential consumer refrigeration products; and

(ii) Vending machines;

(d) January 1, 2023, for cold storage warehouses;

(e) January 1, 2023, for built-in residential consumer refrigeration products;

(f) January 1, 2024, for centrifugal chillers and positive displacement chillers; and

(g) On either January 1, 2020, or the effective date of the restrictions identified in appendix U and V, Subpart G of 40 C.F.R. Part 82, as those read on January 3, 2017, whichever comes later, for all other applications and end uses for substitutes not covered by the categories listed in (a) through (f) of this subsection.

(3) The department may by rule:

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

(a) Modify the effective date of a prohibition established in subsection (2) of this section if the department determines that the rule reduces the overall risk to human health or the environment and reflects the earliest date that a substitute is currently or potentially available;

(b) Prohibit the use of a substitute if the department determines that the prohibition reduces the overall risk to human health or the environment and that a lower risk substitute is currently or potentially available;

(c)(i) Adopt a list of approved substitutes, use conditions, or use limits, if any; and

(ii) Add or remove substitutes, use conditions, or use limits to or from the list of approved substitutes if the department determines those substitutes reduce the overall risk to human health and the environment; and

(d) Designate acceptable uses of hydrofluorocarbons for medical uses that are exempt from the requirements of subsection (2) of this section.

~~(4)((a) Within twelve months of another state's enactment or adoption of restrictions on substitutes applicable to new light duty vehicles, the department may adopt restrictions applicable to the sale, lease, rental, or other introduction into commerce by a manufacturer of new light duty vehicles consistent with the restrictions identified in appendix B, Subpart G of 40 C.F.R. Part 82, as it read on January 3, 2017. The department may not adopt restrictions that take effect prior to the effective date of restrictions adopted or enacted in at least one other state.~~

~~(b) If the United States environmental protection agency approves a previously prohibited hydrofluorocarbon blend with a global warming potential of seven hundred fifty or less for foam blowing of polystyrene extruded boardstock and billet and rigid polyurethane low pressure two component spray foam pursuant to the significant new alternatives policy program under section 7671(k) of the federal clean air act (42 U.S.C. Sec. 7401 et seq.), the department must expeditiously propose a rule consistent with RCW 34.05.320 to conform the requirements established under this section with that federal action.~~

~~(5) A manufacturer must disclose the substitutes used in its products or equipment.) The department shall adopt rules requiring that manufacturers disclose the substitutes used in their products or equipment or to disclose the compliance status of their products or equipment. That disclosure must take the form of:~~

(a) A label on the equipment or product. The label must meet requirements designated by the department by rule. To the extent feasible, the department must recognize existing labeling that provides sufficient disclosure of the use of substitutes in the product or equipment or of the compliance status of the products or equipment.

(i) The department must consider labels required by state building codes and other safety standards in its rule making; and

(ii) The department may not require labeling of aircraft and aircraft components subject to certification requirements of the federal aviation administration.

(b) Submitting information about the use of substitutes to the department, upon request.

(i) By December 31, 2019, all manufacturers must notify the department of the status of each product class utilizing hydrofluorocarbons or other substitutes restricted under subsection (1) of this section that the manufacturer sells, offers for sale, leases, installs, or rents in Washington state. This status notification must identify the substitutes used by products or equipment in each product or equipment class in a manner determined by rule by the department.

(ii) Within one hundred twenty days after the date of a restriction put in place under this section, any manufacturer

affected by the restriction must provide an updated status notification. This notification must indicate whether the manufacturer has ceased the use of hydrofluorocarbons or substitutes restricted under this section within each product class and, if not, what hydrofluorocarbons or other restricted substitutes remain in use.

(iii) After the effective date of a restriction put in place under this section, any manufacturer must provide an updated status notification when the manufacturer introduces a new or modified product or piece of equipment that uses hydrofluorocarbons or changes the type of hydrofluorocarbons utilized within a product class affected by a restriction. Such a notification must occur within one hundred twenty days of the introduction into commerce in Washington of the product or equipment triggering this notification requirement.

~~((6)) (c) Alternative disclosure requirements to (a) of this subsection, if the department determines that the inclusion of a label denoting substitutes used or compliance status is not feasible for a particular product or equipment.~~

(5) The department may adopt rules to administer, implement, and enforce this section. If the department elects to adopt rules, the department must seek, where feasible and appropriate, to adopt rules, including rules under subsection (4) of this section, that are the same or consistent with the regulatory standards, exemptions, reporting obligations, disclosure requirements, and other compliance requirements of other states or the federal government that have adopted restrictions on the use of hydrofluorocarbons and other substitutes. Prior to the adoption or update of a rule under this section, the department must identify the sources of information it relied upon, including peer-reviewed science.

~~((7)) (6) For the purposes of implementing the restrictions specified in appendix U of Subpart G of 40 C.F.R. Part 82, as it read on January 3, 2017, consistent with this section, the department must interpret the term "aircraft maintenance" to mean activities to support the production, fabrication, manufacture, rework, inspection, maintenance, overhaul, or repair of commercial, civil, or military aircraft, aircraft parts, aerospace vehicles, or aerospace components.~~

~~((8) The authority granted by this section to the department for restricting the use of substitutes is supplementary to the department's authority to control air pollution pursuant to chapter 70A.15 RCW. Nothing in this section limits the authority of the department under chapter 70A.15 RCW.~~

~~(9)) (7) Except where existing equipment is retrofit, the restrictions of this section do not apply to or limit any use of commercial refrigeration equipment that was installed or in use prior to the effective date of the restrictions established in this section.~~

**NEW SECTION. Sec. 8.** (1) Within 12 months of another state's enactment or adoption of restrictions on substitutes applicable to new light-duty vehicles, the department may adopt restrictions applicable to the sale, lease, rental, or other introduction into commerce by a manufacturer of new light-duty vehicles consistent with the restrictions identified in appendix B, Subpart G of 40 C.F.R. Part 82, as of January 3, 2017. The department may apply an effective date to the restrictions adopted under this subsection that differs from the effective date of the restrictions adopted by another state, but the department may not adopt restrictions that take effect prior to the effective date of restrictions adopted or enacted in at least one other state.

(2) The department may adopt rules that establish a maximum global warming potential of 750 for substitutes used in new stationary air conditioning. Rules adopted under this subsection may not take effect prior to:

(a) January 1, 2023, for dehumidifiers and room air conditioners;

(b)(i) January 1, 2025, for other types of stationary air conditioning equipment, but only if before January 1, 2023, the state building code council adopts the following safety standards into the state building code as these standards existed as of the effective date of this section:

(A) American society of heating, refrigerating, and air-conditioning engineers standard 15;

(B) American society of heating, refrigerating, and air-conditioning engineers standard 15.2;

(C) American society of heating, refrigerating, and air-conditioning engineers standard 34; and

(D) Underwriters laboratories standard UL 60335-2-40 edition 4;

(ii) If the state building code council adopts the safety standards referenced in (b)(i) of this subsection after January 1, 2023, the restrictions of this subsection may apply to refrigeration equipment manufactured no earlier than 24 months after the adoption of the safety standards; and

(c) January 1, 2026, for systems with variable refrigerant flow or volume.

(3)(a) Consistent with the timeline established in (b) of this subsection, the department may adopt rules to prohibit the use of refrigerant substitutes that have a global warming potential of greater than 150 for use in refrigeration equipment containing more than 50 pounds of refrigerant;

(b)(i) The restrictions in (a) of this subsection must apply to new refrigeration equipment manufactured after December 31, 2024, but only if before January 1, 2023, the state building code council adopts the following safety standards into the state building code, as these standards existed as of the effective date of this section:

(A) American society of heating, refrigerating, and air-conditioning engineers standard 15;

(B) American society of heating, refrigerating, and air-conditioning engineers standard 34; and

(C) Underwriters laboratories standard UL 60335-2-89 edition 2;

(ii) If the state building code council adopts the safety standards referenced in (b)(i) of this subsection after January 1, 2023, the restrictions of (a) of this subsection may apply to refrigeration equipment manufactured no earlier than 24 months after the adoption of the safety standards.

(4) The department shall prohibit the use of refrigerant substitutes that have a global warming potential of greater than:

(a) One hundred fifty for use in new equipment manufactured after December 31, 2023, for installation in new ice rinks; and

(b) Seven hundred fifty for use in new equipment manufactured after December 31, 2023, for installation in existing ice rinks.

(5)(a) The department, in rules adopted to implement this section, may establish reporting, labeling, and recordkeeping requirements applicable to regulated facilities and persons. To the extent practicable, rules adopted under this section must be harmonized with reporting, labeling, or recordkeeping requirements established under section 9 of this act.

(b) To the extent practicable, the department must adopt rules to implement this section that are consistent with similar programs in other states that reduce emissions from refrigerants.

(c) The department may adopt rules to grant variances from the requirements of this section.

(d) Restrictions adopted by the department under this section are additional to specific restrictions on applications and end uses established in RCW 70A.45.080 (as recodified by this act).

(6)(a) Prior to adopting final rules to implement restrictions under subsection (2) or (3) of this section, the department must review the availability and affordability of:

(i) Equipment that meets applicable global warming potential requirements;

(ii) Refrigerants that meet applicable global warming potential requirements; and

(iii) Appropriate training to utilize equipment that meets applicable global warming potential requirements.

(b) After the review required under (a) of this subsection, the department is encouraged to consider delaying the effective date of restrictions under this section in the event that the department determines that significant training or compliant equipment or refrigerant availability and affordability limitations are expected to occur.

**NEW SECTION. Sec. 9.** (1) The department shall establish a refrigerant management program designed to reduce emissions of refrigerants, including regulated substances and their substitutes, from activities or equipment responsible for significant volumes of such emissions. The program must include, at minimum, larger stationary refrigeration systems and larger commercial air conditioning systems. The department must adopt rules to implement and enforce the requirements of this section. The department may require compliance with refrigerant management program requirements beginning no earlier than January 1, 2024, and no earlier than the adjournment of the regular legislative session following the submission of a report to the appropriate committees of the legislature by the department estimating leakage of refrigerants from existing systems in Washington, and estimating a statewide rate of leakage from the categories of systems that are subject to the refrigerant management program rules adopted by the department under this section.

(2)(a) The department shall exempt refrigeration and air conditioning equipment operations associated with de minimis emissions or with a de minimis charging capacity of less than 50 pounds in a single system from registration, reporting, and leak detection requirements established in this section. The department shall exempt from the requirements established in this section equipment that uses refrigerants with a global warming potential of less than 150 and that are not class I or class II substances.

(b) The department may scale the requirements adopted under this section based on the size of the equipment, the facility containing the equipment, or the business operations of a person responsible for such emissions. The department may establish delayed effective dates of requirements applicable to persons and systems associated with lower emissions of refrigerants than other persons and systems regulated under this section.

(3) Each year, the owner or operator of a stationary refrigeration system or air conditioning system that exceeds a de minimis charge capacity of 50 pounds must register with the department. The department must phase in system registration requirements under this subsection in order to prioritize systems with the largest charge capacity or greatest potential for refrigerant emissions. Registration with the department must, consistent with rules adopted by the department, include the submission of information about the refrigeration system, including equipment type, refrigerant charge capacity, and the type of refrigerant used.

(4) Prior to the sale of a registered refrigeration or air conditioning system, the owners or operators of the system must provide leak rate documentation to the prospective purchaser.

(5) The owner or operator of a registered stationary refrigeration system or air conditioning system must conduct periodic leak-detection inspections of the system. The department may require inspections to be conducted with relatively greater

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

frequency for systems with larger volumes of refrigerants. The department may exempt systems that use refrigerants with low global warming potential or that have automatic leak-detection systems from the requirements of this subsection.

(6) The owner or operator of a registered stationary refrigeration or air conditioning system must inspect for leaks each time significant amounts of refrigerant are added to the system.

(7) The department must adopt rules that:

(a) Require refrigeration or air conditioning systems found to be leaking to be repaired within a specified amount of time;

(b) Require the retrofit, replacement, or retirement of a refrigeration or air conditioning system with a leak that is not capable of being repaired;

(c) Establish annual reporting requirements for owners or operators of refrigeration systems or air conditioning systems that include information about the system, including system service and leak repair conducted on the system over the preceding year, and information on the purchase and use of refrigerants in the covered system during the preceding year;

(d) Establish annual reporting requirement for refrigerant wholesalers, distributors, and reclaimers;

(e) Establish record retention requirements for operators of facilities and wholesalers, distributors, and reclaimers of refrigerants and substitutes;

(f) Apply leak rates and other regulatory thresholds that achieve greater emission reductions than the federal regulations adopted by the United States environmental protection agency, and that reflect levels of achievable superior performance established for the greenchill voluntary program implemented by the United States environmental protection agency; and

(g) To the maximum extent practicable while giving consideration to the goals of this chapter, establish recordkeeping and reporting requirements that are consistent with programs implemented by the federal environmental protection agency or in other states, and that minimize compliance costs and regulatory burdens for regulated parties.

(8) The department may adopt rules to establish:

(a) Service practices for stationary appliances, including both stationary refrigeration systems and air conditioning systems. Service practices established by the department may include requiring technicians certified under United States environmental protection agency standards to service refrigerant systems, requiring reporting and recordkeeping that identifies the technicians that have serviced appliances, prohibiting practices likely to result in releases to the environment, requiring all practicable efforts to recover refrigerants from covered systems, and prohibiting the addition of refrigerants to systems known to have a leak; and

(b) A process for wholesalers, distributors, reclaimers, and refrigeration and air conditioning equipment operators to apply to the department for an exemption from some or all of the requirements of this section. Exemptions may be granted by the department on the basis of economic hardship, natural disaster, or after considering a calculation of lifecycle greenhouse gas emissions associated with the granting of an exemption that will allow an identified leak to go unrepaired for a finite period of time.

(9) The department may determine, assess, and collect annual fees from the owners or operators of refrigeration and air conditioning systems regulated under this section in an amount sufficient to cover the direct and indirect costs of administering and enforcing the provisions of this section. All fees collected under this subsection must be deposited in the refrigerant emission management account created in section 12 of this act.

(10) By December 1, 2029, and every five years thereafter, the department must consider the greenhouse gas emissions reductions achieved under the program created in this section and the criteria of section 11(3) of this act, and make a determination whether to continue to implement the program for the following five years. The department must notify the appropriate committees of the house of representatives and the senate of its determination.

**Sec. 10.** RCW 19.27.580 and 2019 c 284 s 7 are each amended to read as follows:

(1) The building code council shall adopt rules, including by amending existing rules as necessary, that permit the use of substitutes approved under RCW ((70.235.080)) 70A.45.080 (as recodified by this act) and that do not require the use of substitutes that are restricted under RCW ((70.235.080)) 70A.45.080 (as recodified by this act). The building code council may not prohibit the use of a substitute refrigerant allowed pursuant to the United States environmental protection agency's significant new alternatives policy to implement 42 U.S.C. Sec. 7671k.

(2) The building code council shall adopt rules that allow the use of substitutes, as defined in section 2 of this act, with a lower global warming potential than alternative substances, in accordance with nationally recognized, published standards that protect building occupant safety and reduce fire risks.

(3) The building code council may adopt rules that allow the use of substitutes, as defined in section 2 of this act, that are under review but have not yet been approved by the United States environmental protection agency's significant new alternatives policy to implement 42 U.S.C. Sec. 7671k, if the substitutes have a lower global warming potential than alternative substances and meet nationally recognized, published standards that protect building occupant safety and reduce fire risks.

(4) Any rules adopted by the building code council that affect the design or installation of refrigeration or air conditioning systems must be consistent with a goal of minimizing system leakage of refrigerants.

(5) Prior to the adoption of any rules by the building code council that affect the design or installation of refrigeration or air conditioning systems that facilitate the use of substitutes with a low global warming potential in air conditioning systems or equipment, the building code council must solicit input from organizations representing affected parties and parties with expertise in the substitutes or affected types of systems or equipment including, but not limited to:

(a) Manufacturers, distributors, and installers of refrigeration and air conditioning systems; and

(b) Refrigeration and air conditioning system contractors that are small businesses or that primarily serve rural areas.

**NEW SECTION. Sec. 11.** (1) The authority granted by this chapter to the department for restricting the use of substitutes is supplementary to the department's authority to control air pollution pursuant to chapter 70A.15 RCW. Nothing in this chapter limits the authority of the department under chapter 70A.15 RCW.

(2) The department, in enforcing the requirements of this chapter, must adhere to the provisions applicable to the department under chapter 43.05 RCW regarding site inspections, technical assistance visits, notices of correction, and the issuance of civil penalties, to the extent that these provisions are not in conflict with federal requirements described in RCW 43.05.901.

(3) The department may elect to refrain from or cease administering or enforcing a requirement of this chapter if the United States environmental protection agency adopts requirements that:

(a) Are substantially duplicative of the requirements of this chapter and that negate the additional emission reduction benefits of state implementation of any requirement of this chapter; or

(b) Preempt state authority under this chapter.

**NEW SECTION. Sec. 12.** The refrigerant emission management account is created in the state treasury. All receipts received by the state from the fees imposed under section 9 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to develop and implement the provisions of section 9 of this act.

**Sec. 13.** RCW 70A.15.1010 and 2020 c 20 s 1080 are each amended to read as follows:

(1) The air pollution control account is established in the state treasury. All receipts collected by or on behalf of the department from RCW 70A.15.2200(2), and receipts from nonpermit program sources under RCW 70A.15.2210(1) and 70A.15.2230(7), and all receipts from RCW 70A.15.5090 and 70A.15.5120 shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to develop and implement the provisions of this chapter, chapter 70A.25 RCW, and RCW 70A.45.080 (as recodified by this act).

(2) The amounts collected and allocated in accordance with this section shall be expended upon appropriation except as otherwise provided in this section and in accordance with the following limitations:

Portions of moneys received by the department of ecology from the air pollution control account shall be distributed by the department to local authorities based on:

(a) The level and extent of air quality problems within such authority's jurisdiction;

(b) The costs associated with implementing air pollution regulatory programs by such authority; and

(c) The amount of funding available to such authority from other sources, whether state, federal, or local, that could be used to implement such programs.

(3) The air operating permit account is created in the custody of the state treasurer. All receipts collected by or on behalf of the department from permit program sources under RCW 70A.15.2210(1), 70A.15.2260, 70A.15.2270, and 70A.15.2230(7) shall be deposited into the account. Expenditures from the account may be used only for the activities described in RCW 70A.15.2210(1), 70A.15.2260, 70A.15.2270, and 70A.15.2230(7). Moneys in the account may be spent only after appropriation.

**NEW SECTION. Sec. 14.** (1) By December 1, 2021, the department of ecology must provide recommendations to the appropriate committees of the house of representatives and the senate regarding the optimal design of a program to address the end-of-life management and disposal of refrigerants including, but not limited to, ozone-depleting substances and hydrofluorocarbons. In developing the recommendations, the department must solicit feedback from potentially impacted parties and the public, and must consider actions taken by other jurisdictions to incentivize refrigerant reuse or reclamation. The recommendations may come in the form of draft legislation.

(2) The recommendations must specifically include, at minimum, the following program design considerations:

(a) The legal and financial obligations to support or participate in the program applicable to refrigerant manufacturers, importers, distributors, and retailers, and to refrigerant-using equipment owner-operators and service technicians;

(b) A funding mechanism for refrigerant recovery and disposal activities carried out by the program that will also provide a financial incentive for the recovery and emission-reducing

management of refrigerants that are no longer of utility to a consumer; and

(c) Performance goals and operational standards for activities carried out by the program to collect, transport, and recycle, reuse, or dispose of refrigerants.

**Sec. 15.** RCW 70A.15.3150 and 2020 c 20 s 1111 are each amended to read as follows:

(1) Any person who knowingly violates any of the provisions of this chapter or ~~((chapter 70A.25 RCW, RCW 70A.45.080))~~ chapters 70A.25 and 70A.--- (the new chapter created in section 20 of this act) RCW, or any ordinance, resolution, or regulation in force pursuant thereto is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for up to three hundred sixty-four days, or by both for each separate violation.

(2) Any person who negligently releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm is guilty of a gross misdemeanor and shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for up to three hundred sixty-four days, or both.

(3) Any person who knowingly releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm, is guilty of a class C felony and shall, upon conviction, be punished by a fine of not less than fifty thousand dollars, or by imprisonment for not more than five years, or both.

(4) Any person who knowingly fails to disclose a potential conflict of interest under RCW 70A.15.2000 is guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five thousand dollars.

**Sec. 16.** RCW 70A.15.3160 and 2020 c 20 s 1112 are each amended to read as follows:

(1)(a) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of this chapter, chapter 70A.25 ~~((¶))~~, 70A.450, or 70A.--- (the new chapter created in section 20 of this act) RCW, ~~((RCW 70A.45.080,))~~ or any of the rules in force under such chapters or section may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

(b) Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2)(a) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

(b) The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) ~~(A4)~~ (a) Except as provided in (b) of this subsection, all penalties recovered under this section by the department shall be paid into the state treasury and credited to the air pollution control account established in RCW 70A.15.1010 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(b) All penalties recovered for violations of chapter 70A--- (the new chapter created in section 20 of this act) RCW must be paid into the state treasury and credited to the refrigerant emission management account created in section 12 of this act.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) The department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

**Sec. 17.** RCW 19.285.040 and 2019 c 288 s 29 are each amended to read as follows:

(1) Each qualifying utility shall pursue all available conservation that is cost-effective, reliable, and feasible.

(a) By January 1, 2010, using methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in the most recently published regional power plan as it existed on June 12, 2014, or a subsequent date as may be provided by the department or the commission by rule, each qualifying utility shall identify its achievable cost-effective conservation potential through 2019. Nothing in the rule adopted under this subsection precludes a qualifying utility from using its utility specific conservation measures, values, and assumptions in identifying its achievable cost-effective conservation potential. At least every two years thereafter, the qualifying utility shall review and update this assessment for the subsequent ten-year period.

(b) Beginning January 2010, each qualifying utility shall establish and make publicly available a biennial acquisition target for cost-effective conservation consistent with its identification of achievable opportunities in (a) of this subsection, and meet that target during the subsequent two-year period. At a minimum, each biennial target must be no lower than the qualifying utility's pro rata share for that two-year period of its cost-effective conservation potential for the subsequent ten-year period.

(c)(i) Except as provided in (c)(ii) and (iii) of this subsection, beginning on January 1, 2014, cost-effective conservation achieved by a qualifying utility in excess of its biennial acquisition target may be used to help meet the immediately subsequent two biennial acquisition targets, such that no more than twenty percent of any biennial target may be met with excess conservation savings.

(ii) Beginning January 1, 2014, a qualifying utility may use single large facility conservation savings in excess of its biennial target to meet up to an additional five percent of the immediately subsequent two biennial acquisition targets, such that no more than twenty-five percent of any biennial target may be met with excess conservation savings allowed under all of the provisions of this section combined. For the purposes of this subsection (1)(c)(ii), "single large facility conservation savings" means cost-effective conservation savings achieved in a single biennial period at the premises of a single customer of a qualifying utility whose annual electricity consumption prior to the conservation savings exceeded five average megawatts.

(iii) Beginning January 1, 2012, and until December 31, 2017, a qualifying utility with an industrial facility located in a county with a population between ninety-five thousand and one hundred fifteen thousand that is directly interconnected with electricity facilities that are capable of carrying electricity at transmission voltage may use cost-effective conservation from that industrial facility in excess of its biennial acquisition target to help meet the immediately subsequent two biennial acquisition targets, such that no more than twenty-five percent of any biennial target may be met with excess conservation savings allowed under all of the provisions of this section combined.

(d) In meeting its conservation targets, a qualifying utility may count high-efficiency cogeneration owned and used by a retail electric customer to meet its own needs. High-efficiency cogeneration is the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility has a useful thermal energy output of no less than thirty-three percent of the total energy output. The reduction in load due to high-efficiency cogeneration shall be: (i) Calculated as the ratio of the fuel chargeable to power heat rate of the cogeneration facility compared to the heat rate on a new and clean basis of a best-commercially available technology combined-cycle natural gas-fired combustion turbine; and (ii) counted towards meeting the biennial conservation target in the same manner as other conservation savings.

(e) The commission may determine if a conservation program implemented by an investor-owned utility is cost-effective based on the commission's policies and practice.

(f) In addition to the requirements of RCW 19.280.030(3), in assessing the cost-effective conservation required under this section, a qualifying utility is encouraged to promote the adoption of air conditioning, as defined in section 2 of this act, with refrigerants not exceeding a global warming potential of 750 and the replacement of stationary refrigeration systems that contain ozone-depleting substances or hydrofluorocarbon refrigerants with a high global warming potential.

(g) The commission may rely on its standard practice for review and approval of investor-owned utility conservation targets.

(2)(a) Except as provided in (j) of this subsection, each qualifying utility shall use eligible renewable resources or acquire equivalent renewable energy credits, or any combination of them, to meet the following annual targets:

(i) At least three percent of its load by January 1, 2012, and each year thereafter through December 31, 2015;

(ii) At least nine percent of its load by January 1, 2016, and each year thereafter through December 31, 2019; and

(iii) At least fifteen percent of its load by January 1, 2020, and each year thereafter.

(b) A qualifying utility may count distributed generation at double the facility's electrical output if the utility: (i) Owns or has contracted for the distributed generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

(c) In meeting the annual targets in (a) of this subsection, a qualifying utility shall calculate its annual load based on the average of the utility's load for the previous two years.

(d) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if: (i) The utility's weather-adjusted load for the previous three years on average did not increase over that time period; (ii) after December 7, 2006, the utility did not commence or renew ownership or incremental purchases of electricity from resources other than coal transition power or renewable resources other than on a daily spot price basis and the electricity is not offset by equivalent renewable energy credits; and (iii) the utility invested at least one percent of its total annual retail revenue requirement that year on eligible renewable resources, renewable energy credits, or a combination of both.

(e) A qualifying utility may use renewable energy credits to meet the requirements of this section, subject to the limitations of this subsection.

(i) A renewable energy credit from electricity generated by a resource other than freshwater may be used to meet a requirement applicable to the year in which the credit was created, the year before the year in which the credit was created, or the year after the year in which the credit was created.

(ii) A renewable energy credit from electricity generated by freshwater:

(A) May only be used to meet a requirement applicable to the year in which the credit was created; and

(B) Must be acquired by the qualifying utility through ownership of the generation facility or through a transaction that conveyed both the electricity and the nonpower attributes of the electricity.

(iii) A renewable energy credit transferred to an investor-owned utility pursuant to the Bonneville power administration's residential exchange program may not be used by any utility other than the utility receiving the credit from the Bonneville power administration.

(iv) Each renewable energy credit may only be used once to meet the requirements of this section and must be retired using procedures of the renewable energy credit tracking system.

(f) In complying with the targets established in (a) of this subsection, a qualifying utility may not count:

(i) Eligible renewable resources or distributed generation where the associated renewable energy credits are owned by a separate entity; or

(ii) Eligible renewable resources or renewable energy credits obtained for and used in an optional pricing program such as the program established in RCW 19.29A.090.

(g) Where fossil and combustible renewable resources are cofired in one generating unit located in the Pacific Northwest where the cofiring commenced after March 31, 1999, the unit shall be considered to produce eligible renewable resources in direct proportion to the percentage of the total heat value represented by the heat value of the renewable resources.

(h)(i) A qualifying utility that acquires an eligible renewable resource or renewable energy credit may count that acquisition at one and two-tenths times its base value:

(A) Where the eligible renewable resource comes from a facility that commenced operation after December 31, 2005; and

(B) Where the developer of the facility used apprenticeship programs approved by the council during facility construction.

(ii) The council shall establish minimum levels of labor hours to be met through apprenticeship programs to qualify for this extra credit.

(i) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if events beyond the reasonable control of the utility that could not have been reasonably anticipated or ameliorated prevented it from meeting the renewable energy target. Such events include weather-related damage, mechanical failure, strikes, lockouts, and actions of a governmental authority that adversely affect the generation, transmission, or distribution of an eligible renewable resource under contract to a qualifying utility.

(j)(i) Beginning January 1, 2016, only a qualifying utility that owns or is directly interconnected to a qualified biomass energy facility may use qualified biomass energy to meet its compliance obligation under this subsection.

(ii) A qualifying utility may no longer use electricity and associated renewable energy credits from a qualified biomass energy facility if the associated industrial pulping or wood manufacturing facility ceases operation other than for purposes of maintenance or upgrade.

(k) An industrial facility that hosts a qualified biomass energy facility may only transfer or sell renewable energy credits associated with qualified biomass energy generated at its facility to the qualifying utility with which it is directly interconnected with facilities owned by such a qualifying utility and that are capable of carrying electricity at transmission voltage. The qualifying utility may only use an amount of renewable energy credits associated with qualified biomass energy that are equivalent to the proportionate amount of its annual targets under (a)(ii) and (iii) of this subsection that was created by the load of the industrial facility. A qualifying utility that owns a qualified biomass energy facility may not transfer or sell renewable energy credits associated with qualified biomass energy to another person, entity, or qualifying utility.

(l) Beginning January 1, 2020, a qualifying utility may use eligible renewable resources as identified under RCW 19.285.030(12) (g) and (h) to meet its compliance obligation under this subsection (2). A qualifying utility may not transfer or sell these eligible renewable resources to another utility for compliance purposes under this chapter.

(m) Beginning January 1, 2030, a qualifying utility is considered to be in compliance with an annual target in (a) of this subsection if the utility uses electricity from: (i) Renewable resources and renewable energy credits as defined in RCW 19.285.030; and (ii) nonemitting electric generation as defined in RCW 19.405.020, in an amount equal to one hundred percent of the utility's average annual retail electric load. Nothing in this subsection relieves the requirements of a qualifying utility to comply with subsection (1) of this section.

(3) Utilities that become qualifying utilities after December 31, 2006, shall meet the requirements in this section on a time frame comparable in length to that provided for qualifying utilities as of December 7, 2006.

**Sec. 18.** RCW 19.27A.220 and 2019 c 285 s 4 are each amended to read as follows:

(1) The department must establish a state energy performance standard early adoption incentive program consistent with the requirements of this section.

(2) The department must adopt application and reporting requirements for the incentive program. Building energy reporting for the incentive program must be consistent with the

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

energy reporting requirements established under RCW 19.27A.210.

(3) Upon receiving documentation demonstrating that a building owner qualifies for an incentive under this section, the department must authorize each applicable entity administering incentive payments, as provided in RCW 19.27A.240, to make an incentive payment to the building owner. When a building is served by more than one entity offering incentives or more than one type of fuel, incentive payments must be proportional to the energy use intensity reduction of each specific fuel provided by each entity.

(4) An eligible building owner may receive an incentive payment in the amounts specified in subsection (6) of this section only if the following requirements are met:

(a) The building is either: (i) A covered commercial building subject to the requirements of the standard established under RCW 19.27A.210; or (ii) a multifamily residential building where the floor area exceeds fifty thousand gross square feet, excluding the parking garage area;

(b) The building's baseline energy use intensity exceeds its applicable energy use intensity target by at least fifteen energy use intensity units;

(c) At least one electric utility, gas company, or thermal energy company providing or delivering energy to the covered commercial building is participating in the incentive program by administering incentive payments as provided in RCW 19.27A.240; and

(d) The building owner complies with any other requirements established by the department.

(5)(a) An eligible building owner who meets the requirements of subsection (4) of this section may submit an application to the department for an incentive payment in a form and manner prescribed by the department. The application must be submitted in accordance with the following schedule:

(i) For a building with more than two hundred twenty thousand gross square feet, beginning July 1, 2021, through June 1, 2025;

(ii) For a building with more than ninety thousand gross square feet but less than two hundred twenty thousand and one gross square feet, beginning July 1, 2021, through June 1, 2026; and

(iii) For a building with more than fifty thousand gross square feet but less than ninety thousand and one gross square feet, beginning July 1, 2021, through June 1, 2027.

(b) The department must review each application and determine whether the applicant is eligible for the incentive program and if funds are available for the incentive payment within the limitation established in RCW 19.27A.230. If the department certifies an application, it must provide verification to the building owner and each entity participating as provided in RCW 19.27A.240 and providing service to the building owner.

(6) An eligible building owner that demonstrates early compliance with the applicable energy use intensity target under the standard established under RCW 19.27A.210 may receive a base incentive payment of eighty-five cents per gross square foot of floor area, excluding parking, unconditioned, or semiconditioned spaces.

(7) The incentives provided in subsection (6) of this section are subject to the limitations and requirements of this section, including any rules or procedures implementing this section.

(8) The department must establish requirements for the verification of energy consumption by the building owner and each participating electric utility, gas company, and thermal energy company.

(9) The department must provide an administrative process for an eligible building owner to appeal a determination of an incentive eligibility or amount.

(10) By September 30, 2025, and every two years thereafter, the department must report to the appropriate committees of the legislature on the results of the incentive program under this section and may provide recommendations to improve the effectiveness of the program. The 2025 report to the legislature must include recommendations for aligning the incentive program established under this section consistent with a goal of reducing greenhouse gas emissions from substitutes, as defined in section 2 of this act.

(11) The department may adopt rules to implement this section.

**Sec. 19.** RCW 39.26.310 and 2019 c 284 s 9 are each amended to read as follows:

(1) The department shall establish purchasing and procurement policies that provide a preference for products that:

(a) Are not restricted under RCW (~~(70.235.080)~~) 70A.45.080 (as recodified by this act);

(b) Do not contain hydrofluorocarbons or contain hydrofluorocarbons with a comparatively low global warming potential;

(c) Are not designed to function only in conjunction with hydrofluorocarbons characterized by a comparatively high global warming potential; and

(d) Were not manufactured using hydrofluorocarbons or were manufactured using hydrofluorocarbons with a low global warming potential.

(2) No agency may knowingly purchase products that are not accorded a preference in the purchasing and procurement policies established by the department pursuant to subsection (1) of this section, unless there is no cost-effective and technologically feasible option that is accorded a preference.

(3) ~~((Nothing in))~~ The department shall establish a purchasing and procurement policy that provides a preference, in serving existing equipment, for a reclaimed refrigerant that meets the minimum quality requirement established in federal regulations adopted under 42 U.S.C. Sec. 7671(g).

(4)(a) Nothing in subsection (1) of this section requires the department or any other state agency to breach an existing contract or dispose of stock that has been ordered or is in the possession of the department or other state agency as of July 28, 2019.

~~((4))~~ (b) Nothing in subsection (3) of this section requires the department or any other state agency to breach an existing contract or dispose of stock that has been ordered or is in the possession of the department or other state agency as of July 28, 2021.

(5) By December 1, 2020, and each December 1st of even-numbered years thereafter, the department must submit a status report to the appropriate committees of the house of representatives and senate regarding the implementation and compliance of the department and state agencies with this section.

NEW SECTION. Sec. 20. Sections 1, 2, 8, 9, 11, and 12 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. Sec. 21. RCW 70A.45.080, 70A.15.6410, 70A.15.6420, and 70A.15.6430 are each recodified as sections in chapter 70A.--- RCW (the new chapter created in section 20 of this act).

NEW SECTION. Sec. 22. Section 8 of this act takes effect January 1, 2022.

NEW SECTION. Sec. 23. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 24. If any provision of this act or its application to any person or circumstance is held invalid, the

remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "gases;" strike the remainder of the title and insert "amending RCW 70A.15.6410, 70A.15.6420, 70A.15.6430, 70A.45.080, 19.27.580, 70A.15.1010, 70A.15.3150, 70A.15.3160, 19.285.040, 19.27A.220, and 39.26.310; reenacting and amending RCW 70A.45.010; adding a new chapter to Title 70A RCW; creating new sections; recodifying RCW 70A.45.080, 70A.15.6410, 70A.15.6420, and 70A.15.6430; and providing an effective date."

Senator Lovelett spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1050.

The motion by Senator Lovelett carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Lovelett, the rules were suspended, Engrossed Second Substitute House Bill No. 1050, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Lovelett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1050 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1050, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darnelle, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1050, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1089, by House Committee on Appropriations (originally sponsored by Ramos, Goodman, Leavitt, Slatter, Wylie, Bateman, Berry, Dolan, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Ryu, Valdez, Callan, Kloba, Hackney, Chopp, Duerr, Ormsby, Taylor, Bronoske, Fey, Lekanoff, Santos, Macri, J. Johnson, Frame, Orwall and Pollet)

Concerning compliance audits of requirements relating to peace officers and law enforcement agencies.

The measure was read the second time.

#### MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be not adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.101 RCW to read as follows:

The office of the Washington state auditor is authorized to conduct a process compliance audit procedure and review of any deadly force investigation conducted pursuant to RCW 10.114.011. At the conclusion of every deadly force investigation, the state auditor shall determine whether the actions of the involved law enforcement agency, investigative body, and prosecutor's office are in compliance with RCW 10.114.011 and all rules adopted pursuant to RCW 10.114.011 for the investigation and reporting of incidents involving the use of deadly force. A deadly force investigation is concluded once the involved prosecutor's office makes a charging decision and any resulting criminal case reaches disposition. Audit procedures under this section shall be conducted in cooperation with the commission.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.101 RCW to read as follows:

Upon the request of the commission, the office of the Washington state auditor is authorized to conduct an audit procedure on any law enforcement agency to ensure the agency is in compliance with all laws, policies, and procedures governing the training and certification of peace officers employed by the agency. A copy of any completed audit must be sent to the commission, law enforcement agency, city or county council, county prosecutor, and relevant committees of the legislature.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.101 RCW to read as follows:

A law enforcement agency shall not pay any costs or fees for an audit conducted pursuant to section 1 or 2 of this act.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "agencies;" strike the remainder of the title and insert "adding new sections to chapter 43.101 RCW; and creating a new section."

Senator Pedersen spoke in favor of not adopting the committee striking amendment.

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Law & Justice to Engrossed Second Substitute House Bill No. 1089.

The motion by Senator Pedersen carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

Senator Dhingra moved that the following striking floor amendment no. 507 by Senator Dhingra be adopted:

Strike everything after the enacting clause and insert the following:

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.101 RCW to read as follows:

The office of the Washington state auditor is authorized to conduct a process compliance audit procedure and review of any deadly force investigation conducted pursuant to RCW 10.114.011. At the conclusion of every deadly force investigation, the state auditor shall determine whether the actions of the involved law enforcement agency, investigative body, and prosecutor's office are in compliance with RCW 10.114.011, chapter 43.--- RCW (the new chapter created in section 601 of Engrossed Substitute House Bill No. 1267), and all rules adopted pursuant to these provisions for the investigation and reporting of incidents involving the use of deadly force. A deadly force investigation is concluded once the involved prosecutor's office makes a charging decision and any resulting criminal case reaches disposition. Audit procedures under this section shall be conducted in cooperation with the commission.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.101 RCW to read as follows:

Upon the request of the commission, the office of the Washington state auditor is authorized to conduct an audit procedure on any law enforcement agency to ensure the agency is in compliance with all laws, policies, and procedures governing the training and certification of peace officers employed by the agency. A copy of any completed audit must be sent to the commission, law enforcement agency, city or county council, county prosecutor, and relevant committees of the legislature.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.101 RCW to read as follows:

A law enforcement agency shall not pay any costs or fees for an audit conducted pursuant to section 1 or 2 of this act.

**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "agencies;" strike the remainder of the title and insert "adding new sections to chapter 43.101 RCW; and creating a new section."

#### MOTION

Senator Padden moved that the following floor amendment no. 640 by Senator Padden be adopted:

On page 1, at the beginning of line 5, insert "(1)"

On page 1, after line 18, insert the following:

"(2) The state auditor may not conduct an audit under this section until adequately staffed with subject matter expertise regarding law enforcement and investigative audits. Until that time, the state auditor shall contract with persons with the appropriate subject matter expertise and shall issue a request for proposal for contracting with a person or entity to provide adequate subject matter expertise."

Senators Padden and Pedersen spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 640 by Senator Padden on page 1, line 5 to striking floor amendment no. 507.

The motion by Senator Padden carried and floor amendment no. 640 was adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 644 by Senator Padden be adopted:

On page 1, at the beginning of line 5, strike "The" and insert "Upon request of the commission, the"

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 644 by Senator Padden on page 1, line 5 to striking floor amendment no. 507.

The motion by Senator Padden did not carry and floor amendment no. 644 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 507 by Senator Dhingra, as amended, to Engrossed Second Substitute House Bill No. 1089.

The motion by Senator Dhingra carried and striking floor amendment no. 507 as amended was adopted by voice vote.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Second Substitute House Bill No. 1089, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra, Padden, Pedersen and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1089 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1089, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Dozier, Ericksen, Fortunato, Holy, Honeyford, McCune and Schoesler

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1089, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1455, by House Committee on Labor & Workplace Standards (originally sponsored by Mosbrucker, Boehnke, Young, Sutherland and Jacobsen)

Concerning the use of social security numbers by the department of labor and industries and the employment security department.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1455 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill. Senator Padden spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1455.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1455 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Erickson

SUBSTITUTE HOUSE BILL NO. 1455, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1166, by House Committee on Appropriations (originally sponsored by Leavitt, Caldier, Sutherland, Chopp, Lekanoff, Davis, Shewmake, Pollet, Ramos, Callan, Rule, Gregerson, Bateman, Harris-Talley and J. Johnson)

Expanding access to the homeless and foster care college students pilot program.

The measure was read the second time.

#### MOTION

On motion of Senator Randall, the rules were suspended, Substitute House Bill No. 1166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall and Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1166.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1166 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Erickson, Fortunato, Hawkins, Honeyford, McCune, Padden, Short and Wilson, J.

SUBSTITUTE HOUSE BILL NO. 1166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1227, by House Committee on Appropriations (originally sponsored by Ortiz-Self, Callan, Senn, Dolan, Fitzgibbon, Ramos, Davis, Santos, Macri, Gregerson, Young and Ormsby)

Protecting the rights of families responding to allegations of abuse or neglect of a child.

The measure was read the second time.

#### MOTION

Senator Darneille moved that the following committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** This act may be known and cited as the keeping families together act.

**NEW SECTION. Sec. 2.** (1) The legislature recognizes that children and families are better served when the state provides support to allow children to be cared for by their loved ones and in their communities. The legislature finds that decades of research show that Black and Indigenous children are still disproportionately removed from their families and communities despite reform efforts.

(2) For these reasons, it is the intent of the legislature to safely reduce the number of children in foster care and reduce racial bias in the system by applying a standard criteria for determining whether to remove a child from a parent when necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect.

**Sec. 3.** RCW 13.34.040 and 2018 c 17 s 1 are each amended to read as follows:

(1) Any person may file with the clerk of the superior court a petition showing that there is within the county, or residing within the county, a dependent child and requesting that the superior court deal with such child as provided in this chapter. There shall be no fee for filing such petitions.

(2) Except where the department is the petitioner, in counties having paid probation officers, these officers shall, to the extent possible, first determine if a petition is reasonably justifiable. ((Each petition shall be verified and contain a statement of facts constituting a dependency, and the names and residence, if known to the petitioner, of the parents, guardian, or custodian of the alleged dependent child.))

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

(3) Every petition filed in proceedings under this chapter shall contain a statement alleging whether there is a reason to know that the child is or may be an Indian child as defined in RCW 13.38.040. If there is a reason to know that the child is or may be an Indian child chapter 13.38 RCW shall apply.

(4) Every order or decree entered under this chapter shall contain a finding that the federal Indian child welfare act or chapter 13.38 RCW does or does not apply. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does apply, the decree or order must also contain a finding that all notice requirements and evidentiary requirements under the federal Indian child welfare act and chapter 13.38 RCW have been satisfied.

(5) Each petition shall be verified and contain a statement constituting a dependency, including the names, residence, and contact information, if known to the petitioner, of each parent, guardian, or custodian of the alleged dependent child. If the petitioner is seeking removal of the child from a parent, guardian, or custodian the petition shall contain a clear and specific statement as to the harm that will occur if the child remains in the care of the parent, guardian, or custodian, and the facts that support that conclusion.

**Sec. 4.** RCW 26.44.056 and 1983 c 246 s 3 are each amended to read as follows:

(1) An administrator of a hospital or similar institution or any physician, licensed pursuant to chapters 18.71 or 18.57 RCW, may detain a child without consent of a person legally responsible for the child whether or not medical treatment is required, if ((the circumstances or conditions of the child are such that the detaining individual has reasonable cause to believe that permitting the child to continue in his or her place of residence or in the care and custody of the parent, guardian, custodian or other person legally responsible for the child's care would present an imminent danger to that child's safety)) there is probable cause to believe that detaining the child is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect, and the child would be seriously injured or could not be taken into custody if it were necessary to first obtain a court order under RCW 13.34.050; PROVIDED, That such administrator or physician shall notify or cause to be notified the appropriate law enforcement agency or child protective services pursuant to RCW 26.44.040. Such notification shall be made as soon as possible and in no case longer than seventy-two hours. Such temporary protective custody by an administrator or doctor shall not be deemed an arrest. Child protective services may detain the child until the court assumes custody, but in no case longer than seventy-two hours, excluding Saturdays, Sundays, and holidays.

(2) ((Whenever an administrator or physician has reasonable cause to believe that a child would be in imminent danger if released to a parent, guardian, custodian, or other person or is in imminent danger if left in the custody of a parent, guardian, custodian, or other person, the administrator or physician may notify a law enforcement agency and the law enforcement agency shall take the child into custody or cause the child to be taken into custody. The law enforcement agency shall release the child to the custody of child protective services. Child protective services shall detain the child until the court assumes custody or upon a documented and substantiated record that in the professional judgment of the child protective services the child's safety will not be endangered if the child is returned. If the child is returned, the department shall establish a six-month plan to monitor and assure the continued safety of the child's life or health. The monitoring period may be extended for good cause.

(3)) A child protective services employee, an administrator, doctor, or law enforcement officer shall not be held liable in any civil action for the decision for taking the child into custody, if done in good faith under this section.

**Sec. 5.** RCW 26.44.050 and 2020 c 71 s 1 are each amended to read as follows:

Except as provided in RCW 26.44.030(((11))) (12), upon the receipt of a report alleging that abuse or neglect has occurred, the law enforcement agency or the department must investigate and provide the protective services section with a report in accordance with chapter 74.13 RCW, and where necessary to refer such report to the court.

A law enforcement officer may take, or cause to be taken, a child into custody without a court order if there is probable cause to believe that ((the child is abused or neglected and that the child would be)) taking the child into custody is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect, and the child would be seriously injured or could not be taken into custody if it were necessary to first obtain a court order pursuant to RCW 13.34.050. The law enforcement agency or the department investigating such a report is hereby authorized to photograph such a child for the purpose of providing documentary evidence of the physical condition of the child.

**Sec. 6.** RCW 13.34.050 and 2005 c 512 s 9 are each amended to read as follows:

(1) The court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a child into custody if: (a) A petition is filed with the juvenile court ((alleging)) with sufficient corroborating evidence to establish that the child is dependent ((and that the child's health, safety, and welfare will be seriously endangered if not taken into custody)); (b) the allegations contained in the petition, if true, establish that there are reasonable grounds to believe that removal is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect; and (c) an affidavit or declaration is filed by the department in support of the petition setting forth specific factual information evidencing ((reasonable grounds that the child's health, safety, and welfare will be seriously endangered if not taken into custody and at least one of the grounds set forth demonstrates a risk of imminent harm to the child. "Imminent harm" for purposes of this section shall include, but not be limited to, circumstances of sexual abuse, sexual exploitation as defined in RCW 26.44.020, and a parent's failure to perform basic parental functions, obligations, and duties as the result of substance abuse; and (c) the court finds reasonable grounds to believe the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody)) insufficient time to serve a parent with a dependency petition and hold a hearing prior to removal.

(2) Any petition that does not have the necessary affidavit or declaration demonstrating a risk of imminent harm requires that the parents are provided notice and an opportunity to be heard before the order may be entered.

(3) The petition and supporting documentation must be served on the parent, and if the child is in custody at the time the child is removed, on the entity with custody other than the parent. If the court orders that a child be taken into custody under subsection (1) of this section, the petition and supporting documentation must be served on the parent at the time of the child's removal unless, after diligent efforts, the parents cannot be located at the time of removal. If the parent is not served at the time of removal, the department shall make diligent efforts to personally serve the

parent. Failure to effect service does not invalidate the petition if service was attempted and the parent could not be found.

**Sec. 7.** RCW 13.34.062 and 2020 c 312 s 115 are each amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make ((reasonable)) diligent efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by this section shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at ... (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: ... (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: ... (insert name and telephone number).

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service

agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present.

6. If your child is placed in the custody of the department of children, youth, and families or other ((supervising)) agency, immediately following the shelter care hearing, the court will enter an order granting the department or other ((supervising)) agency the right to inspect and copy all health, medical, mental health, and education records of the child, directing health care providers to release such information without your further consent, and granting the department or ((supervising)) agency or its designee the authority and responsibility, where applicable, to:

(1) Notify the child's school that the child is in out-of-home placement;

(2) Enroll the child in school;

(3) Request the school transfer records;

(4) Request and authorize evaluation of special needs;

(5) Attend parent or teacher conferences;

(6) Excuse absences;

(7) Grant permission for extracurricular activities;

(8) Authorize medications which need to be administered during school hours and sign for medical needs that arise during school hours; and

(9) Complete or update school emergency records.

7. If the court decides to place your child in the custody of the department of children, youth, and families or other ((supervising)) agency, the department or agency will create a permanency plan for your child, including a primary placement goal and secondary placement goal. The department or agency also will recommend that the court order services for your child and for you, if needed. The department or agency is required to make reasonable efforts to provide you with services to address your parenting problems, and to provide you with visitation with your child according to court orders. Failure to promptly engage in services or to maintain contact with your child may lead to the filing of a petition to terminate your parental rights.

8. Primary and secondary permanency plans are intended to run at the same time so that your child will have a permanent home as quickly as possible. Absent good cause, and when appropriate, the department or other ((supervising)) agency must follow the wishes of a natural parent regarding placement of a child. You should tell your lawyer and the court where you wish your child placed immediately, including whether you want your child placed with you, with a relative, or with another suitable person. You also should tell your lawyer and the court what services you feel are necessary and your wishes regarding visitation with your child. Even if you want another parent or person to be the primary placement choice for your child, you should tell your lawyer, the department or other ((supervising)) agency, and the court if you want to be a secondary placement option, and you should comply with court orders for services and participate in visitation with your child. Early and consistent involvement in your child's case plan is important for the well-being of your child.

9. A dependency petition begins a judicial process, which, if the court finds your child dependent, could result in substantial restrictions including, the entry or modification of a parenting plan or residential schedule, previously existing nonparental custody order or decree, guardianship order, or permanent loss of your parental rights."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(3) If child protective services is not required to give notice under this section, the juvenile court counselor assigned to the matter shall make all ((reasonable)) diligent efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(4) ((Reasonable)) Diligent efforts to advise and to give notice, as required in this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such ((reasonable)) diligent efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

**Sec. 8.** RCW 13.34.060 and 2007 c 413 s 3 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. A child taken by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070 shall be placed in shelter care only when permitted under RCW 13.34.055. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays, and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility.

(2) Unless there is reasonable cause based on specific evidence to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered, priority placement for a child in shelter care, pending a court hearing, shall be with any person described in RCW 74.15.020(2)(a) or 13.34.130(1)(b). The person must be willing and available to care for the child and be able to meet any special needs of the child and the court must ((find that such placement is in the best interests of the child)) complete the inquiry required under RCW 13.34.065 to establish whether continued placement with the relative is appropriate. The person must be willing to facilitate the child's visitation with siblings, if such visitation is part of the ((supervising agency's)) department's plan or is ordered by the court. If a child is not initially placed with a relative or other suitable person requested by the parent pursuant to this section, the ((supervising agency)) department shall make ((an effort within available resources)) continuing efforts to place the child with a relative or other suitable person requested by the parent on the next business day after the child is taken into custody. The ((supervising agency)) department shall document its effort to place the child with a relative or other suitable person requested by the parent pursuant to this section. Nothing within this subsection (2) establishes an entitlement to services or a right to a particular placement.

(3) Whenever a child is taken into custody pursuant to this section, the ((supervising agency)) department may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary

emergency care, after informing the child's parent, guardian, or legal custodian, unless the parent, guardian, or legal custodian cannot be reached. The child's parent, guardian, or legal custodian must be provided the opportunity to attend any appointments authorized under this subsection, unless prohibited by court order.

**Sec. 9.** RCW 13.34.065 and 2019 c 172 s 11 are each amended to read as follows:

(1)(a) When a child is ((taken into custody)) removed or when the petitioner is seeking the removal of a child from the child's parent, guardian, or legal custodian, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending. The court shall hold an additional shelter care hearing within 72 hours, excluding Saturdays, Sundays, and holidays if the child is removed from the care of a parent, guardian, or legal custodian at any time after an initial shelter care hearing under this section.

(b) Any child's attorney, parent, guardian, or legal custodian who for good cause is unable to attend or adequately prepare for the shelter care hearing may request that the initial shelter care hearing be continued or that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the child's attorney, parent, guardian, or legal custodian, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means. If the parent, guardian, or legal custodian is not represented by counsel, the clerk shall provide information to the parent, guardian, or legal custodian regarding how to obtain counsel.

(2)(a) If it is likely that the child will remain in shelter care longer than seventy-two hours, the department shall submit a recommendation to the court as to the further need for shelter care in all cases in which the child will remain in shelter care longer than the seventy-two hour period. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court, in person, or by remote means, and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of

this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the department to make ((reasonable)) diligent efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative or other suitable person described in RCW 13.34.130(1)(b) and shall determine what efforts have been made toward such a placement;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home. If the dependency petition or other information before the court alleges that homelessness or the lack of suitable housing was a significant factor contributing to the removal of the child, the court shall inquire as to whether housing assistance was provided to the family to prevent or eliminate the need for removal of the child or children;

(e) Is the placement proposed by the department the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in RCW 13.38.040, whether the provisions of the federal Indian child welfare act or chapter 13.38 RCW apply, and whether there is compliance with the federal Indian child welfare act and chapter 13.38 RCW, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or

eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) ((The release of such child would present a serious threat of substantial harm to such child)) (I) Removal of the child is necessary to prevent imminent physical harm due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect, notwithstanding an order entered pursuant to RCW 26.44.063. The evidence must show a causal relationship between the particular conditions in the home and imminent physical harm to the child. The existence of community or family poverty, isolation, single parenthood, age of the parent, crowded or inadequate housing, substance abuse, prenatal drug or alcohol exposure, mental illness, disability or special needs of the parent or child, or nonconforming social behavior does not by itself constitute imminent physical harm;

(II) It is contrary to the welfare of the child to be returned home; and

(III) After considering the particular circumstances of the child, any imminent physical harm to the child outweighs the harm the child will experience as a result of removal; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court finds that the elements of (a)(ii)(B) of this subsection require removal of the child, the court shall further consider:

(i) Whether participation by the parents, guardians, or legal custodians in any prevention services would prevent or eliminate the need for removal and, if so, shall inquire of the parent whether they are willing to participate in such services. If the parent agrees to participate in the prevention services identified by the court that would prevent or eliminate the need for removal, the court shall place the child with the parent. The court shall not order a parent to participate in prevention services over the objection of the parent, however, parents shall have the opportunity to consult with counsel prior to deciding whether to agree to proposed prevention services as a condition of having the child return to or remain in the care of the parent; and

(ii) Whether the issuance of a temporary order of protection directing the removal of a person or persons from the child's residence would prevent the need for removal of the child.

(c)(i) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative or other suitable person as described in RCW 13.34.130(1)(b), unless ((there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the)) the petitioner establishes that there is reasonable cause to believe that:

(A) Placement in licensed foster care is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect, because no relative or other suitable person is capable of ensuring the basic safety of the child; or

(B) The efforts to reunite the parent and child will be hindered. ((If such relative or other suitable person appears otherwise suitable and competent to provide care and treatment, the fingerprint-based background check need not be completed before placement, but as soon as possible after placement. The court must also determine whether placement with the relative or other suitable person is in the child's best interests. The relative or other suitable person must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the department's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c)) (ii) In making the determination in (c)(i) of this subsection, the court shall:

(A) Inquire of the petitioner and any other person present at the hearing for the child whether there are any relatives or other suitable persons who are willing to care for the child. This inquiry must include whether any relative or other suitable person:

(I) Has expressed an interest in becoming a caregiver for the child;

(II) Is able to meet any special needs of the child;

(III) Is willing to facilitate the child's sibling and parent visitation if such visitation is ordered by the court; and

(IV) Supports reunification of the parent and child once reunification can safely occur; and

(B) Give great weight to the stated preference of the parent, guardian, or legal custodian, and the child.

(iii) If a relative or other suitable person expressed an interest in caring for the child, can meet the child's special needs, can support parent-child reunification, and will facilitate court-ordered sibling or parent visitation, the following must not prevent the child's placement with such relative or other suitable person:

(A) An incomplete department or fingerprint-based background check, if such relative or other suitable person appears otherwise suitable and competent to provide care and treatment, but the background checks must be completed as soon as possible after placement;

(B) Uncertainty on the part of the relative or other suitable person regarding potential adoption of the child;

(C) Disbelief on the part of the relative or other suitable person that the parent, guardian, or legal custodian presents a danger to the child, provided the caregiver will protect the safety of the child and comply with court orders regarding contact with a parent, guardian, or legal custodian; or

(D) The conditions of the relative or other suitable person's home are not sufficient to satisfy the requirements of a licensed foster home. The court may order the department to provide financial or other support to the relative or other suitable person necessary to ensure safe conditions in the home.

(d) If the child was not initially placed with a relative or other suitable person, and the court does not release the child to his or her parent, guardian, or legal custodian, the department shall make reasonable efforts to locate a relative or other suitable person pursuant to RCW 13.34.060(1). ((In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.

(d) If a relative or other suitable person is not available, the court shall order continued shelter care)) (e) If the court does not order placement with a relative or other suitable person, the court shall place the child in licensed foster care and shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

((e)) (f) Any placement with a relative, or other suitable person approved by the court pursuant to this section, shall be contingent upon cooperation with the department's or agency's case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other

conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other suitable person, subject to review by the court.

((f)) (g) If the child is placed in a qualified residential treatment program as defined in this chapter, the court shall, within sixty days of placement, hold a hearing to:

(i) Consider the assessment required under RCW 13.34.420 and submitted as part of the department's social study, and any related documentation;

(ii) Determine whether placement in foster care can meet the child's needs or if placement in another available placement setting best meets the child's needs in the least restrictive environment; and

(iii) Approve or disapprove the child's placement in the qualified residential treatment program.

((g)) (h) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative or other suitable person under ((b)) (c) of this subsection.

(i) If the court places with a relative or other suitable person, and that person has indicated a desire to become a licensed foster parent, the court shall order the department to commence an assessment of the home of such relative or other suitable person within 10 days and thereafter issue an initial license as provided under RCW 74.15.120 for such relative or other suitable person, if qualified, as a foster parent. The relative or other suitable person shall receive a foster care maintenance payment, starting on the date the department approves the initial license. If such home is found to be unqualified for licensure, the department shall report such fact to the court within one week of that determination. The department shall report on the status of the licensure process during the entry of any dispositional orders in the case.

(j) If the court places the child in licensed foster care:

(i) The petitioner shall report to the court, at the shelter care hearing, the location of the licensed foster placement the petitioner has identified for the child and the court shall inquire as to whether:

(A) The identified placement is the least restrictive placement necessary to meet the needs of the child;

(B) The child will be able to remain in the same school and whether any orders of the court are necessary to ensure educational stability for the child;

(C) The child will be placed with a sibling or siblings, and whether court-ordered sibling contact would promote the well-being of the child;

(D) The licensed foster placement is able to meet the special needs of the child;

(E) The location of the proposed foster placement will impede visitation with the child's parent or parents;

(ii) The court may order the department to:

(A) Place the child in a less restrictive placement;

(B) Place the child in a location in closer proximity to the child's parent, home, or school;

(C) Place the child with the child's sibling or siblings;

(D) Take any other necessary steps to ensure the child's health, safety, and well-being;

(iii) The court shall advise the petitioner that:

(A) Failure to comply with court orders while a child is in shelter care will be considered when determining whether reasonable efforts have been made by the department during a hearing under RCW 13.34.110; and

(B) Placement moves while a child is in shelter care will be considered when determining whether reasonable efforts have been made by the department during a hearing under RCW 13.34.110.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

((8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.)

**Sec. 10.** RCW 13.34.090 and 2017 3rd sp.s. c 6 s 303 are each amended to read as follows:

(1) Any party has a right to be represented by an attorney in all proceedings under this chapter, to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact finder.

(2) At all stages of a proceeding in which a child is alleged to be dependent, the child's parent, guardian, or legal custodian has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court. Unless waived in court, counsel shall be provided to the child's parent, guardian, or legal custodian, if such person (a) has appeared in the proceeding or requested the court to appoint counsel and (b) is financially unable to obtain counsel because of indigency.

(3) If a party to an action under this chapter is represented by counsel, no order shall be provided to that party for his or her signature without prior notice and provision of the order to counsel.

(4) Copies of department ((or supervising agency)) records to which parents have legal access pursuant to chapter 13.50 RCW shall be given to the child's parent, guardian, legal custodian, or his or her legal counsel, prior to any shelter care hearing and within fifteen days after the department ((or supervising agency)) receives a written request for such records from the parent, guardian, legal custodian, or his or her legal counsel. These

records shall be provided to the child's parents, guardian, legal custodian, or legal counsel a reasonable period of time prior to the shelter care hearing in order to allow an opportunity to review the records prior to the hearing. These records shall be legible and shall be provided at no expense to the parents, guardian, legal custodian, or his or her counsel. When the records are served on legal counsel, legal counsel shall have the opportunity to review the records with the parents and shall review the records with the parents prior to the shelter care hearing. The department shall make every effort to provide all other discoverable material to the child's parent, guardian, legal custodian, or his or her legal counsel prior to any shelter care hearing.

NEW SECTION. Sec. 11. Where feasible, the department of children, youth, and families shall apply for federal waivers that would reimburse the department for the cost of providing maintenance payments for relatives or other suitable persons caring for a child who have indicated a desire to become a licensed foster parent, provided that the person has received an initial license from the department.

NEW SECTION. Sec. 12. Sections 1 through 10 of this act take effect July 1, 2023."

On page 1, line 2 of the title, after "child;" strike the remainder of the title and insert "amending RCW 13.34.040, 26.44.056, 26.44.050, 13.34.050, 13.34.062, 13.34.060, 13.34.065, and 13.34.090; creating new sections; and providing an effective date."

#### MOTION

Senator Rolfes moved that the following floor amendment no. 645 by Senator Rolfes be adopted:

On page 19, at the beginning of line 9, strike "~~((8)(a))~~" and insert "(8)((a))"

On page 19, line 14, after "~~department.)~~" insert "The department and its employees shall not be held liable in any civil action for complying with an order issued under this section for placement: With a parent who has agreed to accept services, a relative, or a suitable person."

Senator Rolfes spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 645 by Senator Rolfes on page 19, line 14 to the committee striking amendment.

The motion by Senator Rolfes carried and floor amendment no. 645 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation, as amended, to Engrossed Second Substitute House Bill No. 1227.

The motion by Senator Darneille carried and the committee striking amendment, as amended, was adopted by voice vote.

#### MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Second Substitute House Bill No. 1227, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, Gildon and King spoke in favor of passage of the bill.

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1227 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1227, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Padden

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1225, by House Committee on Health Care & Wellness (originally sponsored by Stonier, Bateman, Lekanoff, J. Johnson, Davis, Cody, Santos, Thai, Ortiz-Self, Ormsby, Valdez, Riccelli and Tharinger)

Concerning school-based health centers.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1225 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland, Wellman, Randall and Conway spoke in favor of passage of the bill.

Senators Muzzall, Wagoner and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1225.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1225 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1335, by House Committee on Appropriations (originally sponsored by Valdez, Rude, Berry, Fitzgibbon, Morgan, Santos, Shewmake, Davis, Berg, Gilday, Bergquist, Fey, Bateman, Lekanoff, Lovick, Callan, Riccelli, Rule, Pollet, Senn and Harris-Talley)

Concerning review and property owner notification of recorded documents with unlawful racial restrictions.

The measure was read the second time.

MOTION

Senator Mullet moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the existence of racial, religious, or ethnic-based property restrictions or covenants on a deed or chain of title for real property is like having a monument to racism on that property and is repugnant to the tenets of equality. Furthermore, such restrictions and covenants may cause mental anguish and tarnish a property owner's sense of ownership in the property because the owner feels as though they have participated in a racist act themselves.

It is the intent of the legislature that the owner, occupant, or tenant or homeowners' association board of the property which is subject to an unlawful deed restriction or covenant pursuant to RCW 49.60.224 is entitled to have discriminatory covenants and restrictions that are contrary to public policy struck from their chain of title. The legislature has presented two ways this can be accomplished through RCW 49.60.227(1) (a) and (b). If the owner, occupant, or tenant or homeowners' association board of the property elects to pursue a judicial remedy, the legislature intends that the court issue a declaratory judgment ordering the county auditor, or in charter counties the county official charged with the responsibility for recording instruments in the county records, to entirely strike the racist or otherwise discriminatory covenants from the chain of title. Striking the language does not prevent preservation of the original record, outside of the chain of title, for historical or archival purposes.

The legislature finds that striking racist, religious, and ethnic restrictions or covenants from the chain of title is no different than having an offensive statutory monument which the owner may entirely remove. So too should the owner be able to entirely remove the offensive written monument to racism or other unconstitutional discrimination.

**NEW SECTION. Sec. 2.** A new section is added to chapter 49.60 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the University of Washington and Eastern Washington University shall review existing recorded covenants and deed restrictions to identify those recorded documents that include racial or other restrictions on property ownership or use against protected classes that are unlawful under RCW 49.60.224. For properties subject to such racial and other unlawful restrictions, the universities shall provide notice to the property

owner and to the county auditor of the county in which the property is located. The universities shall provide information to the property owner on how such provisions can be struck pursuant to RCW 49.60.227. The universities may contract with other public and private not-for-profit higher education institutions that are regionally accredited to carry out the review and notification requirements of this section.

(2) This section expires July 1, 2027.

Sec. 3. RCW 64.06.020 and 2019 c 455 s 3 are each amended to read as follows:

(1) In a transaction for the sale of improved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

**INSTRUCTIONS TO THE SELLER**

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any \* items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

**NOTICE TO THE BUYER**

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT

("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO

OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . is/. . . is not occupying the property.

**I. SELLER'S DISCLOSURES:**

\*If you answer "Yes" to a question with an asterisk (\*), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

Don't  
Yes No know

**1. TITLE**

A. Do you have legal authority to sell the property? If no, please explain.

\*B. Is title to the property subject to any of the following?

- (1) First right of refusal
- (2) Option
- (3) Lease or rental agreement
- (4) Life estate?

\*C. Are there any encroachments, boundary agreements, or boundary disputes?

\*D. Is there a private road or easement agreement for access to the property?

\*E. Are there any rights-of-way, easements, or access limitations that may affect the Buyer's use of the property?

\*F. Are there any written agreements for joint maintenance of an easement or right-of-way?

\*G. Is there any study, survey project, or notice that would adversely affect the property?

\*H. Are there any pending or existing assessments against the property?

\*I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that would affect future construction or remodeling?

\*J. Is there a boundary survey for the property?

\*K. Are there any covenants, conditions, or restrictions recorded against the property?

NOTICE TO THE BUYER:  
Covenants or deed restrictions based on race, creed, sexual orientation, or other protected class were voided by RCW 49.60.224 and are unenforceable. Washington law allows for the illegal

language to be struck by bringing an action in superior court or by the free recording of a restrictive covenant modification document. Many county auditor websites provide a short form with instructions on this process.

Don't  
Yes No know

\* (a) If yes, has all or any portion of the water right not been used for five or more successive years?

Don't  
Yes No know

\* (b) If so, is the certificate available? (If yes, please attach a copy.)

Don't  
Yes No know

\* (c) If so, has the water right permit, certificate, or claim been assigned, transferred, or changed?

**2. WATER**

**A. Household Water**

(1) The source of water for the property is:

Private or publicly owned water system

Private well serving only the subject property .

.....

\*  Other water system  
\* If shared, are there any written agreements?

Don't  
Yes No know

\* (2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies water to the property:

Don't  
Yes No know

Don't  
Yes No know

\* (2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

Don't  
Yes No know

**C. Outdoor Sprinkler System**

(1) Is there an outdoor sprinkler system for the property?

Don't  
Yes No know

\* (3) Are there any problems or repairs needed?

Don't  
Yes No know

\* (2) If yes, are there any defects in the system?

Don't  
Yes No know

(4) During your ownership, has the source provided an adequate year-round supply of potable water? If no, please explain.

Don't  
Yes No know

\* (3) If yes, is the sprinkler system connected to irrigation water?

Don't  
Yes No know

\* (5) Are there any water treatment systems for the property? If yes, are they  Leased  Owned

Don't  
Yes No know

**3. SEWER/ON-SITE SEWAGE SYSTEM**

**A. The property is served by:**

Public sewer system,

On-site sewage system (including pipes, tanks, drainfields, and all other component parts)

Other disposal system, please describe:

Don't  
Yes No know

\* (6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?

Don't  
Yes No know

**B. If public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.**

Don't  
Yes No know

(a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?

Don't  
Yes No know

\* C. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

Don't  
Yes No know

\* (b) If yes, has all or any portion of the water right not been used for five or more successive years?

Don't  
Yes No know

**D. If the property is connected to an on-site sewage system:**

\* (1) Was a permit issued for its construction, and was it approved by the local health department or district following its construction?

Don't  
Yes No know

**B. Irrigation Water**

(1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim?

(2) When was it last pumped?

...

Yes  No  Don't know

\* (3) Are there any defects in the operation of the on-site sewage system?

Don't know

(4) When was it last inspected?

Don't know

By whom:  
(5) For how many bedrooms was the on-site sewage system approved? bedrooms

Yes  No  Don't know

E. Are all plumbing fixtures, including laundry drain, connected to the sewer/on-site sewage system? If no, please explain:

Yes  No  Don't know

\*F. Have there been any changes or repairs to the on-site sewage system?

Yes  No  Don't know

G. Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.

Yes  No  Don't know

\*H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year?

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

**4. STRUCTURAL**

Yes  No  Don't know

\*A. Has the roof leaked within the last five years?

Yes  No  Don't know

\*B. Has the basement flooded or leaked?

Yes  No  Don't know

\*C. Have there been any conversions, additions, or remodeling?

Yes  No  Don't know

\*(1) If yes, were all building permits obtained?

Yes  No  Don't know

\*(2) If yes, were all final inspections obtained?

Yes  No  Don't know

D. Do you know the age of the house? If yes, year of original construction:

Yes  No  Don't know

\*E. Has there been any settling, slippage, or sliding of the property or its improvements?

Yes  No  Don't know

\*F. Are there any defects with the following: (If yes, please check applicable items and explain.)

- Foundations
- Decks
- Exterior Walls
- Chimneys
- Interior Walls
- Fire Alarm

- Doors
- Ceilings
- Pools
- Sidewalks
- Windows
- Slab Floors
- Hot Tub
- 
- Patio
- Driveways
- Sauna
- Fireplaces

Garage  Walkways  Siding

Floors  Other  Woodstoves  Elevators

Incline  Stairway  Wheelchair

Elevators Chair Lifts Lifts

Yes  No  Don't know

\*G. Was a structural pest or "whole house" inspection done? If yes, when and by whom was the inspection completed?

Yes  No  Don't know

H. During your ownership, has the property had any wood destroying organism or pest infestation?

Yes  No  Don't know

I. Is the attic insulated?

Yes  No  Don't know

J. Is the basement insulated?

**5. SYSTEMS AND FIXTURES**

\*A. If any of the following systems or fixtures are included with the transfer, are there any defects? If yes, please explain.

Yes  No  Don't know

Electrical system, including wiring, switches, outlets, and service

Yes  No  Don't know

Plumbing system, including pipes, faucets, fixtures, and toilets

Yes  No  Don't know

Hot water tank

Yes  No  Don't know

Garbage disposal

Yes  No  Don't know

Appliances

Yes  No  Don't know

Sump pump

Yes  No  Don't know

Heating and cooling systems

Yes  No  Don't know

Security system  Owned  Leased

Other

\*B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

Yes  No  Don't know

Security system . . . . .

Yes  No  Don't know

Tanks (type): . . . . .

Yes  No  Don't know

Satellite dish . . . . .

Other: . . . . .

\*C. Are any of the following kinds of wood burning appliances present at the property?

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

Don't  
Yes No know (1) Woodstove?

Don't  
Yes No know (2) Fireplace insert?

Don't  
Yes No know (3) Pellet stove?

Don't  
Yes No know (4) Fireplace?

Don't  
Yes No know If yes, are all of the (1) woodstoves or (2) fireplace inserts certified by the U.S. Environmental Protection Agency as clean burning appliances to improve air quality and public health?

undivided interest with others)?

**7. ENVIRONMENTAL**

\*A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?

\*B. Does any part of the property contain fill dirt, waste, or other fill material?

\*C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

\*E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

\*F. Has the property been used for commercial or industrial purposes?

\*G. Is there any soil or groundwater contamination?

\*H. Are there transmission poles or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?

\*I. Has the property been used as a legal or illegal dumping site?

\*J. Has the property been used as an illegal drug manufacturing site?

\*K. Are there any radio towers in the area that cause interference with cellular telephone reception?

**8. MANUFACTURED AND MOBILE HOMES**

If the property includes a manufactured or mobile home,

\*A. Did you make any alterations to the home? If yes, please describe the alterations: .....

\*B. Did any previous owner make any alterations to the home?

\*C. If alterations were made, were permits or

Don't  
Yes No know D. Is the property located within a city, county, or district or within a department of natural resources fire protection zone that provides fire protection services?

Don't  
Yes No know E. Is the property equipped with carbon monoxide alarms? (Note: Pursuant to RCW 19.27.530, seller must equip the residence with carbon monoxide alarms as required by the state building code.)

Don't  
Yes No know F. Is the property equipped with smoke detection devices? (Note: Pursuant to RCW 43.44.110, if the property is not equipped with at least one smoke detection device, at least one must be provided by the seller.)

**6. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS**

Don't  
Yes No know A. Is there a Homeowners' Association? Name of Association and contact information for an officer, director, employee, or other authorized agent, if any, who may provide the association's financial statements, minutes, bylaws, fining policy, and other information that is not publicly available:

Don't  
Yes No know B. Are there regular periodic assessments:  
\$ . . . per  Month  Year  
 Other

Don't  
Yes No know \*C. Are there any pending special assessments?

Don't  
Yes No know \*D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in

Don't  
Yes No know

variances for these alterations obtained?

**9. FULL DISCLOSURE BY SELLERS**

A. Other conditions or defects:

Yes  No  Don't know

\*Are there any other existing material defects affecting the property that a prospective buyer should know about?

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLER SELLER

**NOTICE TO THE BUYER INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY**

BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

**II. BUYER'S ACKNOWLEDGMENT**

- A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
- B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.
- C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.
- D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.
- E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S

AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE . . . . . BUYER . . . . . BUYER

(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

**Sec. 4.** RCW 49.60.227 and 2018 c 65 s 1 are each amended to read as follows:

(1)(a) If a written instrument contains a provision that is void by reason of RCW 49.60.224, the owner, occupant, or tenant of the property which is subject to the provision or the homeowners' association board may cause the provision to be stricken from the public records by bringing an action in the superior court in the county in which the property is located. The action shall be an in rem, declaratory judgment action whose title shall be the description of the property. The necessary party to the action shall be the owner, occupant, or tenant of the property or any portion thereof. The person bringing the action shall pay a fee set under RCW 36.18.012.

(b) If the court finds that any provisions of the written instrument are void under RCW 49.60.224, it shall enter an order striking the void provisions from the public records and eliminating the void provisions from the title or lease of the property described in the complaint.

(i) A complete copy of any document affected by the order shall be made an exhibit to the order and the order shall identify each document by recording number and date of recordation and set forth verbatim the void provisions to be struck from such document. The order shall include a certified copy of each document, upon which the court has physically redacted the void provisions.

(ii) The person bringing the action may obtain and deliver a certified copy of the order to the office of the county auditor or, in charter counties, the county official charged with the responsibility for recording instruments in the county records, in the county where the property is located.

(iii) The auditor shall record the documents prepared by the court. An image of each document so corrected shall be placed in the public records. Each corrected document shall contain the following information on the first page or a cover page prepared pursuant to RCW 65.04.047: The auditor's file number or book and page of the original document, a notation that the original document was corrected pursuant to this section, the cause number of the court action, and the date the order was entered.

(iv) The auditor or official shall update the index of each original document referenced in the order with the auditor's file number of the corrected document. Further, the index will note that the original record is no longer the primary official public

EIGHTY SEVENTH DAY, APRIL 7, 2021

2021 REGULAR SESSION

record and is removed from the chain of title pursuant to the court order.

ROLL CALL

(v) The original document or image and subsequent records of such actions shall be separately maintained in the county's records and, at the auditor's or official's discretion, the original document or image may also be transferred to the secretary of state archives division to be preserved for historical or archival purposes.

(2)(a) As an alternative to the judicial procedure set forth in subsection (1) of this section, the owner of property subject to a written instrument that contains a provision that is void by reason of RCW 49.60.224 may record a restrictive covenant modification document with the county auditor, or in charter counties the county official charged with the responsibility for recording instruments in the county records, in the county in which the property is located.

(b) The modification document shall contain a recording reference to the original written instrument.

(c) The modification document must state, in part:

"The referenced original written instrument contains discriminatory provisions that are void and unenforceable under RCW 49.60.224 and federal law. This document strikes from the referenced original instrument all provisions that are void and unenforceable under law."

(d) The effective date of the modification document shall be the same as the effective date of the original written instrument.

(e) If the owner causes to be recorded a modification document that contains modifications not authorized by this section, the county auditor or recording officer shall not incur liability for recording the document. Any liability that may result is the sole responsibility of the owner who caused the recordation.

(f) No filing or recording fees or otherwise authorized surcharges shall be required for the filing of a modification document pursuant to this section.

(3) For the purposes of this section, "restrictive covenant modification document" or "modification document" means a standard form developed and designed by the Washington state association of county auditors.

**NEW SECTION. Sec. 5.** This act applies to real estate transactions entered into on or after January 1, 2022."

On page 1, line 2 of the title, after "restrictions;" strike the remainder of the title and insert "amending RCW 64.06.020 and 49.60.227; adding a new section to chapter 49.60 RCW; creating new sections; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1335.

The motion by Senator Mullet carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Second Substitute House Bill No. 1335, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Dozier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1335 as amended by the Senate.

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1335, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1335, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1137, by House Committee on Transportation (originally sponsored by McCaslin, Young, Barkis, Schmick and Graham)

Elevating road maintenance and preservation in transportation planning.

The measure was read the second time.

MOTION

Senator Lovelett moved that the following floor amendment no. 534 by Senator Lovelett be adopted:

On page 1, line 18, after "services" insert "including the state ferry system"

Senators Lovelett and Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 534 by Senator Lovelett on page 1, line 18 to Substitute House Bill No. 1137.

The motion by Senator Lovelett carried and floor amendment no. 534 was adopted by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1137, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs, King and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1137 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1137, as amended by the Senate, and the bill

passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1137, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1302, by House Committee on Education (originally sponsored by Berg, Ybarra, J. Johnson, Sutherland, Eslick, Morgan, Bergquist, Paul and Callan)

Concerning college in the high school programs.

The measure was read the second time.

#### MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1302 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1302.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1302 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1301, by House Committee on Transportation (originally sponsored by Fitzgibbon, Hackney, Valdez and Macri)

Providing expanded options for fare enforcement by regional transit authorities.

The measure was read the second time.

#### MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1301 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs, King and Saldaña spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1301.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1301 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Ericksen, Honeyford, McCune, Schoesler and Wagoner

SUBSTITUTE HOUSE BILL NO. 1301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 3:35 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Thursday, April 8, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**EIGHTY EIGHTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Thursday, April 8, 2021

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Raia Gulam led the Senate in the Pledge of Allegiance. Miss Gulam is a student at Lake Washington High School, Kirkland and guest of Senator Dhingra.

The prayer was offered by Dr. Ross Holtz, Senior Pastor of The Summit Evangelical Free Church, Enumclaw.

**MOTIONS**

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Liias, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR**

April 07, 2021

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 7, 2021, Governor Inslee approved the following Senate Bills entitled:

**Senate Bill No. 5021**

Relating to the effect of expenditure reduction efforts on retirement benefits for public employees, including those participating in the shared work program.

**Substitute Senate Bill No. 5055**

Relating to establishing a statewide roster for arbitrating law enforcement personnel disciplinary grievances and publishing their decisions.

**Senate Bill No. 5058**

Relating to making technical changes to certain natural resources-related accounts.

**Senate Bill No. 5077**

Relating to providing authority to licensed companies to allow licensed mortgage loan originators to work from their residences without the company licensing the residence as a branch office of the company.

**Substitute Senate Bill No. 5179**

Relating to blood donation.

**Senate Bill No. 5198**

Relating to personnel restrictions on ambulances in rural areas.

**Senate Bill No. 5322**

Relating to prohibiting dual enrollment between school employees' benefits board and public employees' benefits board programs.

**Senate Bill No. 5338**

Relating to fire protection districts and education.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

**MOTION**

On motion of Senator Liias, the Senate advanced to the fourth order of business.

**MESSAGE FROM THE HOUSE**

April 7, 2021

MR. PRESIDENT:

The Speaker has signed:

- HOUSE BILL NO. 1001,
  - HOUSE BILL NO. 1009,
  - HOUSE BILL NO. 1023,
  - HOUSE BILL NO. 1031,
  - HOUSE BILL NO. 1063,
  - HOUSE BILL NO. 1072,
  - HOUSE BILL NO. 1087,
  - HOUSE BILL NO. 1096,
  - SECOND SUBSTITUTE HOUSE BILL NO. 1148,
  - ENGROSSED HOUSE BILL NO. 1192,
  - SUBSTITUTE HOUSE BILL NO. 1209,
  - SUBSTITUTE HOUSE BILL NO. 1221,
  - SUBSTITUTE HOUSE BILL NO. 1276,
  - SUBSTITUTE HOUSE BILL NO. 1331,
  - ENGROSSED HOUSE BILL NO. 1342,
  - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372,
  - SUBSTITUTE HOUSE BILL NO. 1424,
  - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426,
  - SUBSTITUTE HOUSE BILL NO. 1445,
  - SUBSTITUTE HOUSE BILL NO. 1446,
  - HOUSE BILL NO. 1469,
  - SUBSTITUTE HOUSE BILL NO. 1493,
  - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1521,
- and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

**MOTION**

On motion of Senator Liias, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

SB 5481 by Senators Hobbs, Cleveland, Das, Keiser, Kuderer, Randall, Sheldon, Wilson, C.

AN ACT Relating to authorizing bonds for transportation funding; adding new sections to chapter 47.10 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 5482 by Senators Hobbs, Cleveland, Das, Keiser, Kuderer, Padden, Randall, Sheldon, Wilson, C.

AN ACT Relating to additive transportation funding and appropriations; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

SB 5483 by Senators Hobbs, Cleveland, Das, Keiser, Kuderer, Randall, Sheldon, Wilson, C.

AN ACT Relating to transportation funding; amending RCW 82.38.030, 46.68.090, 46.09.520, 46.10.530, 79A.25.070, 82.42.020, 82.08.020, 82.12.020, 46.17.355, 46.17.365, 46.17.400, 46.68.455, 46.17.200, 46.17.100, 46.17.160, 46.68.025, 46.17.120, 46.17.015, 46.17.025, 46.17.345, 46.17.350, 46.68.035, 46.12.635, 46.12.630, 46.20.202, 46.20.161, 46.20.161, 46.20.181, 46.20.117, 46.68.041, 46.68.041, 46.52.130, 46.20.200, 47.60.315, 47.60.322, 82.49.010, 82.49.030, 46.17.323, 46.17.324, 42.56.330, 82.21.030, 46.70.180, 82.32.385, 47.68.250, 47.68.250, 47.68.020, 47.56.850, and 47.46.100; reenacting and amending RCW 46.20.117, 43.84.092, and 43.84.092; adding a new section to chapter 36.01 RCW; adding a new section to chapter 46.01 RCW; adding a new section to chapter 82.02 RCW; adding a new section to chapter 46.17 RCW; adding a new section to chapter 46.08 RCW; adding new sections to chapter 46.68 RCW; adding a new section to chapter 47.46 RCW; adding a new section to chapter 47.68 RCW; repealing RCW 46.17.323, 47.46.190, and 47.46.200; repealing 2018 c 195 s 3; prescribing penalties; providing effective dates; providing a contingent effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 1316 by Representatives Cody, Macri, Duerr, Santos, Bateman and Lekanoff

AN ACT Relating to the hospital safety net assessment; amending RCW 74.60.005, 74.60.020, 74.60.090, and 74.60.901; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

#### MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Liias, the Senate advanced to the eighth order of business.

#### MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION  
8612

By Senators Honeyford, Braun, Brown, Dhingra, Ericksen, Fortunato, Hasegawa, King, Mullet, Muzzall, Rivers, Salomon, Schoesler, Wagoner, Warnick, Wilson, J., and Wilson, L.

WHEREAS, The people of the State of Washington and the people of Taiwan are bonded by their shared commitment to democracy, human rights, the rule of law, and a free market economy; and

WHEREAS, Taiwan is the 10th largest trading partner of the United States, with bilateral trade totaling \$85.5 billion in 2019; and

WHEREAS, In 2019, Washington State exported approximately \$1.8 billion worth of products to Taiwan, making Taiwan the 4th largest export market for the state in Asia; and

WHEREAS, Taiwan is the 6th largest export destination for United States agricultural goods, and has ranked among the top three importers of Washington apples, beef, and wheat; and

WHEREAS, Taiwanese companies that invest in Washington State, including WaferTech, Eva Air, Evergreen Marine, Yang Mine Marine Transport, and Lightel Technologies, and others, have helped to create more than 15,000 jobs in this state; and

WHEREAS, The United States Congress passed the landmark Taiwan Relation Act in 1979 to sustain a close, bilateral relationship as well as to advance mutual security and commercial interests between the United States and Taiwan; and

WHEREAS, Taiwan has a strong economy and the people of Taiwan are dedicated to democratic freedoms; and

WHEREAS, The United States government has expressed views similar to those of the people of Taiwan before various international bodies and organizations; and

WHEREAS, Taiwan is one of the world's biggest suppliers of medical-grade masks and one of the few places to have successfully battled back COVID-19; and

WHEREAS, The people of Taiwan generously donated more than 2,000,000 medical face masks to the people of the United States in the early days of the pandemic, including 100,000 masks for use by medical personnel, first responders, and election staff workers, which were delivered to the State of Washington on behalf of the Taiwanese people and received by Washington Secretary of State Kim Wyman on May 8th; and

WHEREAS, The people of Washington recognize the importance of a strong and enduring partnership with the people of Taiwan;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the historic trade partnership, the continued cooperative relationship, and the enduring mutual appreciation and affection of our peoples.

Senators Honeyford, King, Salomon, Wagoner, Rivers and Dozier spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8612.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

#### MOTION

At 10:19 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

----

The Senate was called to order at 11:52 a.m. by President Heck.

#### MOTION

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

On motion of Senator Lias, the Senate reverted to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1325, by House Committee on Appropriations (originally sponsored by Callan, Eslick, Leavitt, Fitzgibbon, Thai, Duerr, Senn, Ortiz-Self, Davis, Bergquist, Ramos, Lekanoff, Pollet, Dent and Goodman)

Implementing policies related to children and youth behavioral health.

The measure was read the second time.

MOTION

On motion of Senator Dhingra, the rules were suspended, Second Substitute House Bill No. 1325 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra, Wagoner and Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1325.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1325 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE HOUSE BILL NO. 1325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1514, by House Committee on Transportation (originally sponsored by Taylor, Ramos and Harris-Talley)

Addressing transportation demand management.

The measure was read the second time.

MOTION

Senator Rolfes moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.18.285 and 2020 c 18 s 17 are each amended to read as follows:

(1) A registered owner who uses a passenger motor vehicle for ((commuter)) ride sharing or ride sharing for persons with special transportation needs, as defined in RCW 46.74.010, shall apply to the department, county auditor or other agent, or subagent appointed by the director for special ride share license plates. The registered owner must qualify for the tax exemptions provided in RCW 82.08.0287, 82.12.0282, or 82.44.015, and pay the special ride share license plate fee required under RCW 46.17.220(18) when the special ride share license plates are initially issued.

(2) The special ride share license plates:

(a) Must be of a distinguishing separate numerical series or design as defined by the department;

(b) Must be returned to the department when no longer in use or when the registered owner no longer qualifies for the tax exemptions provided in subsection (1) of this section; and

(c) Are not required to be renewed annually for motor vehicles described in RCW 46.16A.170.

(3) Special ride share license plates may be transferred from one motor vehicle to another motor vehicle as described in subsection (1) of this section upon application to the department, county auditor or other agent, or subagent appointed by the director.

(4) Any person who knowingly makes a false statement of a material fact in the application for a special license plate under subsection (1) of this section is guilty of a gross misdemeanor.

Sec. 2. RCW 46.74.010 and 2014 c 97 s 501 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) ("Commuter ride sharing" means a car pool or van pool arrangement whereby one or more fixed groups not exceeding fifteen persons each including the drivers, and (a) not fewer than five persons including the drivers, or (b) not fewer than four persons including the drivers where at least two of those persons are confined to wheelchairs when riding, are transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding special rider equipment, between their places of abode or termini near such places, and their places of employment or educational or other institutions, each group in a single daily round trip where the drivers are also on the way to or from their places of employment or educational or other institution.

(2) "Flexible commuter ride sharing" means a car pool or van pool arrangement whereby a group of at least two but not exceeding fifteen persons including the driver is transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding special rider equipment, between their places of abode or termini near such places, and their places of employment or educational or other institutions, where the driver is also on the way to or from his or her place of employment or educational or other institution.

(3))) "Persons with special transportation needs" has the same meaning as provided in RCW 81.66.010.

((4)) (2) "Ride sharing" means a carpool or vanpool arrangement whereby one or more groups not exceeding 15 persons each including the drivers, and not fewer than three persons including the drivers are transported in a passenger motor vehicle with a gross vehicle weight not exceeding 10,000 pounds. "Ride sharing" does not include transportation provided in the normal course of business by entities that are subject to chapters 46.72A, 48.177, 81.66, 81.68, 81.70, and 81.72 RCW, or offer peer-to-peer car sharing. For purposes of this section, "peer-to-peer car sharing" means motor vehicle owners making their motor vehicles available for persons to rent for short periods of time.

(3) "Ride sharing for persons with special transportation needs" means an arrangement whereby a group of persons with special transportation needs, and their attendants, is transported by a public social service agency or a private, nonprofit transportation provider, as defined in RCW 81.66.010, serving persons with special needs, in a passenger motor vehicle as defined by the department to include small buses, cutaways, and modified vans not more than twenty-eight feet long((: PROVIDED, That the)), The driver need not be a person with special transportation needs.

((5)) (4) "Ride-sharing operator" means the person, entity, or concern, not necessarily the driver, responsible for the existence and continuance of ((commuter)) ride sharing((, flexible commuter ride sharing,)) or ride sharing for persons with special transportation needs. The term "ride-sharing operator" includes but is not limited to an employer, an employer's agent, an employer-organized association, a state agency, a county, a city, a public transportation benefit area, a public transportation agency, or any other political subdivision that owns or leases a ride-sharing vehicle.

((6)) (5) "Ride-sharing promotional activities" means those activities involved in forming a ((commuter)) ride-sharing arrangement ((or a flexible commuter ride-sharing arrangement,)) including, but not limited to, receiving information from existing and prospective ride-sharing participants, sharing that information with other existing and prospective ride-sharing participants, matching those persons with other existing or prospective ride-sharing participants, and making assignments of persons to ride-sharing arrangements.

**Sec. 3.** RCW 46.74.030 and 1997 c 250 s 9 are each amended to read as follows:

The operator and the driver of a ((commuter)) ride-sharing vehicle ((or a flexible commuter ride-sharing vehicle)) shall be held to a reasonable and ordinary standard of care, and are not subject to ordinances or regulations which relate exclusively to the regulation of drivers or owners of motor vehicles operated for hire, or other common carriers or public transit carriers. No person, entity, or concern may, as a result of engaging in ride-sharing promotional activities, be liable for civil damages arising directly or indirectly (1) from the maintenance and operation of a ((commuter)) ride-sharing ((or flexible commuter ride-sharing)) vehicle; or (2) from an intentional act of another person who is participating or proposing to participate in a ((commuter)) ride-sharing ((or flexible commuter ride-sharing)) arrangement, unless the ride-sharing operator or promoter had prior, actual knowledge that the intentional act was likely to occur and had a reasonable ability to prevent the act from occurring.

NEW SECTION. **Sec. 4.** The department of transportation and the commute trip reduction board shall prepare a report regarding, and an update to, the statutes governing the commute trip reduction program, within existing resources. The department of transportation shall provide the transportation committees of the legislature with the report and update by October 1, 2021.

**Sec. 5.** RCW 82.04.355 and 1999 c 358 s 8 are each amended to read as follows:

This chapter does not apply to any funds received in the course of ((commuter)) ride sharing or ride sharing for persons with special transportation needs in accordance with RCW 46.74.010.

**Sec. 6.** RCW 82.08.0287 and 2020 c 20 s 1472 are each amended to read as follows:

(1) The tax imposed by this chapter does not apply to sales of passenger motor vehicles which are to be used primarily for ((commuter)) ride sharing or ride sharing for persons with special transportation needs, as defined in RCW 46.74.010, if the vehicles are used as ride-sharing vehicles for thirty-six consecutive months beginning from the date of purchase.

(2)(a) To qualify for the tax exemption, those passenger motor vehicles with ((five)) three or ((six)) more passengers, including the driver, used for ((commuter)) ride sharing, must be operated either within the state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70A.15 RCW ((or)), in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan, or in other counties where the vehicle is registered with or operated by a public transportation agency. Additionally at least one of the following conditions must apply: ((a)) (i) The vehicle must be operated by a public transportation agency for the benefit of the general public; or ((b)) (ii) the vehicle must be used by a major employer, as defined in RCW 70A.15.4010 as an element of its commute trip reduction program for their employees; or ((c)) (iii) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency ((serving the area where the employees live or work)). Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the ((commuter)) ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.

(b) Notwithstanding the ridership requirements under (a) of this subsection (2), unless the vehicle is operated by a public transportation agency, the vehicle must be used for ride sharing in the transport of at least five passengers.

**Sec. 7.** RCW 82.12.0282 and 2020 c 20 s 1477 are each amended to read as follows:

(1) The tax imposed by this chapter does not apply with respect to the use of passenger motor vehicles used primarily for ((commuter)) ride sharing or ride sharing for persons with special transportation needs, as defined in RCW 46.74.010, if the vehicles are used as ride-sharing vehicles for thirty-six consecutive months beginning with the date of first use.

(2)(a) To qualify for the tax exemption, those passenger motor vehicles with ((five)) three or ((six)) more passengers, including the driver, used for ((commuter)) ride sharing, must be operated either within the state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70A.15 RCW ((or)), in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan, or in other counties where the vehicle is registered with or operated by a public transportation agency. Additionally at least one of the following conditions must apply: ((a)) (i) The vehicle must be operated by a public transportation agency for the benefit of the general public; or ((b)) (ii) the vehicle must be used by a major employer, as defined in RCW 70A.15.4010 as an element of its commute trip reduction program for their employees; or ((c)) (iii) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency ((serving the area where the employees live or work)). Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the ((commuter)) ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.

(b) Notwithstanding the ridership requirements under (a) of this subsection (2), unless the vehicle is operated by a public transportation agency, the vehicle must be used for ride sharing in the transport of at least five passengers.

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

**Sec. 8.** RCW 82.16.047 and 1999 c 358 s 12 are each amended to read as follows:

This chapter does not apply to any funds received in the course of ((commuter)) ride sharing or ride sharing for persons with special transportation needs in accordance with RCW 46.74.010.

**Sec. 9.** RCW 82.44.015 and 2020 c 20 s 1488 are each amended to read as follows:

(1) Passenger motor vehicles used primarily for ((commuter)) ride sharing and ride sharing for persons with special transportation needs, as defined in RCW 46.74.010, are not subject to the motor vehicle excise tax authorized under this chapter if the vehicles are used as ride-sharing vehicles for thirty-six consecutive months beginning from the date of purchase.

(2) To qualify for the motor vehicle excise tax exemption for ((commuter)) ride-sharing vehicles, passenger motor vehicles must:

(a) Have a seating capacity of ((five)) three or ((six)) more passengers, including the driver;

(b) Be used for ((commuter)) ride sharing;

(c) Be operated either within:

(i) The state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70A.15 RCW; ((or))

(ii) ((In other)) Other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan; or

(iii) Other counties, where the vehicle is registered with or operated by a public transportation agency; and

(d) Meet at least one of the following conditions:

(i) The vehicle must be operated by a public transportation agency for the benefit of the general public;

(ii) The vehicle must be used by a major employer, as defined in RCW 70A.15.4010 as an element of its commute trip reduction program for their employees; or

(iii) The vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency ((serving the area where the employees live or work)). Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the ((commuter)) ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.

(3) The registered owner of a passenger motor vehicle described in subsection (2) of this section:

(a) Shall notify the department upon the termination of the primary use of the vehicle in ((commuter)) ride sharing or ride sharing for persons with special transportation needs; and

(b) Is liable for the motor vehicle excise tax imposed under this chapter, prorated on the remaining months for which the vehicle is registered.

**Sec. 10.** RCW 82.70.010 and 2005 c 297 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 70.94.996 unless the context clearly requires otherwise.

(1) "Public agency" means any county, city, or other local government agency or any state government agency, board, or commission.

(2) "Public transportation" means the same as "public transportation service" as defined in RCW 36.57A.010 and includes passenger services of the Washington state ferries.

(3) "Nonmotorized commuting" means commuting to and from the workplace by an employee by walking or running or by riding a bicycle or other device not powered by a motor.

(4) "Ride sharing" means the same as "((flexible commuter)) ride sharing" as defined in RCW 46.74.010, including ride sharing on Washington state ferries.

(5) "Car sharing" means a membership program intended to offer an alternative to car ownership under which persons or entities that become members are permitted to use vehicles from a fleet on an hourly basis.

(6) "Telework" means a program where work functions that are normally performed at a traditional workplace are instead performed by an employee at his or her home at least one day a week for the purpose of reducing the number of trips to the employee's workplace.

(7) "Applicant" means a person applying for a tax credit under this chapter.

NEW SECTION. **Sec. 11.** This act takes effect September 1, 2021."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 46.18.285, 46.74.010, 46.74.030, 82.04.355, 82.08.0287, 82.12.0282, 82.16.047, 82.44.015, and 82.70.010; creating a new section; and providing an effective date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1514.

The motion by Senator Rolfes carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Substitute House Bill No. 1514, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, King and Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1514 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1514, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford, Padden, Schoesler and Warnick

SUBSTITUTE HOUSE BILL NO. 1514, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration on Engrossed Substitute House Bill No. 1236 which it had deferred on April 5, 2021. Striking floor amendment no. 576 was before the body for purpose of amendment.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236, by House Committee on Housing, Human Services & Veterans (originally sponsored by Macri, Taylor, Dolan, Gregerson, Berry, Fitzgibbon, Frame, Simmons, Ramel, Bateman, J. Johnson, Hackney, Chopp, Thai, Peterson, Santos, Orwall, Ortiz-Self, Ryu, Wicks, Lekanoff, Slatter, Berg, Senn, Harris-Talley, Ormsby and Pollet)

Protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, floor amendment no. 597 by Senator Fortunato on page 8, line 25 to Engrossed Substitute House Bill No. 1236 was withdrawn.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendment no. 598 by Senator Short on page 12, line 9 to Engrossed Substitute House Bill No. 1236 was withdrawn.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford and without objection, floor amendment no. 587 by Senator Honeyford on page 12, line 12 to Engrossed Substitute House Bill No. 1236 was withdrawn.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Gildon and without objection, floor amendment no. 599 by Senator Gildon on page 12, line 12 to Engrossed Substitute House Bill No. 1236 was withdrawn.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Gildon and without objection, floor amendment no. 600 by Senator Gildon on page 12, line 12 to Engrossed Substitute House Bill No. 1236 was withdrawn.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Warnick and without objection, floor amendment no. 601 by Senator Warnick on page 12, line 31 to Engrossed Substitute House Bill No. 1236 was withdrawn.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, floor amendment no. 588 by Senator Fortunato on page 18, line 40 to Engrossed Substitute House Bill No. 1236 was withdrawn.

Senator Mullet spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 576 by Senator Mullet to Engrossed Substitute House Bill No. 1236.

The motion by Senator Mullet did not carry and striking floor amendment no. 576 was not adopted by voice vote.

#### MOTION

Senator Mullet moved that the following striking floor amendment no. 672 by Senator Mullet be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 59.18.030 and 2019 c 356 s 5, 2019 c 232 s 24, and 2019 c 23 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Active duty" means service authorized by the president of the United States, the secretary of defense, or the governor for a period of more than ~~((thirty))~~ 30 consecutive days.

(2) "Certificate of inspection" means an unsworn statement, declaration, verification, or certificate made in accordance with the requirements of chapter 5.50 RCW by a qualified inspector that states that the landlord has not failed to fulfill any substantial obligation imposed under RCW 59.18.060 that endangers or impairs the health or safety of a tenant, including (a) structural members that are of insufficient size or strength to carry imposed loads with safety, (b) exposure of the occupants to the weather, (c) plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury, (d) not providing facilities adequate to supply heat and water and hot water as reasonably required by the tenant, (e) providing heating or ventilation systems that are not functional or are hazardous, (f) defective, hazardous, or missing electrical wiring or electrical service, (g) defective or hazardous exits that increase the risk of injury to occupants, and (h) conditions that increase the risk of fire.

(3) "Commercially reasonable manner," with respect to a sale of a deceased tenant's personal property, means a sale where every aspect of the sale, including the method, manner, time, place, and other terms, must be commercially reasonable. If commercially reasonable, a landlord may sell the tenant's property by public or private proceedings, by one or more contracts, as a unit or in parcels, and at any time and place and on any terms.

(4) "Comprehensive reusable tenant screening report" means a tenant screening report prepared by a consumer reporting agency at the direction of and paid for by the prospective tenant and made available directly to a prospective landlord at no charge, which contains all of the following: (a) A consumer credit report prepared by a consumer reporting agency within the past ~~((thirty))~~ 30 days; (b) the prospective tenant's criminal history; (c) the prospective tenant's eviction history; (d) an employment verification; and (e) the prospective tenant's address and rental history.

(5) "Criminal history" means a report containing or summarizing (a) the prospective tenant's criminal convictions and pending cases, the final disposition of which antedates the report by no more than seven years, and (b) the results of a sex offender registry and United States department of the treasury's office of foreign assets control search, all based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

(6) "Designated person" means a person designated by the tenant under RCW 59.18.590.

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

(7) "Distressed home" has the same meaning as in RCW 61.34.020.

(8) "Distressed home conveyance" has the same meaning as in RCW 61.34.020.

(9) "Distressed home purchaser" has the same meaning as in RCW 61.34.020.

(10) "Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single-family residences and units of multiplexes, apartment buildings, and mobile homes.

(11) "Eviction history" means a report containing or summarizing the contents of any records of unlawful detainer actions concerning the prospective tenant that are reportable in accordance with state law, are lawful for landlords to consider, and are obtained after a search based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

(12) "Gang" means a group that: (a) Consists of three or more persons; (b) has identifiable leadership or an identifiable name, sign, or symbol; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(13) "Gang-related activity" means any activity that occurs within the gang or advances a gang purpose.

(14) "In danger of foreclosure" means any of the following:

(a) The homeowner has defaulted on the mortgage and, under the terms of the mortgage, the mortgagee has the right to accelerate full payment of the mortgage and repossess, sell, or cause to be sold the property;

(b) The homeowner is at least (~~thirty~~) 30 days delinquent on any loan that is secured by the property; or

(c) The homeowner has a good faith belief that he or she is likely to default on the mortgage within the upcoming four months due to a lack of funds, and the homeowner has reported this belief to:

(i) The mortgagee;

(ii) A person licensed or required to be licensed under chapter 19.134 RCW;

(iii) A person licensed or required to be licensed under chapter 19.146 RCW;

(iv) A person licensed or required to be licensed under chapter 18.85 RCW;

(v) An attorney-at-law;

(vi) A mortgage counselor or other credit counselor licensed or certified by any federal, state, or local agency; or

(vii) Any other party to a distressed property conveyance.

(15) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.

(16) "Mortgage" is used in the general sense and includes all instruments, including deeds of trust, that are used to secure an obligation by an interest in real property.

(17) "Orders" means written official military orders, or any written notification, certification, or verification from the service member's commanding officer, with respect to the service member's current or future military status.

(18) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or any part of the legal title to property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

(19) "Permanent change of station" means: (a) Transfer to a unit located at another port or duty station; (b) change in a unit's

home port or permanent duty station; (c) call to active duty for a period not less than (~~ninety~~) 90 days; (d) separation; or (e) retirement.

(20) "Person" means an individual, group of individuals, corporation, government, or governmental agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(21) "Premises" means a dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.

(22) "Property" or "rental property" means all dwelling units on a contiguous quantity of land managed by the same landlord as a single, rental complex.

(23) "Prospective landlord" means a landlord or a person who advertises, solicits, offers, or otherwise holds a dwelling unit out as available for rent.

(24) "Prospective tenant" means a tenant or a person who has applied for residential housing that is governed under this chapter.

(25) "Qualified inspector" means a United States department of housing and urban development certified inspector; a Washington state licensed home inspector; an American society of home inspectors certified inspector; a private inspector certified by the national association of housing and redevelopment officials, the American association of code enforcement, or other comparable professional association as approved by the local municipality; a municipal code enforcement officer; a Washington licensed structural engineer; or a Washington licensed architect.

(26) "Reasonable attorneys' fees," where authorized in this chapter, means an amount to be determined including the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation and ability of the lawyer or lawyers performing the services.

(27) "Reasonable manner," with respect to disposing of a deceased tenant's personal property, means to dispose of the property by donation to a not-for-profit charitable organization, by removal of the property by a trash hauler or recycler, or by any other method that is reasonable under the circumstances.

(28) "Rent" or "rental amount" means recurring and periodic charges identified in the rental agreement for the use and occupancy of the premises, which may include charges for utilities. Except as provided in RCW 59.18.283(3), these terms do not include nonrecurring charges for costs incurred due to late payment, damages, deposits, legal costs, or other fees, including attorneys' fees.

(29) "Rental agreement" or "lease" means all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

(30) "Service member" means an active member of the United States armed forces, a member of a military reserve component, or a member of the national guard who is either stationed in or a resident of Washington state.

(31) A "single-family residence" is a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single-family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

(32) A "tenant" is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

(33) "Tenant representative" means:

(a) A personal representative of a deceased tenant's estate if known to the landlord;

(b) If the landlord has no knowledge that a personal representative has been appointed for the deceased tenant's estate, a person claiming to be a successor of the deceased tenant who has provided the landlord with proof of death and an affidavit made by the person that meets the requirements of RCW 11.62.010(2);

(c) In the absence of a personal representative under (a) of this subsection or a person claiming to be a successor under (b) of this subsection, a designated person; or

(d) In the absence of a personal representative under (a) of this subsection, a person claiming to be a successor under (b) of this subsection, or a designated person under (c) of this subsection, any person who provides the landlord with reasonable evidence that he or she is a successor of the deceased tenant as defined in RCW 11.62.005. The landlord has no obligation to identify all of the deceased tenant's successors.

(34) "Tenant screening" means using a consumer report or other information about a prospective tenant in deciding whether to make or accept an offer for residential rental property to or from a prospective tenant.

(35) "Tenant screening report" means a consumer report as defined in RCW 19.182.010 and any other information collected by a tenant screening service.

(36) "Immediate family" includes state registered domestic partner, spouse, parents, grandparents, children, including foster children, siblings, and in-laws.

(37) "Subsidized housing" refers to rental housing for very low-income or low-income households that is a dwelling unit operated directly by a public housing authority or its affiliate, or that is insured, financed, or assisted in whole or in part through one of the following sources:

(a) A federal program or state housing program administered by the department of commerce or the Washington state housing finance commission;

(b) A federal housing program administered by a city or county government;

(c) An affordable housing levy authorized under RCW 84.52.105; or

(d) The surcharges authorized in RCW 36.22.178 and 36.22.179 and any of the surcharges authorized in chapter 43.185C RCW.

(38) "Transitional housing" means housing units owned, operated, or managed by a nonprofit organization or governmental entity in which supportive services are provided to individuals and families that were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than twenty-four months, or longer if the program is limited to tenants within a specified age range or the program is intended for tenants in need of time to complete and transition from educational or training or service programs.

**NEW SECTION. Sec. 2.** A new section is added to chapter 59.18 RCW to read as follows:

(1)(a) A landlord may not evict a tenant, refuse to continue a tenancy, or end a periodic tenancy except for the causes enumerated in subsection (2) of this section and as otherwise provided in this subsection.

(b) If a landlord and tenant enter into a rental agreement that provides for the tenancy to continue for an indefinite period on a month-to-month or periodic basis after the agreement expires, the landlord may not end the tenancy except for the causes

enumerated in subsection (2) of this section; however, a landlord may end such a tenancy at the end of the initial period of the rental agreement without cause only if:

(i) At the inception of the tenancy, the landlord and tenant entered into a rental agreement between six and 12 months; and

(ii) The landlord has provided the tenant before the end of the initial lease period at least 60 days' advance written notice ending the tenancy, served in a manner consistent with RCW 59.12.040.

(c) If a landlord and tenant enter into a rental agreement for a specified period in which the tenancy by the terms of the rental agreement does not continue for an indefinite period on a month-to-month or periodic basis after the end of the specified period, the landlord may end such a tenancy without cause upon expiration of the specified period only if:

(i) At the inception of the tenancy, the landlord and tenant entered into a rental agreement of 12 months or more for a specified period, or the landlord and tenant have continuously and without interruption entered into successive rental agreements of six months or more for a specified period since the inception of the tenancy;

(ii) The landlord has provided the tenant before the end of the specified period at least 60 days' advance written notice that the tenancy will be deemed expired at the end of such specified period, served in a manner consistent with RCW 59.12.040; and

(iii) The tenancy has not been for an indefinite period on a month-to-month or periodic basis at any point since the inception of the tenancy. However, for any tenancy of an indefinite period in existence as of the effective date of this section, if the landlord and tenant enter into a rental agreement between the effective date of this section and three months following the expiration of the governor's proclamation 20-19.6 or any extensions thereof, the landlord may exercise rights under this subsection (1)(c) as if the rental agreement was entered into at the inception of the tenancy provided that the rental agreement is otherwise in accordance with this subsection (1)(c).

(d) For all other tenancies of a specified period not covered under (b) or (c) of this subsection, and for tenancies of an indefinite period on a month-to-month or periodic basis, a landlord may not end the tenancy except for the causes enumerated in subsection (2) of this section. Upon the end date of the tenancy of a specified period, the tenancy becomes a month-to-month tenancy.

(e) Nothing prohibits a landlord and tenant from entering into subsequent lease agreements that are in compliance with the requirements in subsection (2) of this section.

(f) A tenant may end a tenancy for a specified time by providing notice in writing not less than 20 days prior to the ending date of the specified time.

(2) The following reasons listed in this subsection constitute cause pursuant to subsection (1) of this section:

(a) The tenant continues in possession in person or by subtenant after a default in the payment of rent, and after written notice requiring, in the alternative, the payment of the rent or the surrender of the detained premises has remained uncomplied with for the period set forth in RCW 59.12.030(3) for tenants subject to this chapter. The written notice may be served at any time after the rent becomes due;

(b) The tenant continues in possession after substantial breach of a material program requirement of subsidized housing, material term subscribed to by the tenant within the lease or rental agreement, or a tenant obligation imposed by law, other than one for monetary damages, and after the landlord has served written notice specifying the acts or omissions constituting the breach and requiring, in the alternative, that the breach be remedied or the rental agreement will end, and the breach has not been adequately

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

remedied by the date specified in the notice, which date must be at least 10 days after service of the notice;

(c) The tenant continues in possession after having received at least three days' advance written notice to quit after he or she commits or permits waste or nuisance upon the premises, unlawful activity that affects the use and enjoyment of the premises, or other substantial or repeated and unreasonable interference with the use and enjoyment of the premises by the landlord or neighbors of the tenant;

(d) The tenant continues in possession after the landlord of a dwelling unit in good faith seeks possession so that the owner or his or her immediate family may occupy the unit as that person's principal residence and no substantially equivalent unit is vacant and available to house the owner or his or her immediate family in the same building, and the owner has provided at least 90 days' advance written notice of the date the tenant's possession is to end. There is a rebuttable presumption that the owner did not act in good faith if the owner or immediate family fails to occupy the unit as a principal residence for at least 60 consecutive days during the 90 days immediately after the tenant vacated the unit pursuant to a notice to vacate using this subsection (2)(d) as the cause for the lease ending;

(e) The tenant continues in possession after the owner elects to sell a single-family residence and the landlord has provided at least 90 days' advance written notice of the date the tenant's possession is to end. For the purposes of this subsection (2)(e), an owner "elects to sell" when the owner makes reasonable attempts to sell the dwelling within 30 days after the tenant has vacated, including, at a minimum, listing it for sale at a reasonable price with a realty agency or advertising it for sale at a reasonable price by listing it on the real estate multiple listing service. There shall be a rebuttable presumption that the owner did not intend to sell the unit if:

(i) Within 30 days after the tenant has vacated, the owner does not list the single-family dwelling unit for sale at a reasonable price with a realty agency or advertise it for sale at a reasonable price by listing it on the real estate multiple listing service; or

(ii) Within 90 days after the date the tenant vacated or the date the property was listed for sale, whichever is later, the owner withdraws the rental unit from the market, the landlord rents the unit to someone other than the former tenant, or the landlord otherwise indicates that the owner does not intend to sell the unit;

(f) The tenant continues in possession of the premises after the landlord serves the tenant with advance written notice pursuant to RCW 59.18.200(2)(c);

(g) The tenant continues in possession after the owner elects to withdraw the premises to pursue a conversion pursuant to RCW 64.34.440 or 64.90.655;

(h) The tenant continues in possession, after the landlord has provided at least 30 days' advance written notice to vacate that:

(i) The premises has been certified or condemned as uninhabitable by a local agency charged with the authority to issue such an order; and (ii) continued habitation of the premises would subject the landlord to civil or criminal penalties. However, if the terms of the local agency's order do not allow the landlord to provide at least 30 days' advance written notice, the landlord must provide as much advance written notice as is possible and still comply with the order;

(i) The tenant continues in possession after an owner or lessor, with whom the tenant shares the dwelling unit or access to a common kitchen or bathroom area, has served at least 20 days' advance written notice to vacate prior to the end of the rental term or, if a periodic tenancy, the end of the rental period;

(j) The tenant continues in possession of a dwelling unit in transitional housing after having received at least 30 days'

advance written notice to vacate in advance of the expiration of the transitional housing program, the tenant has aged out of the transitional housing program, or the tenant has completed an educational or training or service program and is no longer eligible to participate in the transitional housing program. Nothing in this subsection (2)(j) prohibits the ending of a tenancy in transitional housing for any of the other causes specified in this subsection;

(k) The tenant continues in possession of a dwelling unit after the expiration of a rental agreement without signing a proposed new rental agreement proffered by the landlord; provided, that the landlord proffered the proposed new rental agreement at least 30 days prior to the expiration of the current rental agreement and that any new terms and conditions of the proposed new rental agreement are reasonable. This subsection (2)(k) does not apply to tenants whose tenancies are or have become periodic;

(l) The tenant continues in possession after having received at least 30 days' advance written notice to vacate due to intentional, knowing, and material misrepresentations or omissions made on the tenant's application at the inception of the tenancy that, had these misrepresentations or omissions not been made, would have resulted in the landlord requesting additional information or taking an adverse action;

(m) The tenant continues in possession after having received at least 60 days' advance written notice to vacate for other good cause prior to the end of the period or rental agreement and such cause constitutes a legitimate economic or business reason not covered or related to a basis for ending the lease as enumerated under this subsection (2). When the landlord relies on this basis for ending the tenancy, the court may stay any writ of restitution for up to 60 additional days for good cause shown, including difficulty procuring alternative housing. The court must condition such a stay upon the tenant's continued payment of rent during the stay period. Upon granting such a stay, the court must award court costs and fees as allowed under this chapter;

(n)(i) The tenant continues in possession after having received at least 60 days' written notice to vacate prior to the end of the period or rental agreement and the tenant has committed four or more of the following violations, other than ones for monetary damages, within the preceding 12-month period, the tenant has remedied or cured the violation, and the landlord has provided the tenant a written warning notice at the time of each violation: A substantial breach of a material program requirement of subsidized housing, a substantial breach of a material term subscribed to by the tenant within the lease or rental agreement, or a substantial breach of a tenant obligation imposed by law;

(ii) Each written warning notice must:

(A) Specify the violation;

(B) Provide the tenant an opportunity to cure the violation;

(C) State that the landlord may choose to end the tenancy at the end of the rental term if there are four violations within a 12-month period preceding the end of the term; and

(D) State that correcting the fourth or subsequent violation is not a defense to the ending of the lease under this subsection;

(iii) The 60-day notice to vacate must:

(A) State that the rental agreement will end upon the specified ending date for the rental term or upon a designated date not less than 60 days after the delivery of the notice, whichever is later;

(B) Specify the reason for ending the lease and supporting facts; and

(C) Be served to the tenant concurrent with or after the fourth or subsequent written warning notice;

(iv) The notice under this subsection must include all notices supporting the basis of ending the lease;

(v) Any notices asserted under this subsection must pertain to four or more separate incidents or occurrences; and

(vi) This subsection (2)(n) does not absolve a landlord from demonstrating by admissible evidence that the four or more violations constituted breaches under (b) of this subsection at the time of the violation had the tenant not remedied or cured the violation;

(o) The tenant continues in possession after having received at least 60 days' advance written notice to vacate prior to the end of the rental period or rental agreement if the tenant is required to register as a sex offender during the tenancy, or failed to disclose a requirement to register as a sex offender when required in the rental application or otherwise known to the property owner at the beginning of the tenancy;

(p) The tenant continues in possession after having received at least 20 days' advance written notice to vacate prior to the end of the rental period or rental agreement if the tenant has made unwanted sexual advances or other acts of sexual harassment directed at the property owner, property manager, property employee, or another tenant based on the person's race, gender, or other protected status in violation of any covenant or term in the lease.

(3) When a tenant has permanently vacated due to voluntary or involuntary events, other than by the ending of the tenancy by the landlord, a landlord must serve a notice to any remaining occupants who had coresided with the tenant at least six months prior to and up to the time the tenant permanently vacated, requiring the occupants to either apply to become a party to the rental agreement or vacate within 30 days of service of such notice. In processing any application from a remaining occupant under this subsection, the landlord may require the occupant to meet the same screening, background, and financial criteria as would any other prospective tenant to continue the tenancy. If the occupant fails to apply within 30 days of receipt of the notice in this subsection, or the application is denied for failure to meet the criteria, the landlord may commence an unlawful detainer action under this chapter. If an occupant becomes a party to the tenancy pursuant to this subsection, a landlord may not end the tenancy except as provided under subsection (2) of this section. This subsection does not apply to tenants residing in subsidized housing.

(4) A landlord who removes a tenant or causes a tenant to be removed from a dwelling in any way in violation of this section is liable to the tenant for wrongful eviction, and the tenant prevailing in such an action is entitled to the greater of their economic and noneconomic damages or three times the monthly rent of the dwelling at issue, and reasonable attorneys' fees and court costs.

(5) Nothing in subsection (2)(d), (e), or (f) of this section permits a landlord to end a tenancy for a specified period before the completion of the term unless the landlord and the tenant mutually consent, in writing, to ending the tenancy early and the tenant is afforded at least 60 days to vacate.

(6) All written notices required under subsection (2) of this section must:

(a) Be served in a manner consistent with RCW 59.12.040; and

(b) Identify the facts and circumstances known and available to the landlord at the time of the issuance of the notice that support the cause or causes with enough specificity so as to enable the tenant to respond and prepare a defense to any incidents alleged. The landlord may present additional facts and circumstances regarding the allegations within the notice if such evidence was unknown or unavailable at the time of the issuance of the notice.

**Sec. 3.** RCW 59.18.200 and 2019 c 339 s 1 and 2019 c 23 s 2 are each reenacted and amended to read as follows:

(1)(a) When premises are rented for an indefinite time, with monthly or other periodic rent reserved, such tenancy shall be construed to be a tenancy from month to month, or from period to period on which rent is payable, and shall ~~((be terminated))~~ end by written notice of ~~((twenty))~~ 20 days or more, preceding the end of any of the months or periods of tenancy, given by ~~((either party))~~ the tenant to the ((other)) landlord.

(b) Any tenant who is a member of the armed forces, including the national guard and armed forces reserves, or that tenant's spouse or dependent, may ~~((terminate))~~ end a rental agreement with less than ~~((twenty))~~ 20 days' written notice if the tenant receives permanent change of station or deployment orders that do not allow a ~~((twenty))~~ 20-day written notice.

(2)(a) Whenever a landlord plans to change to a policy of excluding children, the landlord shall give a written notice to a tenant at least ~~((ninety))~~ 90 days before ~~((termination of))~~ the tenancy ends to effectuate such change in policy. Such ~~((ninety))~~ 90-day notice shall be in lieu of the notice required by subsection (1) of this section. However, if after giving the ~~((ninety))~~ 90-day notice the change in policy is delayed, the notice requirements of subsection (1) of this section shall apply unless waived by the tenant.

(b) Whenever a landlord plans to change any apartment or apartments to a condominium form of ownership, the landlord shall provide a written notice to a tenant at least ~~((one hundred twenty))~~ 120 days before ~~((termination of))~~ the tenancy ends, in compliance with RCW 64.34.440(1), to effectuate such change. The ~~((one hundred twenty day))~~ 120-day notice is in lieu of the notice required in subsection (1) of this section. However, if after providing the ~~((one hundred twenty day))~~ 120-day notice the change to a condominium form of ownership is delayed, the notice requirements in subsection (1) of this section apply unless waived by the tenant.

(c)(i) Whenever a landlord plans to demolish or substantially rehabilitate premises or plans a change of use of premises, the landlord shall provide a written notice to a tenant at least ~~((one hundred twenty))~~ 120 days before ~~((termination of))~~ the tenancy ends. This subsection (2)(c)(i) does not apply to jurisdictions that have created a relocation assistance program under RCW 59.18.440 and otherwise provide ~~((one hundred twenty))~~ 120 days' notice.

(ii) For purposes of this subsection (2)(c):

(A) "Assisted housing development" means a multifamily rental housing development that either receives government assistance and is defined as federally assisted housing in RCW 59.28.020, or that receives other federal, state, or local government assistance and is subject to use restrictions.

(B) "Change of use" means: (I) Conversion of any premises from a residential use to a nonresidential use that results in the displacement of an existing tenant; (II) conversion from one type of residential use to another type of residential use that results in the displacement of an existing tenant, such as conversion to a retirement home, emergency shelter, or transient hotel; or (III) conversion following removal of use restrictions from an assisted housing development that results in the displacement of an existing tenant: PROVIDED, That displacement of an existing tenant in order that the owner or a member of the owner's immediate family may occupy the premises does not constitute a change of use.

(C) "Demolish" means the destruction of premises or the relocation of premises to another site that results in the displacement of an existing tenant.

(D) "Substantially rehabilitate" means extensive structural repair or extensive remodeling of premises that requires a permit such as a building, electrical, plumbing, or mechanical permit, and that results in the displacement of an existing tenant.

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

~~((3) A person in violation of subsection (2)(e)(i) of this section may be held liable in a civil action up to three times the monthly rent of the real property at issue. The prevailing party may also recover court costs and reasonable attorneys' fees.))~~

**Sec. 4.** RCW 59.18.220 and 2019 c 23 s 3 are each amended to read as follows:

(1) ~~((In all))~~ Except as limited under section 2 of this act, in cases where premises are rented for a specified time, by express or implied contract, the tenancy shall be deemed ~~((terminated))~~ expired at the end of such specified time upon notice consistent with section 2 of this act, served in a manner consistent with RCW 59.12.040.

(2) Any tenant who is a member of the armed forces, including the national guard and armed forces reserves, or that tenant's spouse or dependent, may ~~((terminate))~~ end a tenancy for a specified time if the tenant receives permanent change of station or deployment orders. Before ~~((terminating))~~ ending the tenancy, the tenant, or that tenant's spouse or dependent, shall provide written notice of ~~((twenty))~~ 20 days or more to the landlord, which notice shall include a copy of the official military orders or a signed letter from the service member's commanding officer confirming any of the following criteria are met:

(a) The service member is required, pursuant to a permanent change of station orders, to move ~~((thirty-five))~~ 35 miles or more from the location of the rental premises;

(b) The service member is prematurely or involuntarily discharged or released from active duty;

(c) The service member is released from active duty after having leased the rental premises while on active duty status and the rental premises is ~~((thirty-five))~~ 35 miles or more from the service member's home of record prior to entering active duty;

(d) After entering into a rental agreement, the commanding officer directs the service member to move into government provided housing;

(e) The service member receives temporary duty orders, temporary change of station orders, or active duty orders to an area ~~((thirty-five))~~ 35 miles or more from the location of the rental premises, provided such orders are for a period not less than ~~((ninety))~~ 90 days; or

(f) The service member has leased the property, but prior to taking possession of the rental premises, receives change of station orders to an area that is ~~((thirty-five))~~ 35 miles or more from the location of the rental premises.

**Sec. 5.** RCW 59.18.230 and 2020 c 315 s 6 and 2020 c 177 s 2 are each reenacted and amended to read as follows:

(1)(a) Any provision of a lease or other agreement, whether oral or written, whereby any section or subsection of this chapter is waived except as provided in RCW 59.18.360 and shall be deemed against public policy and shall be unenforceable. Such unenforceability shall not affect other provisions of the agreement which can be given effect without them.

(b) A landlord may not threaten a tenant with eviction for failure to pay nonpossessory charges limited under RCW 59.18.283.

(2) No rental agreement may provide that the tenant:

(a) Agrees to waive or to forgo rights or remedies under this chapter; or

(b) Authorizes any person to confess judgment on a claim arising out of the rental agreement; or

(c) Agrees to pay the landlord's attorneys' fees, except as authorized in this chapter; or

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith; or

(e) And landlord have agreed to a particular arbitrator at the time the rental agreement is entered into; or

(f) Agrees to pay late fees for rent that is paid within five days following its due date. If rent is more than five days past due, the landlord may charge late fees commencing from the first day after the due date until paid. Nothing in this subsection prohibits a landlord from serving a notice to pay or vacate at any time after the rent becomes due.

(3) A provision prohibited by subsection (2) of this section included in a rental agreement is unenforceable. If a landlord ~~((deliberately))~~ knowingly uses a rental agreement containing provisions known by him or her to be prohibited, the tenant may recover actual damages sustained by him or her, statutory damages not to exceed ~~((five hundred dollars))~~ two times the monthly rent charged for the unit, costs of suit, and reasonable attorneys' fees.

(4) The common law right of the landlord of distress for rent is hereby abolished for property covered by this chapter. Any provision in a rental agreement creating a lien upon the personal property of the tenant or authorizing a distress for rent is null and void and of no force and effect. Any landlord who takes or detains the personal property of a tenant without the specific written consent of the tenant to such incident of taking or detention, and who, after written demand by the tenant for the return of his or her personal property, refuses to return the same promptly shall be liable to the tenant for the value of the property retained, actual damages, and if the refusal is intentional, may also be liable for damages of up to ~~((five hundred dollars))~~ \$500 per day but not to exceed ~~((five thousand dollars))~~ \$5,000, for each day or part of a day that the tenant is deprived of his or her property. The prevailing party may recover his or her costs of suit and a reasonable attorneys' fee.

In any action, including actions pursuant to chapters 7.64 or 12.28 RCW, brought by a tenant or other person to recover possession of his or her personal property taken or detained by a landlord in violation of this section, the court, upon motion and after notice to the opposing parties, may waive or reduce any bond requirements where it appears to be to the satisfaction of the court that the moving party is proceeding in good faith and has, prima facie, a meritorious claim for immediate delivery or redelivery of said property.

**Sec. 6.** RCW 59.12.030 and 2019 c 356 s 2 are each amended to read as follows:

~~((A))~~ Except as limited under section 2 of this act relating to tenancies under chapter 59.18 RCW, a tenant of real property for a term less than life is liable for unlawful detainer either:

(1) When he or she holds over or continues in possession, in person or by subtenant, of the property or any part thereof after the expiration of the term for which it is let to him or her. When real property is leased for a specified term or period by express or implied contract, whether written or oral, the tenancy shall ~~((be terminated))~~ end without notice at the expiration of the specified term or period;

(2) When he or she, having leased property for an indefinite time with monthly or other periodic rent reserved, continues in possession thereof, in person or by subtenant, after the end of any such month or period, when the landlord, more than ~~((twenty))~~ 20 days prior to the end of such month or period, has served notice (in manner in RCW 59.12.040 provided) requiring him or her to quit the premises at the expiration of such month or period;

(3) When he or she continues in possession in person or by subtenant after a default in the payment of rent, and after notice in writing requiring in the alternative the payment of the rent or the surrender of the detained premises, served (in manner in RCW 59.12.040 provided) on behalf of the person entitled to the rent

upon the person owing it, has remained uncomplied with for the period of three days after service, or for the period of (~~(fourteen))~~ 14 days after service for tenancies under chapter 59.18 RCW. The notice may be served at any time after the rent becomes due. For the purposes of this subsection and as applied to tenancies under chapter 59.18 RCW, "rent" has the same meaning as defined in RCW 59.18.030;

(4) When he or she continues in possession in person or by subtenant after a neglect or failure to keep or perform any condition or covenant of the lease or agreement under which the property is held, including any covenant not to assign or sublet, other than one for the payment of rent, and after notice in writing requiring in the alternative the performance of such condition or covenant or the surrender of the property, served (in manner in RCW 59.12.040 provided) upon him or her, and if there is a subtenant in actual possession of the premises, also upon such subtenant, shall remain uncomplied with for (~~(ten))~~ 10 days after service thereof. Within (~~(ten))~~ 10 days after the service of such notice the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform such condition or covenant and thereby save the lease from such forfeiture. For the purposes of this subsection and as applied to tenancies under chapter 59.18 RCW, "rent" has the same meaning as defined in RCW 59.18.030;

(5) When he or she commits or permits waste upon the demised premises, or when he or she sets up or carries on thereon any unlawful business, or when he or she erects, suffers, permits, or maintains on or about the premises any nuisance, and remains in possession after the service (in manner in RCW 59.12.040 provided) upon him or her of three days' notice to quit;

(6) A person who, without the permission of the owner and without having color of title thereto, enters upon land of another and who fails or refuses to remove therefrom after three days' notice, in writing and served upon him or her in the manner provided in RCW 59.12.040. Such person may also be subject to the criminal provisions of chapter 9A.52 RCW; or

(7) When he or she commits or permits any gang-related activity at the premises as prohibited by RCW 59.18.130.

**NEW SECTION. Sec. 7.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 4 of the title, after "termination;" strike the remainder of the title and insert "amending RCW 59.18.220 and 59.12.030; reenacting and amending RCW 59.18.030, 59.18.200, and 59.18.230; adding a new section to chapter 59.18 RCW; prescribing penalties; and declaring an emergency."

#### MOTION

Senator Fortunato moved that the following floor amendment no. 694 by Senator Fortunato be adopted:

On page 7, beginning on line 20, after "if" strike all material through "The" on line 26 and insert "the"

On page 7, beginning on line 29, after "59.12.040;" strike all material through "(1)(c)" on line 40

On page 8, beginning on line 1, after "For" strike all material through "for" on line 2

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 694 by Senator Fortunato on page 7, line 20 to striking floor amendment no. 672.

The motion by Senator Fortunato did not carry and floor amendment no. 694 was not adopted by voice vote.

#### MOTION

Senator Gildon moved that the following floor amendment no. 697 by Senator Gildon be adopted:

On page 7, line 22, after "agreement of" strike "12" and insert "six"

Senator Gildon spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 697 by Senator Gildon on page 7, line 22 to striking floor amendment no. 672.

The motion by Senator Gildon did not carry and floor amendment no. 697 was not adopted by voice vote.

#### MOTION

Senator Warnick moved that the following floor amendment no. 700 by Senator Warnick be adopted:

On page 8, after line 12, insert the following:

"(g) This section does not apply to a landlord who owns a rental property with no more than four dwelling units."

On page 13, line 24, after "landlord." insert "A landlord who owns a rental property with no more than four dwelling units may end a monthly or periodic tenancy by providing the tenant a written notice of 20 days or more, preceding the end of any of the months or periods of tenancy."

Senator Warnick spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 700 by Senator Warnick on page 8, line 12 to striking floor amendment no. 672.

The motion by Senator Warnick did not carry and floor amendment no. 700 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 695 by Senator Fortunato be adopted:

On page 8, line 31, after "notice" insert ". For purposes of this subsection (2)(b), a "substantial breach of a material term subscribed to by the tenant within the lease or rental agreement" means the totality of the circumstances, including factors such as whether there has been a significant number of complaints to the landlord about the tenant's activities at the property, damage done by the tenant to the property, including the property of other tenants or neighbors, harassment or threats made by the tenant to other tenants or neighbors that have been reported to law enforcement agencies, any police incident reports involving the tenant, and the tenant's criminal history"

On page 11, line 38, after "occurrences;" strike "and"

On page 12, line 2, after "violation;" insert "and"

(vii) For purposes of this subsection (2)(n), a "substantial breach of a material term subscribed to by the tenant within the lease or rental agreement" means the totality of the circumstances, including factors such as whether there has been a significant number of complaints to the landlord about the tenant's activities at the property, damage done by the tenant to the property,

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

including the property of other tenants or neighbors, harassment or threats made by the tenant to other tenants or neighbors that have been reported to law enforcement agencies, any police incident reports involving the tenant, and the tenant's criminal history;"

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 695 by Senator Fortunato on page 8, line 31 to striking floor amendment no. 672.

The motion by Senator Fortunato did not carry and floor amendment no. 695 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 699 by Senator Short be adopted:

On page 12, line 12, after "has" insert "stated verbally or in writing any derogatory remarks or"

Senator Short spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 699 by Senator Short on page 12, line 12 to striking floor amendment no. 672.

The motion by Senator Short did not carry and floor amendment no. 699 was not adopted by voice vote.

MOTION

Senator Gildon moved that the following floor amendment no. 696 by Senator Gildon be adopted:

On page 12, line 16, after "lease" insert ";

(q) The tenant continues in possession after having received a notice to vacate at least 20 days prior to the end of the rental period and the landlord has notified the tenant in writing pursuant to RCW 59.12.030(3) for failure to pay rent four or more times in a 12-month period"

Senators Gildon and Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 696 by Senator Gildon on page 12, line 16 to striking floor amendment no. 672

The motion by Senator Gildon did not carry and floor amendment no. 696 was not adopted by voice vote.

MOTION

Senator Gildon moved that the following floor amendment no. 698 by Senator Gildon be adopted:

On page 12, line 16, after "lease" insert ";

(q) The tenant continues in possession after having received a 60-day notice to vacate in advance of the expiration of a rental agreement based on the tenant failing or refusing to sign a proposed new rental agreement offered by the landlord that includes a rent increase due to the landlord experiencing an

increase in property taxes on the rental premises; provided, that the landlord offered the proposed new rental agreement at least 90 days prior to the expiration of the current rental agreement and the tenant has clearly communicated before receipt of the 60-day notice that they will be unable to pay the increased rent rate"

Senators Gildon, Rivers and Wilson, J. spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 698 by Senator Gildon on page 12, line 16 to striking floor amendment no. 672.

The motion by Senator Gildon did not carry and floor amendment no. 698 was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following floor amendment no. 702 by Senator Honeyford be adopted:

On page 12, line 16, after "lease" insert ";

(q) The tenant remains in possession after having received a 10-day notice to vacate for causing damage to the property in excess of the tenant's security deposit"

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 702 by Senator Honeyford on page 12, line 16 to striking floor amendment no. 672.

The motion by Senator Honeyford did not carry and floor amendment no. 702 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 701 by Senator Warnick be adopted:

On page 12, line 35, after "(4)" insert "Any organization that contracts with and receives funds from the department of children, youth, and families for the placement of foster children receiving behavioral rehabilitation services in a single-family residence or group home must provide at least 90 days' written notice before closure of the residence or home and must not remove any child from such housing until alternate housing is arranged for the foster child and foster parent, if applicable, in coordination with the department for children, youth, and families, with priority for maintaining the housing stability of the foster child.

(5)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senators Warnick, Padden and Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 701 by Senator Warnick on page 12, line 35 to striking floor amendment no. 672.

The motion by Senator Warnick did not carry and floor amendment no. 701 was not adopted by voice vote.

## MOTION

Senator Fortunato moved that the following floor amendment no. 689 by Senator Fortunato be adopted:

On page 19, after line 8, insert the following:

"NEW SECTION. Sec. 7. Except for ordinances adopted before January 1, 2021, a local government may only adopt ordinances that provide requirements for ending a residential tenancy for cause if such ordinances are consistent with and comply with this act."

Re-number the remaining section consecutively and correct any internal references accordingly.

On page 19, line 16, after "59.18 RCW;" insert "creating a new section;"

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 689 by Senator Fortunato on page 19, line 8 to striking floor amendment no. 672.

The motion by Senator Fortunato did not carry and floor amendment no. 689 was not adopted by voice vote.

Senator Mullet spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 672 by Senator Mullet to Engrossed Substitute House Bill No. 1236.

The motion by Senator Mullet carried and striking floor amendment no. 672 was adopted by voice vote.

## MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute House Bill No. 1236, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.

Senators Fortunato, Wagoner, Wilson, L., Muzzall, Padden, Rivers, Schoesler and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1236 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1236, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 1:34 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Rivers announced a meeting of the Republican Caucus.

----

The Senate was called to order at 2:30 p.m. by President Heck.

## SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5005,  
ENGROSSED SENATE BILL NO. 5026,  
SENATE BILL NO. 5131,  
SUBSTITUTE SENATE BILL NO. 5169,  
SENATE BILL NO. 5296,  
SUBSTITUTE SENATE BILL NO. 5325,  
SENATE BILL NO. 5347,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5355,  
ENGROSSED SENATE BILL NO. 5372,  
and SUBSTITUTE SENATE BILL NO. 5384.

## SECOND READING

SENATE BILL NO. 5126, by Senators Carlyle, Saldaña, Conway, Das, Frockt, Hunt, Liias, Nguyen, Pedersen, Salomon, Stanford, and Wilson, C.

Concerning the Washington climate commitment act.

## MOTION

On motion of Senator Carlyle, Second Substitute Senate Bill No. 5126 was substituted for Senate Bill No. 5126 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Short moved that the following floor amendment no. 559 by Senator Short be adopted:

On page 1, line 6, after "(1)" insert "The legislature intends to allow the program's compliance obligations to take effect even if a separate additive transportation funding act is not enacted.

(2)"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 43, beginning on line 13, strike all of subsection (7)

Correct any internal references accordingly.

Senator Short spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 559 by Senator Short on page 1, line 6 to Substitute Senate Bill No. 5126.

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

The motion by Senator Short did not carry and floor amendment no. 559 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 566 by Senator Rivers be adopted:

On page 1, line 13, after "emissions" insert ", including from transportation,"

On page 26, line 33, after "(g)" insert "The department shall suspend the program if auction proceeds deposited in the forward flexible account do not exceed \$127,341,000 in any fiscal year after fiscal year 2022.

(h)"

Correct any internal references accordingly.

On page 26, line 35, after "through" strike "(f)" and insert "(g)"

Senator Rivers spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 566 by Senator Rivers on page 1, line 13 to Substitute Senate Bill No. 5126.

The motion by Senator Rivers did not carry and floor amendment no. 566 was not adopted by voice vote.

MOTION

Senator Carlyle moved that the following floor amendment no. 558 by Senator Carlyle be adopted:

On page 1, line 14, after "time." insert "Actions to increase resilience of our communities, natural resource lands, and ecosystems can prevent and reduce impacts to communities and our environment and improve their ability to recover."

On page 2, line 23, after "(5)" insert "The legislature further finds that wildfires have become one of the largest sources of black carbon in the last five years. From 2014 through 2018, wildfires in Washington state generated 39,200,000 metric tons of carbon, the equivalent of more than 8,500,000 cars on the road a year. In 2015, when 1,130,000 acres burned in Washington, wildfires were the second largest source of greenhouse gas emissions releasing 17,975,112 metric tons of carbon dioxide into the atmosphere. This pollution affects all Washingtonians, but falls disproportionately on low-income communities, communities of color, and the most vulnerable of our population. Restoring the health of our forests and investing in wildfire prevention and preparedness will therefore contribute to improved air quality and improved public health outcomes.

(6)"

Reorder the remaining subsection consecutively and correct any internal references accordingly.

On page 9, line 2, after "Washington" strike "has a linkage agreement" and insert "is linked"

On page 9, beginning on line 13, after "electricity"" strike all material through "are" on line 14 and insert "means electricity, other than that from in-state facilities, that contributes to a common system power pool that is"

On page 9, line 23, after "decision" insert "under a linkage agreement"

On page 12, beginning on line 16, after "methods" strike all material through "may" on line 20 and insert "; and the department must"

On page 12, line 28, after "act" insert "and the allocation of allowances at no cost under section 12 of this act"

On page 12, line 30, after "linkage" strike "agreement"

On page 12, after line 32, insert the following:

"(c) Actions imposed under this section may not impose requirements on covered entities or opt-in entities that are disproportionate to their contribution to air pollution compared to other sources of criteria pollutants in the overburdened community."

On page 14, line 38, after "linkage" strike "agreements"

On page 17, at the beginning of line 28, strike "enter into linkage agreements" and insert "are linked"

On page 19, at the beginning of line 12, strike "2028" and insert "2027"

On page 19, line 23, after "limits." insert "The department shall determine and make public the circumstances, metrics, and processes that would initiate the public consideration of additional program adjustments to ensure successful achievement of the emission reduction limits."

On page 23, after line 4, insert the following:

"(9)(a) The legislature intends to promote a growing and sustainable economy and to avoid leakage of emissions from manufacturing to other locations. The legislature further intends to see innovative new businesses locate and grow in Washington that contribute to Washington's prosperity and environmental objectives.

(b) Consistent with the intent of the legislature to avoid the leakage of emissions to other jurisdictions, in achieving the state's greenhouse gas limits in RCW 70A.45.020, the state shall pursue the limits in a manner that recognizes that the siting and placement of new best-in-class facilities that provide for the displacement of more carbon intensive processes is in the economic and environmental interests of the state of Washington.

(c) For new or expanded facilities that require review under chapter 43.21C RCW and which would result in annual greenhouse gas emissions in excess of 25,000 metric tons per year, the department must evaluate the net cumulative greenhouse gas emissions of the facility, attributing any net displacement of global emissions resulting from the project in the department's decision making. The department may adopt rules to determine how to evaluate net cumulative emissions reductions.

(d) The limits in RCW 70A.45.020 or greenhouse gas emissions that are addressed in this chapter may not be the basis for denial of a permit application or for judicial review of the grant of a permit for a new or expanded emissions-intensive and trade-exposed facility.

(e) Compliance with the requirements of this chapter is the only mitigation for greenhouse gases that can be required by any state agency, city, town, county, township, other subdivision, or municipal corporation of the state from these facilities.

(f) Inclusion as a covered or an opt-in entity under this chapter constitutes adequate mitigation of any significant adverse impacts with respect to greenhouse gases for a facility subject to the requirements of chapter 43.21C RCW."

On page 25, line 34, after "must" strike "first"

On page 26, line 1, after "must" strike "first"

On page 26, line 8, after "must" strike "first"

On page 26, line 16, after "must" strike "first"

On page 26, line 24, after "act." insert "The deposits into the forward flexible account pursuant to (a) through (d) of this subsection must be prorated equally from the proceeds of each of the auctions occurring during each fiscal year."

On page 27, line 29, after "other" insert "linked"

On page 27, at the beginning of line 30, strike "with which it has a linkage agreement"

On page 27, line 32, after "(1)" strike "A" and insert "Facilities owned or operated by a"

On page 27, line 33, after "allowances" insert "for the covered emissions at those facilities"

On page 27, line 34, after "if the" strike "entity is" and insert "operations of the facility are"

On page 28, line 38, after "periods." strike "An entity" and insert "A facility"

On page 28, line 40, after "trade-exposed" strike "entity" and insert "facility"

On page 29, line 8, after "to" strike "an entity" and insert "a facility"

On page 29, line 10, after "the" strike "covered entity's" and insert "facility's"

On page 29, line 18, after "than" insert "when using"

On page 29, line 20, after "to the" insert "quantity of allowances resulting from using the"

On page 29, line 32, after "circumstances, the" strike "entity" and insert "facility"

On page 29, line 35, after "between" strike "an entity" and insert "a facility"

On page 31, line 7, after "trade-exposed" strike "entity" and insert "facility"

On page 31, beginning on line 31, after "to" strike "an entity" and insert "facilities"

On page 32, line 4, after "provided to" insert "facilities owned or operated by"

On page 40, line 7, after "in a" insert "linked"

On page 40, beginning on line 7, after "jurisdiction" strike all material through "understanding" on line 8

On page 40, line 37, after "has" strike "entered or proposes to enter a linkage agreement" and insert "linked"

On page 42, after line 2, insert the following:

"(7) Beginning in 2031, the limits established in subsection (3) of this section apply unless modified by rule as adopted by the department after a public consultation process."

On page 48, line 2, after "sequestration" insert "by protecting and planting trees"

On page 48, line 2, after "marine" insert "shorelines"

On page 48, at the beginning of line 3, strike "through forest management"

On page 53, line 27, after "has" strike "a linked agreement in effect" and insert "linked"

On page 54, line 7, after "for" insert "linked"

On page 54, beginning on line 7, after "jurisdictions" strike all material through "act" on line 8

Beginning on page 56, line 20, strike all of section 26

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Carlyle spoke in favor of adoption of the amendment.

Senator Rivers spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 558 by Senator Carlyle on page 1, line 14 to Substitute Senate Bill No. 5126.

The motion by Senator Carlyle carried and floor amendment no. 558 was adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 542 by Senator Wagoner be adopted:

On page 2, line 26, after "efforts" insert ", including efforts to expand telecommuting opportunities by expanding broadband access,"

On page 26, line 40, after "act." insert "Twenty-five percent of the expenditures from the forward flexible account must be used

for projects, programs, and activities that help the department of transportation provide for fiberoptic infrastructure in order to attain the state goal of providing high-speed broadband access to every Washington resident by 2028."

Senators Wagoner and Short spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 542 by Senator Wagoner on page 2, line 26 to Substitute Senate Bill No. 5126.

The motion by Senator Wagoner did not carry and floor amendment no. 542 was not adopted by voice vote.

#### MOTION

Senator Brown moved that the following floor amendment no. 546 by Senator Brown be adopted:

On page 2, line 39, after "program" insert "that includes auctions"

On page 24, line 30, after "auctions." insert "The contractor must be certified as a minority women business enterprise by the Washington state office of minority and women's business enterprises."

Senator Brown spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 546 by Senator Brown on page 2, line 39 to Substitute Senate Bill No. 5126.

The motion by Senator Brown did not carry and floor amendment no. 546 was not adopted by voice vote.

#### MOTION

Senator Ericksen moved that the following floor amendment no. 550 by Senator Ericksen be adopted:

On page 3, after line 28, insert the following:

"(7) This act shall not take effect unless it can be determined that this act, when combined with all other greenhouse gas emissions policies enacted by the state of Washington, will cause an average annual reduction of global greenhouse gas emissions totaling at least 0.2 percent."

Senators Ericksen, Short, Wagoner and Fortunato spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 550 by Senator Ericksen on page 3, line 28 to Substitute Senate Bill No. 5126.

The motion by Senator Ericksen did not carry and floor amendment no. 550 was not adopted by voice vote.

#### MOTION

Senator Ericksen moved that the following floor amendment no. 551 by Senator Ericksen be adopted:

On page 3, after line 28, insert the following:

"(7) This act shall not take effect until the People's Republic of China reduces its annual greenhouse gas emissions by at least 20 percent below its 2020 levels."

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

Senators Ericksen, Rivers and Short spoke in favor of adoption of the amendment.

Senators Carlyle and Salomon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 551 by Senator Ericksen on page 3, line 28 to Substitute Senate Bill No. 5126.

The motion by Senator Ericksen did not carry and floor amendment no. 551 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 554 by Senator Fortunato be adopted:

On page 3, after line 28, insert the following:

"(7) The department shall suspend the program if the legislature revises the state greenhouse gas emissions limits in RCW 70A.45.020 after the effective date of this section."

Senators Fortunato, Short and Ericksen spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 554 by Senator Fortunato on page 3, line 28 to Substitute Senate Bill No. 5126.

The motion by Senator Fortunato did not carry and floor amendment no. 554 was not adopted by voice vote.

#### MOTION

Senator King moved that the following floor amendment no. 549 by Senator King be adopted:

On page 3, beginning on line 33, after "equivalent." strike all material through "right." on line 34 and insert "An allowance is a property interest and the holder of an allowance may not be deprived of it without due process of law."

On page 24, at the beginning of line 20, strike all material through "right." and insert "An allowance is a property interest and the holder of an allowance may not be deprived of it without due process of law."

Senator King spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 549 by Senator King on page 3, line 33 to Substitute Senate Bill No. 5126.

The motion by Senator King did not carry and floor amendment no. 549 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 555 by Senator Fortunato be adopted:

On page 5, beginning on line 22, after "department" strike all material through "program" on line 24

On page 17, beginning on line 27, after "instruments" strike all material through "state" on line 28

Beginning on page 17, line 38, strike all of subsection (3)

On page 27, beginning on line 24, strike all of subsection (10)

On page 37, beginning on line 4, after "price" strike all material through "subsection" on line 9

On page 40, line 8, after "a" strike "linkage agreement or"

On page 40, beginning on line 36, after "70A.45.020" strike all material through "agreement" on line 37

Beginning on page 44, line 28, strike all of section 22

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 53, at the beginning of line 25, strike "~~((or))~~" and insert "or"

On page 53, beginning on line 25, after "agency" strike all material through "act" on line 28

On page 54, beginning on line 2, after "whenever" strike "~~((the))~~:"

(A) The and insert "the"

On page 54, beginning on line 5, after "gases" strike all material through "act" on line 8

On page 55, beginning on line 17, after "period" strike all material through "similar" on line 21

Senators Fortunato, Rivers and Padden spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 555 by Senator Fortunato on page 5, line 22 to Substitute Senate Bill No. 5126.

The motion by Senator Fortunato did not carry and floor amendment no. 555 was not adopted by voice vote.

#### MOTION

Senator Rivers moved that the following floor amendment no. 567 by Senator Rivers be adopted:

On page 8, beginning on line 32, strike all of subsection (36)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 10, line 30, after "parties" strike "," and insert "and"

On page 10, line 30, after "entities" strike ", and general market participants"

On page 10, line 33, after "covered entity" strike "," and insert "or"

On page 10, beginning on line 33, after "opt-in entity" strike ", or general market participant"

On page 23, beginning on line 25, strike all of subsection (4)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 23, beginning on line 30, after "entities" strike "or general market participants"

On page 24, beginning on line 12, strike all of subsection (8)

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 24, line 34, after "covered entities" strike "," and insert "and"

On page 24, beginning on line 34, after "opt-in entities" strike ", and general market participants"

On page 25, beginning on line 23, strike all of subsection (b)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senator Rivers spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 567 by Senator Rivers on page 8, line 32 to Substitute Senate Bill No. 5126.

The motion by Senator Rivers did not carry and floor amendment no. 567 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 560 by Senator Short be adopted:

On page 18, line 26, after "2025." strike all material through "emergency." on line 29

Senators Short and Wagoner spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 560 by Senator Short on page 18, line 26 to Substitute Senate Bill No. 5126.

The motion by Senator Short did not carry and floor amendment no. 560 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 572 by Senator Braun be adopted:

On page 19, after line 31, insert the following:

"(5) The program terminates December 1, 2038, unless the legislature reauthorizes the program with subsequent legislation."

Senator Braun spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 572 by Senator Braun on page 19, line 31 to Substitute Senate Bill No. 5126.

The motion by Senator Braun did not carry and floor amendment no. 572 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 676 by Senator Short be adopted:

On page 19, after line 31, insert the following:

"(5) Beginning with the effective date of this section, any rule adopted or amended under the authority of this section expires June 30th of the year following adoption unless the legislature by bill acts to postpone the expiration."

Senator Short spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 676 by Senator Short on page 19, line 31 to Substitute Senate Bill No. 5126.

The motion by Senator Short did not carry and floor amendment no. 676 was not adopted by voice vote.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SENATE BILL NO. 5015,
- SENATE BILL NO. 5016,
- SENATE BILL NO. 5018,
- and SENATE BILL NO. 5046.

MOTION

Senator Short moved that the following floor amendment no. 561 by Senator Short be adopted:

On page 20, line 7, after "equivalent" insert ", except that a first jurisdictional deliverer that is required to comply with the Washington clean energy transformation act, chapter 19.405 RCW, is not a covered entity"

Senators Short and Ericksen spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 561 by Senator Short on page 20, line 7 to Second Substitute Senate Bill No. 5126.

The motion by Senator Short did not carry and floor amendment no. 561 was not adopted by voice vote.

MOTION

On motion of Senator Wagoner, Senator McCune was excused.

MOTION

Senator Fortunato moved that the following floor amendment no. 556 by Senator Fortunato be adopted:

On page 20, line 11, after "oxidation" insert ", except that a supplier of fossil fuel other than natural gas is not a covered entity if the 67th legislature enacts chapter . . . (Engrossed Third Substitute House Bill No. 1091), Laws of 2021"

Senators Fortunato and Rivers spoke in favor of adoption of the amendment.

Senators Carlyle and Salomon spoke against adoption of the amendment.

REMARKS BY THE PRESIDENT

President Heck: "Senator Salomon, the President would like to respectfully request that you please don your sport jacket."

Senator Salomon: "That's funny. It's actually on. I'll move out of the sun."

President Heck: "My apologies."

Senator Salomon continued his remarks.

Senators Wagoner and Ericksen spoke in favor of the adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 556 by Senator Fortunato on page 20, line 11 to Second Substitute Senate Bill No. 5126.

The motion by Senator Fortunato did not carry and floor amendment no. 556 was not adopted by voice vote.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SUBSTITUTE SENATE BILL NO. 5068,
- SENATE BILL NO. 5106,
- SENATE BILL NO. 5184,
- SUBSTITUTE SENATE BILL NO. 5228,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5284.

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

MOTION

Senator Rivers moved that the following floor amendment no. 568 by Senator Rivers be adopted:

On page 21, line 35, after "entities." insert "Whenever a covered entity ceases to be a covered entity, the department shall notify the legislature of the name of the entity and the reason the entity is no longer a covered entity."

Senators Rivers and Carlyle spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 568 by Senator Rivers on page 21, line 35 to Second Substitute Senate Bill No. 5126.

The motion by Senator Rivers carried and floor amendment no. 568 was adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 677 by Senator Warnick be adopted:

On page 23, after line 4, insert the following:  
 "(9) Beginning with the effective date of this section, any rule adopted or amended under the authority of this section expires June 30th of the year following adoption unless the legislature by bill acts to postpone the expiration."

Senators Warnick, Wagoner, Muzzall and Wilson, L. spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 677 by Senator Warnick on page 23, line 4 to Second Substitute Senate Bill No. 5126.

The motion by Senator Warnick did not carry and floor amendment no. 677 was not adopted by voice vote.

MOTION

Senator Wilson, J. moved that the following floor amendment no. 543 by Senator Wilson, J. be adopted:

On page 24, line 11, after "rule." insert "Information about the contents of each holding account, including but not limited to the number of allowances in the account, must be displayed on a regularly maintained and searchable public website established and updated by the department."

Senators Wilson, J. and Carlyle spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 543 by Senator Wilson, J. on page 24, line 11 to Second Substitute Senate Bill No. 5126.

The motion by Senator Wilson, J. carried and floor amendment no. 543 was adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 562 by Senator Short be adopted:

On page 24, after line 15, insert the following:

"(10) The department shall maintain a public roster of all covered entities, opt-in entities, and general market participants on the department's public website."

Senators Short and Carlyle spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 562 by Senator Short on page 24, line 15 to Second Substitute Senate Bill No. 5126.

The motion by Senator Short carried and floor amendment no. 562 was adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 678 by Senator Warnick be adopted:

On page 24, after line 15, insert the following:

"(10) Beginning with the effective date of this section, any rule adopted or amended under the authority of this section expires June 30th of the year following adoption unless the legislature by bill acts to postpone the expiration."

Senator Warnick spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 678 by Senator Warnick on page 24, line 15 to Second Substitute Senate Bill No. 5126.

The motion by Senator Warnick did not carry and floor amendment no. 678 was not adopted by voice vote.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SUBSTITUTE SENATE BILL NO. 5152
- SENATE BILL NO. 5303,
- ENGROSSED SENATE BILL NO. 5356
- SENATE BILL NO. 5385
- SUBSTITUTE SENATE BILL NO. 5425
- SENATE BILL NO. 5431

MOTION

Senator Short moved that the following floor amendment no. 563 by Senator Short be adopted:

On page 26, beginning on line 33, after "in the" strike "state treasury" and insert "motor vehicle fund"

Senators Short and Rivers spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 563 by Senator Short on page 26, line 33 to Second Substitute Senate Bill No. 5126.

The motion by Senator Short did not carry and floor amendment no. 563 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 681 by Senator Braun be adopted:

On page 27, after line 30, insert the following:

"(11) Beginning with the effective date of this section, any rule adopted or amended under the authority of this section expires June 30th of the year following adoption unless the legislature by bill acts to postpone the expiration."

Senators Braun and Ericksen spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 681 by Senator Braun on page 35, line 6 to Second Substitute Senate Bill No. 5126.

The motion by Senator Braun did not carry and floor amendment no. 681 was not adopted by voice vote.

#### MOTION

Senator Muzzall moved that the following floor amendment no. 531 by Senator Muzzall be adopted:

On page 28, at the beginning of line 30, strike "and"

On page 28, line 33, after "324199" insert "; and"

(n) Cattle feedlots, North American industry classification system code 112112"

Senator Muzzall spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 531 by Senator Muzzall on page 28, line 30 to Second Substitute Senate Bill No. 5126.

The motion by Senator Muzzall did not carry and floor amendment no. 531 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 544 by Senator Padden be adopted:

Beginning on page 28, line 34, strike all of subsection (2)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senators Padden and Ericksen spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 544 by Senator Padden on page 28, line 34 to Second Substitute Senate Bill No. 5126.

The motion by Senator Padden did not carry and floor amendment no. 544 was not adopted by voice vote.

#### MOTION

Senator Mullet moved that the following floor amendment no. 569 by Senator Mullet be adopted:

On page 29, line 30, after "(ii)" strike all material through "periods." on line 39 and insert "If an emissions-intensive and trade-exposed facility is not able to feasibly determine a carbon intensity benchmark based on its unique circumstances, the entity may elect to use a mass-based baseline that does not vary based on changes in production volumes. For each year during the first four-year compliance period that begins January 1, 2023, these facilities must be awarded no cost allowances equal to 100 percent of the facility's mass-based baseline. For each year during the second four-year compliance period that begins January 1, 2027, these facilities must be awarded no cost allowances equal

to 97 percent of the facility's mass-based baseline. For each year during the third compliance period that begins January 1, 2031, these facilities must be awarded no cost allowances equal to 94 percent of the facility's mass-based baseline. Except as provided in (b)(iii) of this subsection, if a facility elects to use a mass-based baseline, it may not later convert to a carbon intensity benchmark during the first three compliance periods.

(iii) A facility with a North American industry classification system code beginning with 3364 that is utilizing a mass-based baseline in (b)(ii) of this subsection must receive an additional no cost allowance allocation under this section in order to accommodate an increase in production that increases its emissions above the baseline on a basis equivalent in principle to those awarded to entities utilizing a carbon intensity benchmark pursuant to this subsection (3)(b). The department shall establish methods to award, for any annual period, additional no cost allowance allocations under this section and, if appropriate based on projected production, to achieve a similar ongoing result through the adjustment of the facility's mass-based baseline. An eligible facility under this subsection that has elected to use a mass-based baseline may not convert to a carbon intensity benchmark until the next compliance period."

On page 31, line 40, after "2031." insert "The department shall provide a recommendation to the legislature for the adoption of an annual allocation for a covered facility for its process emissions, separate from emissions associated with energy or heat production, based on a best available technology limitation."

Senators Mullet and Carlyle spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 569 by Senator Mullet on page 29, line 30 to Second Substitute Senate Bill No. 5126.

The motion by Senator Mullet carried and floor amendment no. 569 was adopted by voice vote.

#### MOTION

Senator Ericksen moved that the following floor amendment no. 552 by Senator Ericksen be adopted:

On page 32, after line 37, insert the following:

"(7) A covered entity may not transfer the allocation of no cost allowances to a compliance account for a separate division, facility, or other subentity of the same company."

Senators Ericksen, Wilson, J., Wagoner and Muzzall spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 552 by Senator Ericksen on page 32, line 37 to Second Substitute Senate Bill No. 5126.

The motion by Senator Ericksen did not carry and floor amendment no. 552 was not adopted by voice vote.

#### MOTION

Senator Braun moved that the following floor amendment no. 682 by Senator Braun be adopted:

On page 32, after line 37, insert the following:

"(7) Beginning with the effective date of this section, any rule adopted or amended under the authority of this section expires June 30th of the year following adoption unless the legislature by bill acts to postpone the expiration."

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

Senators Braun, Short, and Schoesler spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

REMARKS BY THE PRESIDENT

President Heck: "Senator Schoesler, I'm pretty sure it is not the visual in this instance. Sir, if you would be so kind as to don your sport jacket. It would be deeply appreciated."

Senator Schoesler continued his remarks.  
Senator Ericksen spoke in favor of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 682 by Senator Braun on page 32, line 37 to Second Substitute Senate Bill No. 5126.

The motion by Senator Braun did not carry and floor amendment no. 682 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 683 by Senator Braun be adopted:

On page 35, after line 6, insert the following:

"(9) Beginning with the effective date of this section, any rule adopted or amended under the authority of this section expires June 30th of the year following adoption unless the legislature by bill acts to postpone the expiration."

Senator Braun spoke in favor of adoption of the amendment.  
Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 683 by Senator Braun on page 35, line 6 to Second Substitute Senate Bill No. 5126.

The motion by Senator Braun did not carry and floor amendment no. 683 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 684 by Senator Braun be adopted:

On page 36, after line 37, insert the following:

"(5) Beginning with the effective date of this section, any rule adopted or amended under the authority of this section expires June 30th of the year following adoption unless the legislature by bill acts to postpone the expiration."

Senators Braun and Wagoner spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 684 by Senator Braun on page 36, line 37 to Second Substitute Senate Bill No. 5126.

The motion by Senator Braun did not carry and floor amendment no. 684 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 685 by Senator Braun be adopted:

On page 38, after line 5, insert the following:

"(6) Beginning with the effective date of this section, any rule adopted or amended under the authority of this section expires

June 30th of the year following adoption unless the legislature by bill acts to postpone the expiration."

Senator Braun spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 685 by Senator Braun on page 38, line 5 to Second Substitute Senate Bill No. 5126.

The motion by Senator Braun did not carry and floor amendment no. 685 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 686 by Senator Braun be adopted:

On page 39, after line 8, insert the following:

"(7) Beginning with the effective date of this section, any rule adopted or amended under the authority of this section expires June 30th of the year following adoption unless the legislature by bill acts to postpone the expiration."

Senator Braun spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, floor amendment no. 686 by Senator Braun on page 39, line 8 to Second Substitute Senate Bill No. 5126 was withdrawn.

MOTION

Senator Warnick moved that the following floor amendment no. 540 by Senator Warnick be adopted:

On page 41, after line 36, insert the following:

"(5) A wind energy facility may only generate eligible offset credits if the wind energy facility was subject to a local review process and not certified under chapter 80.50 RCW."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senators Warnick, Ericksen, Dozier, King, Braun, Padden and Schoesler spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 540 by Senator Warnick on page 41, line 36 to Second Substitute Senate Bill No. 5126.

The motion by Senator Warnick did not carry and floor amendment no. 540 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 687 by Senator Braun be adopted:

On page 42, after line 2, insert the following:

"(7) Beginning with the effective date of this section, any rule adopted or amended under the authority of this section expires June 30th of the year following adoption unless the legislature by bill acts to postpone the expiration."

Senators Braun and Short spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 687 by Senator Braun on page 42, line 2 to Second Substitute Senate Bill No. 5126.

The motion by Senator Braun did not carry and floor amendment no. 687 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 557 by Senator Fortunato be adopted:

On page 46, after line 15, insert the following:

"(5) A linkage agreement must be renewed every two years under a memorandum of understanding signed by the governor or supreme executive officer of each linked jurisdiction. The program must be suspended if a governor or supreme executive officer in a linked jurisdiction does not agree to renewal."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 557 by Senator Fortunato on page 46, line 15 to Second Substitute Senate Bill No. 5126.

The motion by Senator Fortunato did not carry and floor amendment no. 557 was not adopted by voice vote.

#### MOTION

Senator Short moved that the following floor amendment no. 679 by Senator Short be adopted:

On page 46, line 16, after "RULES." insert "(1)"

On page 46, after line 24, insert the following:

"(2) Beginning with the effective date of this section, any rule adopted or amended under the authority of this act expires June 30th of the year following adoption unless the legislature by bill acts to postpone the expiration."

Senators Short, Wilson, J., Braun and Muzzall spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 679 by Senator Short on page 46, line 16 to Second Substitute Senate Bill No. 5126.

The motion by Senator Short did not carry and floor amendment no. 679 was not adopted by voice vote.

#### MOTION

Senator Ericksen moved that the following floor amendment no. 553 by Senator Ericksen be adopted:

On page 47, line 4, after "individuals." insert "Expenditure decisions for the account may not be made on the basis of race, sex, color, ethnicity, or national origin."

Senators Ericksen and Fortunato spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 553 by Senator Ericksen on page 47, line 4 to Second Substitute Senate Bill No. 5126.

The motion by Senator Ericksen did not carry and floor amendment no. 553 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 541 by Senator Wagoner be adopted:

On page 50, after line 5, insert the following:

"(4) Moneys in the account may not be used for projects that involve the exercise of eminent domain."

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 541 by Senator Wagoner on page 50, line 5 to Second Substitute Senate Bill No. 5126.

The motion by Senator Wagoner did not carry and floor amendment no. 541 was not adopted by voice vote.

#### MOTION

Senator Braun moved that the following floor amendment no. 573 by Senator Braun be adopted:

On page 57, after line 11, insert the following:

"(7) The state shall issue all permits and any other similar approvals necessary to permit the Kalama manufacturing and marine export facility."

Senator Braun spoke in favor of adoption of the amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, floor amendment no. 573 by Senator Braun on page 57, line 11 to Second Substitute Senate Bill No. 5126 was withdrawn.

#### MOTION

Senator Short moved that the following floor amendment no. 564 by Senator Short be adopted:

On page 57, after line 27, insert the following:

"(3) All rule making authorized under this act must be conducted according to the standards for significant legislative rules provided in RCW 34.05.328."

Senators Short and Rivers spoke in favor of adoption of the amendment.

Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 564 by Senator Short on page 57, line 27 to Second Substitute Senate Bill No. 5126.

The motion by Senator Short did not carry and floor amendment no. 564 was not adopted by voice vote.

#### MOTION

Senator Short moved that the following floor amendment no. 565 by Senator Short be adopted:

On page 58, after line 32, insert the following:

"**NEW SECTION. Sec. 31.** (1) The department of ecology shall not enforce chapter 173-442 WAC.

(2) The department of ecology shall repeal: (a) Chapter 173-442 WAC; and (b) the associated amendments to chapter 173-441 WAC that were adopted for the purpose of aligning chapters 173-441 and 173-442 WAC."

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "creating" strike "a new section" and insert "new sections"

Senator Short spoke in favor of adoption of the amendment.  
 Senator Carlyle spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 565 by Senator Short on page 58, line 32 to Second Substitute Senate Bill No. 5126.

The motion by Senator Short did not carry and floor amendment no. 565 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 680 by Senator Braun be adopted:

On page 58, after line 32, insert the following:

**"NEW SECTION. Sec. 31.** The legislature finds that the manufacturing industry in Washington is an important source of jobs that pay significantly more than the average state wage. The legislature also finds that even prior to the coronavirus pandemic, the manufacturing industry had lost more than 43,000 jobs during the 21st century, while other leading Washington industries have collectively added hundreds of thousands of jobs. The legislature further finds that the coronavirus pandemic has exposed the detriments of limited manufacturing capacity at times when the people need a reliable supply of basic core products and goods.

It is the intent of the legislature to encourage a resurgence of manufacturing capacity in Washington and the creation of family-wage jobs by reducing the tax burden on the manufacturing industry. It is intended that sections 31 through 41 of this act will not only enhance the security of the public by promoting self-sufficiency, but also draw new industries to Washington.

**Sec. 32.** RCW 82.04.240 and 2004 c 24 s 4 are each amended to read as follows:

Upon every person engaging within this state in business as a manufacturer or processor for hire, except persons taxable as manufacturers or processors for hire under other provisions of this chapter; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including by-products, manufactured or processed, multiplied by the rate ~~((of 0.484 percent))~~ specified in section 40 of this act.

The measure of the tax is the value of the products, including by-products, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

**Sec. 33.** RCW 82.04.2404 and 2017 3rd sp.s. c 37 s 503 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing or processing for hire semiconductor materials, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or, in the case of processors for hire, equal to the gross income of the business, multiplied by the rate ~~((of 0.275 percent))~~ specified in section 40 of this act.

(2) For the purposes of this section "semiconductor materials" means silicon crystals, silicon ingots, raw polished semiconductor wafers, and compound semiconductor wafers.

~~(3) ((A person reporting under the tax rate provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.~~

~~(4) Any person who has claimed the preferential tax rate under this section must reimburse the department for fifty percent of the amount of the tax preference under this section, if:~~

~~(a) The number of persons employed by the person claiming the tax preference is less than ninety percent of the person's three-year employment average for the three years immediately preceding the year in which the preferential tax rate is claimed; or~~

~~(b) The person is subject to a review under section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess. and such person does not meet performance criteria in section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess.~~

~~(5))~~ This section expires December 1, 2028.

**Sec. 34.** RCW 82.04.260 and 2020 c 165 s 3 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate ~~((of 0.138 percent))~~ specified in section 40 of this act;

(b) Beginning July 1, 2025, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured multiplied by the rate specified in section 40 of this act or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c)(i) Except as provided otherwise in (c)(iii) of this subsection, from July 1, 2025, until January 1, 2036, dairy products; or selling dairy products that the person has manufactured to purchasers who either transport in the ordinary course of business the goods out of state or purchasers who use such dairy products as an ingredient or component in the manufacturing of a dairy product; as to such persons the tax imposed is equal to the value of the products manufactured multiplied by the rate specified in section 40 of this act or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(ii) For the purposes of this subsection (1)(c), "dairy products" means:

(A) Products, not including any marijuana-infused product, that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products, such as whey and casein; and

(B) Products comprised of not less than ~~((seventy))~~ 70 percent dairy products that qualify under (c)(ii)(A) of this subsection, measured by weight or volume.

(iii) The preferential tax rate provided to taxpayers under this subsection (1)(c) does not apply to sales of dairy products on or after July 1, 2023, where a dairy product is used by the purchaser as an ingredient or component in the manufacturing in Washington of a dairy product;

(d)(i) Beginning July 1, 2025, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or

vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured multiplied by the rate specified in section 40 of this act or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(ii) For purposes of this subsection (1)(d), "fruits" and "vegetables" do not include marijuana, useable marijuana, or marijuana-infused products; and

(e) Wood biomass fuel; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate ~~((of 0.138 percent))~~ specified in section 40 of this act. For the purposes of this section, "wood biomass fuel" means a liquid or gaseous fuel that is produced from lignocellulosic feedstocks, including wood, forest, or field residue and dedicated energy crops, and that does not include wood treated with chemical preservations such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate ~~((of 0.138 percent))~~ specified in section 40 of this act.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate ~~((of 0.138 percent))~~ specified in section 40 of this act.

(5)(a) Upon every person engaging within this state in the business of acting as a travel agent or tour operator and whose annual taxable amount for the prior calendar year was ~~((two hundred fifty thousand dollars))~~ \$250,000 or less; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(b) Upon every person engaging within this state in the business of acting as a travel agent or tour operator and whose annual taxable amount for the calendar year was more than ~~((two hundred fifty thousand dollars))~~ \$250,000; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent through June 30, 2019, and 0.9 percent beginning July 1, 2019.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with

respect to such business is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8)(a) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW ~~((43.145.010))~~ 70A.380.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees imposed under chapter ~~((43.200))~~ 70A.384 RCW, multiplied by the rate of 3.3 percent.

(b) If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through June 30, 2007;

(ii) 0.2904 percent beginning July 1, 2007, through March 31, 2020; ~~((and))~~

(iii) Beginning April 1, 2020, 0.484 percent, subject to any reduction required under (e) of this subsection (11). The tax rate in this subsection (11)(a)(iii) applies to ~~((and))~~ retailing and

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

wholesaling business activities described in this subsection (11)(a); and

(iv) Beginning October 1, 2021, the rate specified in section 40 of this act for manufacturing activities described in this subsection (11)(a).

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection (11) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.2904 percent through March 31, 2020; and

(ii) Beginning April 1, 2020, the following rates, which are subject to any reduction required under (e) of this subsection (11):

(A) The generally applicable rate under ~~((RCW 82.04.250(1)))~~ this chapter on the business of making retail or wholesale sales of tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes; and

(B) ~~((0.484))~~ 0.00 percent on all other business activities described in this subsection (11)(b) beginning October 1, 2021.

(c) For the purposes of this subsection (11), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d)(i) In addition to all other requirements under this title, a person reporting ~~((under the tax rate))~~ a preferential tax rate for retailing or wholesaling activities provided in this subsection (11) must file a complete annual tax performance report with the department under RCW 82.32.534. However, this requirement does not apply to persons reporting under the tax rate in (a)(iii) of this subsection (11), so long as that rate remains 0.484 percent, or under any of the tax rates in (b)(ii)(A) and (B) of this subsection (11), so long as those tax rates remain the rate imposed pursuant to RCW 82.04.250(1) and 0.484 percent, respectively.

(ii) Nothing in (d)(i) of this subsection (11) may be construed as affecting the obligation of a person reporting under a tax rate provided in this subsection (11) to file a complete annual tax performance report with the department under RCW 82.32.534: (A) Pursuant to another provision of this title as a result of claiming a tax credit or exemption; or (B) pursuant to (d)(i) of this subsection (11) as a result of claiming the tax rates in (a)(ii) or (b)(i) of this subsection (11) for periods ending before April 1, 2020.

(e)(i) After March 31, 2021, the tax rates under (a)(iii) and (b)(ii)(A) of this subsection (11) must be reduced to 0.357 percent for retailing and wholesaling activities provided the conditions in RCW 82.04.2602 are met. The effective date of the rates authorized under this subsection (11)(e) must occur on the first day of the next calendar quarter that is at least ~~((sixty))~~ 60 days after the department receives the last of the two written notices pursuant to RCW 82.04.2602 (3) and (4).

(ii) Both a significant commercial airplane manufacturer separately and the rest of the aerospace industry as a whole, receiving the rate of 0.357 percent under this subsection (11)(e) are subject to the aerospace apprenticeship utilization rates required under RCW 49.04.220 by April 1, 2026, or five years after the effective date of the 0.357 percent rate authorized under this subsection (11)(e), whichever is later, as determined by the department of labor and industries.

(iii) The provisions of RCW 82.32.805 and 82.32.808 do not apply to this subsection (11)(e).

(f)(i) Except as provided in (f)(ii) of this subsection (11), this subsection (11) does not apply on and after July 1, 2040.

(ii) With respect to ~~((the manufacturing of commercial airplanes or))~~ making sales, at retail or wholesale, of commercial airplanes, this subsection (11) does not apply on and after July 1st of the year in which the department makes a determination that any final assembly or wing assembly of any version or variant of a commercial airplane that is the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850 has been sited outside the state of Washington. This subsection (11)(f)(ii) only applies to the ~~((manufacturing or))~~ sale of commercial airplanes that are the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850. This subsection (11)(f)(ii) continues to apply during the time that a person is subject to the tax rate in (a)(iii) of this subsection (11).

(g) For the purposes of this subsection, "a significant commercial airplane manufacturer" means a manufacturer of commercial airplanes with at least ~~((fifty thousand))~~ 50,000 full-time employees in Washington as of January 1, 2021.

(12)(a) Until July 1, 2045, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and ~~((0.2904))~~ 0.00 percent from July 1, 2007, through June 30, 2045.

(b) Until July 1, 2045, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; (ii) timber products into other timber products or wood products; or (iii) products defined in RCW 19.27.570(1); as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and ~~((0.2904 percent))~~ the rate specified in section 40 of this act from July 1, 2007, through June 30, 2045.

(c) Until July 1, 2045, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; (iii) wood products manufactured by that person from timber or timber products; or (iv) products defined in RCW 19.27.570(1) manufactured by that person; as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, wood products, or products defined in RCW 19.27.570(1) multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and ~~((0.2904))~~ 0.00 percent from July 1, 2007, through June 30, 2045.

(d) Until July 1, 2045, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection (12)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within ~~((thirty))~~ 30 months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than ~~(fifty)~~ 50 percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection (12)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection (12) must file a complete annual tax performance report with the department under RCW 82.32.534.

(g) Nothing in this subsection (12) may be construed to affect the taxation of any activity defined as a retail sale in RCW 82.04.050(2) (b) or (c), defined as a wholesale sale in RCW 82.04.060(2), or taxed under RCW 82.04.280(1)(g).

(13) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(14)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.35 percent until July 1, 2024, and 0.484 percent thereafter.

(b) A person reporting under the tax rate provided in this subsection (14) must file a complete annual tax performance report with the department under RCW 82.32.534.

**Sec. 35.** RCW 82.04.2909 and 2017 c 135 s 12 are each amended to read as follows:

(1) Upon every person who is an aluminum smelter engaging within this state in the business of manufacturing aluminum; as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate ~~((of .2904 percent))~~ specified in section 40 of this act.

(2) Upon every person who is an aluminum smelter engaging within this state in the business of making sales at wholesale of aluminum manufactured by that person, as to such persons the amount of tax with respect to such business is equal to the gross proceeds of sales of the aluminum multiplied by the rate of .2904 percent.

(3) A person reporting under the tax rate provided in subsection (2) of this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(4) This section expires January 1, 2027.

**Sec. 36.** RCW 82.04.294 and 2017 3rd sp.s. c 37 s 403 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing solar energy systems using photovoltaic modules or stirling converters, or of manufacturing solar grade silicon, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers to be used exclusively in components of such systems; as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate ~~((of 0.275 percent))~~ specified in section 40 of this act.

(2) Upon every person engaging within this state in the business of making sales at wholesale of solar energy systems using photovoltaic modules or stirling converters, or of solar grade silicon, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers to be used exclusively in components of such systems, manufactured by that person; as to such persons the amount of tax with respect to such business is equal to the gross proceeds of sales of the solar energy systems using photovoltaic modules or stirling converters, or of the solar grade silicon to be used exclusively in components of such systems, multiplied by the rate of 0.275 percent.

(3) Silicon solar wafers, silicon solar cells, thin film solar devices, solar grade silicon, or compound semiconductor solar wafers are "semiconductor materials" for the purposes of RCW 82.08.9651 and 82.12.9651.

(4) The definitions in this subsection apply throughout this section.

(a) "Compound semiconductor solar wafers" means a semiconductor solar wafer composed of elements from two or more different groups of the periodic table.

(b) "Module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

(c) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

(d) "Silicon solar cells" means a photovoltaic cell manufactured from a silicon solar wafer.

(e) "Silicon solar wafers" means a silicon wafer manufactured for solar conversion purposes.

(f) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

(g) "Solar grade silicon" means high-purity silicon used exclusively in components of solar energy systems using photovoltaic modules to capture direct sunlight. "Solar grade silicon" does not include silicon used in semiconductors.

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

(h) "Stirling converter" means a device that produces electricity by converting heat from a solar source utilizing a stirling engine.

(i) "Thin film solar devices" means a nonparticipating substrate on which various semiconducting materials are deposited to produce a photovoltaic cell that is used to generate electricity.

(5) A person reporting under the tax rate provided in subsection (2) of this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(6) This section expires July 1, 2027.

**Sec. 37.** RCW 82.04.280 and 2019 c 449 s 1 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of: (a) Printing materials other than newspapers, and of publishing periodicals or magazines; (b) building, repairing or improving any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (c) extracting for hire ~~((or processing for hire))~~, except persons taxable as extractors for hire ~~((or processors for hire))~~ under another section of this chapter; (d) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (e) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of chapter 48.17 RCW; (f) radio and television broadcasting, but excluding revenues from network, national, and regional advertising computed either: (i) As a standard deduction that the department must publish by rule by September 30, 2020, and by September 30th of every fifth year thereafter, based on the national average thereof as reported by the United States census bureau's economic census; or (ii) in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the broadcasting station's total audience as measured by the .5 millivolt/meter signal strength contour for AM radio, the one millivolt/meter or ~~((sixty))~~ 60 dBU signal strength contour for FM radio, the ~~((twenty-eight))~~ 28 dBU signal strength contour for television channels two through six, the ~~((thirty-six))~~ 36 dBU signal strength contour for television channels seven through ~~((thirteen))~~ 13, and the ~~((forty-one))~~ 41 dBU signal strength contour for television channels ~~((fourteen))~~ 14 through ~~((sixty-nine))~~ 69 with delivery by wire, satellite, or any other means, if any; (g) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.484 percent.

(2) For the purposes of this section, the following definitions apply unless the context clearly requires otherwise.

(a) "Cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

(b) "Storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

(c) "Periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

**Sec. 38.** RCW 82.32.790 and 2019 c 449 s 2 are each amended to read as follows:

(1)(a) Section ~~((2))~~ 1, chapter 449, Laws of 2019, sections 510, 512, 514, 516, ~~((518,))~~ 520, 522, and 524, chapter 37, Laws of 2017 3rd sp. sess., sections ~~((9,))~~ 13, 17, 22, 24, 30, 32, and 45, chapter 135, Laws of 2017, sections ~~((104,))~~ 110, 117, 123, 125, 129, 131, and 150, chapter 114, Laws of 2010, and sections 1, 2, ~~((3,))~~ and 5 through 10, chapter 149, Laws of 2003 are contingent upon the siting and commercial operation of a significant semiconductor microchip fabrication facility in the state of Washington by January 1, 2024.

(b) For the purposes of this section:

(i) "Commercial operation" means the same as "commencement of commercial production" as used in RCW 82.08.965.

(ii) "Semiconductor microchip fabrication" means "manufacturing semiconductor microchips" as defined in RCW 82.04.426.

(iii) "Significant" means the combined investment of new buildings and new machinery and equipment in the buildings, at the commencement of commercial production, will be at least ~~((one billion dollars))~~ \$1,000,000,000.

(2) The sections referenced in subsection (1) of this section take effect the first day of the month in which a contract for the construction of a significant semiconductor fabrication facility is signed, if the contract is signed and received by January 1, 2024, as determined by the director of the department of revenue.

(3)(a) The department of revenue must provide notice of the effective date of the sections referenced in subsection (1) of this section to affected taxpayers, the legislature, and others as deemed appropriate by the department.

(b) If, after making a determination that a contract has been signed and the sections referenced in subsection (1) of this section are effective, the department discovers that commencement of commercial production did not take place within three years of the date the contract was signed, the department must make a determination that chapter 149, Laws of 2003 is no longer effective, and all taxes that would have been otherwise due are deemed deferred taxes and are immediately assessed and payable from any person reporting tax under RCW 82.04.240~~((2))~~ or claiming an exemption or credit under RCW 82.04.426, 82.04.448, 82.08.965, 82.12.965, 82.08.970, 82.12.970, or 84.36.645. The department is not authorized to make a second determination regarding the effective date of the sections referenced in subsection (1) of this section.

(4)(a) This section expires January 1, 2024, if the contingency in subsection (2) of this section does not occur by January 1, 2024, as determined by the department.

(b) The department must provide written notice of the expiration date of this section and the sections referenced in

subsection (1) of this section to affected taxpayers, the legislature, and others as deemed appropriate by the department.

NEW SECTION. Sec. 39. 2017 3rd sp.s. c 37 s 518, 2017 c 135 s 9, 2010 c 114 s 104, & 2003 c 149 s 3 are each repealed.

NEW SECTION. Sec. 40. A new section is added to chapter 82.04 RCW to read as follows:

The following rates apply to manufacturing and processing for hire activities:

(1) Beginning October 1, 2021, 80 percent of the rate otherwise required under the applicable provision of law;

(2) Beginning July 1, 2022, 60 percent of the rate otherwise required under the applicable provision of law;

(3) Beginning July 1, 2023, 40 percent of the rate otherwise required under the applicable provision of law;

(4) Beginning July 1, 2024, 20 percent of the rate otherwise required under the applicable provision of law; and

(5) Beginning July 1, 2025, 0 percent of the rate otherwise required under the applicable provision of law.

NEW SECTION. Sec. 41. Sections 31 through 40 of this act take effect October 1, 2021."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, beginning on line 2 of the title, after "amending RCW" strike all material through "date." on line 4 and insert "70A.15.2200, 43.88.055, 82.04.240, 82.04.2404, 82.04.260, 82.04.2909, 82.04.294, 82.04.280, and 82.32.790; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70A RCW; creating new sections; repealing 2017 3rd sp.s. c 37 s 518, 2017 c 135 s 9, 2010 c 114 s 104, and 2003 c 149 s 3; prescribing penalties; providing an effective date; and providing a contingent effective date."

Senator Braun spoke in favor of adoption of the amendment.

#### POINT OF ORDER

Senator Liias: "Mr. President, I believe that amendment no. 680 exceeds the scope and object of the bill before us."

Senator Liias spoke for the motion to declare the amendment out of order.

Senator Braun spoke against the motion to declare the amendment out of order.

#### RULING BY THE PRESIDENT

President Heck: "The President will be releasing a written ruling with respect to Senator Liias' scope and object request later, but the President is ready to make a ruling. The President finds the amendment author's argument that it is within the object of the bill to be persuasive. The object of the bill is to reduce CO<sub>2</sub> emissions on a global basis and efforts to reduce leakage would serve that purpose or arguably could. The President further finds however, that the issues associated with the scope of the bill are problematic if not highly problematic. Namely there are no provisions relating to tax mitigation within the bill itself to begin with. And moreover, the proposed phase-out of the B&O tax on manufacturing would apply frankly mostly to businesses that are not even covered entities within the bill as written. Therefore, the President of the Senate finds the amendment beyond the scope and object of the bill."

#### MOTION

Senator Braun moved that the following striking floor amendment no. 571 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

#### "PART I

#### IMPOSING A CARBON POLLUTION TAX TO PROVIDE INDIVIDUAL AND BUSINESS TAX RELIEF, MITIGATE CLIMATE RISK, AND STABILIZE TRANSPORTATION FUNDING

NEW SECTION. Sec. 1. This act establishes a carbon pollution tax to account for a significant share of the economic and environmental impacts of greenhouse gas emissions. The legislature intends to offset the tax burden imposed on Washingtonians from this tax by providing individual and business tax relief as identified in this act, including state property tax relief for homeowners, eliminating the business and occupation tax on manufacturing, and implementing the working families tax credit. The legislature also intends to provide a 21st century transportation system by dedicating the sales tax on vehicle sales to the transportation budget to finance transit and highway improvements to enhance the quality of life for all Washingtonians.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aircraft fuel" has the same meaning as provided in RCW 82.42.010.

(2) "Carbon calculation" means a calculation made by the department of ecology, in consultation with the department of commerce, for purposes of determining the carbon dioxide emissions from the complete combustion or oxidation of fossil fuels for use in calculating the carbon pollution tax pursuant to section 3 of this act. The carbon calculation also includes the life-cycle analysis of emissions associated with these fuels determined under section 3 of this act.

(3) "Carbon dioxide equivalent" means a metric measure used to compare the emissions from various greenhouse gases based on their global warming potential.

(4) "Carbon pollution tax" means the tax created in section 3 of this act.

(5) "Coal" means a readily combustible rock of carbonaceous material, including anthracite coal, bituminous coal, subbituminous coal, lignite, waste coal, syncopal, and coke of any kind.

(6) "Department" means the department of revenue.

(7) "Direct access gas customer" means a person who purchases natural gas for consumption from any seller other than a seller registered with the department for purposes of paying taxes due under chapter 82.04 or 82.16 RCW.

(8) "Facility" means any physical property, plant, building, structure, source, or stationary equipment located on one or more contiguous or adjacent properties in actual physical contact or separated solely by a public roadway or other public right-of-way and under common ownership or common control, that emits or may emit any greenhouse gas.

(9) "Fossil fuel" means motor vehicle fuel, special fuel, dyed special fuel, aircraft fuel, natural gas, coal, and any form of solid, liquid, or gaseous fuel derived from natural gas, coal, petroleum, or crude oil, including without limitation still gas, propane, and petroleum residuals including bunker fuel.

(10) "Gas distribution business" has the same meaning as provided in RCW 82.16.010.

(11) "Greenhouse gas" means carbon dioxide, methane, nitrogen trifluoride, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, perfluorocarbons, and other fluorinated greenhouse gases.

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

(12) "Highly impacted community" has the same meaning as defined in RCW 19.405.020.

(13) "Motor vehicle fuel" has the same meaning as provided in RCW 82.38.020.

(14) "Natural gas" means naturally occurring mixtures of hydrocarbon gases and vapors consisting principally of methane, whether in gaseous or liquid form, including methane clathrate.

(15) "Person" has the same meaning as provided in RCW 82.04.030.

(16) "Sale" has the same meaning as provided in RCW 82.04.040.

(17) "Special fuel" has the same meaning as provided in RCW 82.38.020.

(18) "Taxpayer" means a person subject to the carbon pollution tax created in section 3 of this act.

(19) "Tribal lands" has the same meaning as "Indian country" as provided in 18 U.S.C. Sec. 1151, and also includes sacred sites, traditional cultural properties, burial grounds, and other tribal sites protected by federal or state law.

(20)(a) "Use," "used," "using," or "put to use" means, with respect to any fossil fuel other than natural gas, the consumption in this state of the fossil fuel by the taxpayer or the possession or storage in this state of the fossil fuel by the taxpayer preparatory to subsequent consumption of the fossil fuel within this state by the taxpayer.

(b) "Use," "used," "using," or "put to use" means, with respect to natural gas, the consumption in this state of the fossil fuel by the taxpayer.

(c) For the purposes of this subsection, "possession" means the control of fossil fuel located within this state and includes either actual or constructive possession, or both. "Actual possession" occurs when the person with control has physical possession. "Constructive possession" occurs when the person with control does not have physical possession. "Control" means the power to sell or use a fossil fuel or to authorize the sale or use by another.

(21) "Vulnerable populations" has the same meaning as defined in RCW 19.405.020.

(22) "Year" means the 12-month period commencing January 1st and ending December 31st unless otherwise specified.

**NEW SECTION. Sec. 3.** (1)(a) Beginning July 1, 2022, a carbon pollution tax is imposed on the sale or use within this state of all fossil fuels, except fossil fuels used to generate electricity in the state.

(b) The measure of the carbon pollution tax is the carbon dioxide equivalent emissions:

(i) Resulting from the complete combustion or oxidation of fossil fuels sold or used by the taxpayer within this state; and

(ii) For the purposes of measuring the tax rate under subsection (2) of this section only, from the entire life cycle of the fossil fuel.

(2) The tax rate as of July 1, 2022, is equal to \$15.00 per metric ton of greenhouse gas emissions. The tax rate automatically increases annually each July 1st thereafter by five percent each year and is adjusted for inflation using the consumer price index.

(3) By January 1, 2031, the department of ecology shall make a determination of whether the sources of emissions covered by this tax are predicted to achieve their combined share of the emissions reductions necessary for the state to achieve the emissions limits established in RCW 70A.45.020. By January 1, 2031, the department of ecology must provide the legislature with a report detailing its determination with recommendations, pursuant to the tax and covered sources, for achieving the emissions limits established in RCW 70A.45.020.

(4) For the purposes of this chapter, the carbon pollution tax is imposed:

(a) Only once with respect to the same unit of fossil fuel;

(b) At the time and place of the first event within this state in which the tax is applicable, except as otherwise provided in this section, occurring on or after the effective date of this section, regardless of whether the fossil fuel was previously sold, used, or consumed within this state before the effective date of this section; and

(c) Upon the first person within this state upon which the tax would be applicable, except as otherwise provided in this section. Such a person includes:

(i) A person required to be registered with the department under RCW 82.32.030(1);

(ii) The state, its political subdivisions, and municipal corporations; and

(iii) A person who maintains a place of business in this state but who is not required to be registered with the department under RCW 82.32.030(1).

(5) As provided in this section, the carbon pollution tax on the sale or use of fossil fuels is imposed on the seller or user of the fossil fuel.

(6) The carbon pollution tax on the sale or use of natural gas is imposed as follows:

(a) Natural gas transported through the state that is not produced or delivered in the state is exempt from the carbon pollution tax imposed by this section. Natural gas possessed or stored in this state is exempt from the carbon pollution tax imposed by this section unless the tax is otherwise applicable under (b) or (c) of this subsection;

(b) For natural gas sold by a gas distribution business to a retail customer in the state, the carbon pollution tax is imposed on the gas distribution business upon the sale of such natural gas to the retail customer; and

(c) For natural gas sold to a direct access gas customer in the state, the carbon pollution tax is imposed on the direct access gas customer upon the consumption of such natural gas by the direct access gas customer.

(7) For motor vehicle fuel and special fuel, the carbon pollution tax is imposed on the seller or user of the fuel at the points of taxation specified in RCW 82.38.030(9).

(8)(a) The carbon pollution tax may not be applied to the sale or use of any fossil fuels or consumption of electricity upon which the tax under this chapter has been previously imposed.

(b) A sale of fossil fuel takes place in this state when the fossil fuel is delivered in this state to the purchaser or a person designated by the purchaser, notwithstanding any contract terms designating a location outside of this state as the place of sale.

(c) All sales subject to the tax within this state of a fossil fuel must document the amount of carbon pollution tax paid in accordance with rules adopted by the department.

(9) For purposes of determining the carbon pollution tax due under this chapter:

(a) The department must use the carbon calculation for all fossil fuels sold or used within the state, a calculation of the life-cycle emissions associated with the consumption in the state of transportation fuels;

(b) For fossil fuels, the department of ecology, in consultation with the department of commerce, must adopt by rule criteria for making the carbon calculation;

(c) The department of ecology may require additional information from sources as necessary, in consultation with the department of commerce, for determining the carbon calculation under this chapter.

(10) For taxpayers who are also subject to any of the taxes imposed under chapter 82.04, 82.08, 82.12, or 82.16 RCW, the frequency of reporting and payment of the carbon pollution tax must, to the extent practicable, coincide with a taxpayer's

reporting periods for the taxes imposed under chapter 82.04, 82.08, 82.12, or 82.16 RCW.

(11) The department must develop and make available worksheets, tax tables, and guidance documents it deems necessary to calculate the carbon dioxide emissions of fossil fuels.

(12) The first \$500,000,000 of carbon pollution tax proceeds collected under this section must be deposited in the forest resiliency account created in RCW 43.79. . . . (section 964, chapter . . . (Engrossed Substitute Senate Bill No. 5092), Laws of 2021) and must be used to implement the department of natural resources' forest health plan, as specified in chapter 95, Laws of 2017. All remaining proceeds from the carbon pollution tax imposed under this section must be deposited in the state general fund.

**NEW SECTION. Sec. 4.** (1) The carbon pollution tax in section 3 of this act does not apply to:

(a) Fossil fuels brought into this state by means of the primary fuel supply tank of a motor vehicle, vessel, locomotive, or aircraft, actively supplying fuel for combustion upon entry into the state;

(b) Fossil fuels that the state is prohibited from imposing a tax under the state Constitution or the Constitution or laws of the United States;

(c)(i) Fossil fuels exported from this state. Export to Indian country located within the boundaries of this state is not considered export from this state. For purposes of this subsection, "Indian country" has the same meaning as provided in RCW 37.12.160.

(ii) An exporter of fossil fuels upon which another person previously paid the carbon pollution tax is entitled to a credit or refund of the tax paid, if the exporter can establish to the department's satisfaction that the tax under this chapter was previously paid on the exported fossil fuels. The person who paid the carbon pollution tax is not entitled to an exemption under this subsection (1)(c) when any other person is entitled to a refund or credit under this subsection (1)(c)(ii). For purposes of this subsection, "exporter" means a person who exports fossil fuels or electricity from this state;

(d) The sale or use of coal transition power as defined in RCW 80.80.010;

(e) Diesel fuel, biodiesel fuel, or aircraft fuel when these fuels are used solely for agricultural purposes by a farm fuel user, as defined in RCW 82.08.865;

(f) Biogas, which includes renewable liquid natural gas or liquid compressed natural gas made from biogas, landfill gas, biodiesel, renewable diesel, and cellulosic ethanol;

(g) Aircraft fuel as defined in RCW 82.42.010;

(h) The portion of fossil fuels purchased in the state and combusted outside the state by interstate motor carriers and vessels used primarily in interstate or foreign commerce. The department must provide a methodology by rule to apportion fossil fuels consumed inside the state of Washington by interstate motor carriers and vessels used primarily in interstate or foreign commerce;

(i) Activities or property of Indian tribes and individual Indians that are exempt from state imposition of a tax as a matter of federal law or state law, whether by statute, rule, or compact;

(j) Motor vehicle fuel or special fuel that is used exclusively for agricultural purposes by a farm fuel user. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department. For the purposes of this subsection (1)(j), "agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865; the department shall determine a method for expanding this exemption to include fuels used for the purpose of transporting

agricultural goods on public highways; the department shall maintain this expanded exemption for a period of five years, in order to provide the agricultural sector with a feasible transition period;

(k)(i) Motor vehicle fuel or special fuel that is used by the following: (A) Log transportation businesses; and (B) persons in the business of extracting timber. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department; the department shall determine a method for expanding this exemption to include fuels used for the purpose of transporting timber on public highways; the department shall maintain this expanded exemption for a period of five years, in order to provide the timber sector with a feasible transition period.

(ii) For the purposes of this subsection (1)(k), the following definitions apply: (A) "Log transportation business" has the same meaning as provided in RCW 82.16.010; and (B) "timber" means forest trees, standing or down, on privately owned or publicly owned land, and does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035; and

(l) Any fossil fuels consumed by an energy-intensive, trade-exposed business in a sector designated by department rules. By June 30, 2022, the department in consultation with the departments of commerce and ecology shall adopt rules to designate energy-intensive, trade-exposed industry sectors. By July 30, 2026, the department of ecology must provide a report to the appropriate committees of the senate and house of representatives on whether to restrict or eliminate this exemption identified in this subsection (1)(l). In developing the report, the department of ecology must solicit input and data from industry sectors and other interested persons. The report must include recommendations for alternatives that will minimize leakage, allow for growth of Washington industries, recognize and provide credit for early actions to reduce emissions, availability of alternative fuels, and incorporate performance benchmarking of emissions intensity in production processes.

(2)(a) For any fossil fuels subject to the carbon pollution tax imposed by section 3 of this act that are also subject to a comparable carbon pollution tax or charge on carbon content imposed by another jurisdiction, including the federal government or allowances required to be purchased by another jurisdiction, the entity may take a credit against the tax imposed under this chapter by the amount of the comparable pollution tax or charge paid to the other jurisdiction up to the amount of tax owed under this chapter, provided that the person claiming the credit provides evidence acceptable to the department that the equivalent tax has been paid.

(b) For the purposes of this section, a comparable carbon pollution tax or charge means a tax or charge that is not generally imposed on other activities or privileges that is:

(i) Imposed on the sale, use, possession, transfer, or consumption of fossil fuels; and

(ii) Measured in terms of greenhouse gas emissions by the greenhouse gas emissions resulting from the complete combustion or oxidation of such fossil fuels.

**NEW SECTION. Sec. 5.** The provisions of chapter 82.32 RCW apply to this chapter.

**NEW SECTION. Sec. 6.** This chapter may be known and cited as the Washington climate and economic relief act.

**NEW SECTION. Sec. 7.** Sections 1 through 6 of this act constitute a new chapter in Title 82 RCW.

**NEW SECTION. Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

remainder of the act or the application of the provision to other persons or circumstances is not affected.

**PART II**

**PROVIDING FINANCIAL RELIEF FOR WORKING FAMILIES**

**Sec. 9.** RCW 82.08.0206 and 2008 c 325 s 2 are each amended to read as follows:

(1) A working families' tax exemption, in the form of a remittance of tax due under this chapter and chapter 82.12 RCW, is provided to eligible low-income persons for sales taxes paid under this chapter after January 1, ~~((2008))~~ 2022.

(2) For purposes of the exemption in this section, ~~((an eligible low income person is))~~ the following definitions apply:

(a) ~~((An))~~ "Eligible low-income person" means an individual ~~((; or an individual and that individual's spouse if they file a federal joint income tax return;~~

~~((b) [An individual who] Who is))~~ who;

~~((i) Is eligible for~~ ~~((; and is granted;))~~ the credit provided in Title 26 U.S.C. Sec. 32; and

~~((c) [An individual who] Who properly))~~ (ii) Properly files a federal income tax return as a Washington resident, and has been a resident of the state of Washington more than one hundred eighty days of the year for which the exemption is claimed.

(b) "Income" means earned income as defined by Title 26 U.S.C. Sec. 32.

(c) "Individual" means an individual and that individual's spouse if they file a federal joint income tax return.

~~((3) ((For remittances made in 2009 and 2010, the working families' tax exemption for the prior year is a retail sales tax exemption equal to the greater of five percent of the credit granted as a result of Title 26 U.S.C. Sec. 32 in the most recent year for which data is available or twenty-five dollars. For 2011)) (a) For 2023 and thereafter, the working families' tax ((exemption)) remittance amount for the prior year is equal to the greater of ten percent of the credit granted as a result of Title 26 U.S.C. Sec. 32 in the most recent year for which data is available or fifty dollars.~~

(b) If the remittance for an eligible person as calculated in this section is greater than one cent, but less than \$50, the remittance amount is \$50.

~~((4) ((For any fiscal period, the working families' tax exemption authorized under this section shall be approved by the legislature in the state omnibus appropriations act before persons may claim the exemption during the fiscal period.~~

~~((5))~~ The working families' tax exemption shall be administered as provided in this subsection.

~~((a) An eligible low income person claiming an exemption under this section must pay the tax imposed under chapters 82.08, 82.12, and 82.14 RCW in the year for which the exemption is claimed. The eligible low income person may then apply to the department for the remittance as calculated under subsection (3) of this section.~~

(b) Application shall be made to the department in a form and manner determined by the department, but the department must provide alternative filing methods for applicants who do not have access to electronic filing.

(c) Application for the exemption remittance under this section must be made in the year following the year for which the federal return was filed, but in no case may any remittance be provided for any period before January 1, 2008. The department may use the best available data to process the exemption remittance. The department shall begin accepting applications October 1, 2009.

(d) The department shall review the application and determine eligibility for the working families' tax exemption based on information provided by the applicant and through audit and other

~~administrative records, including, when it deems it necessary, verification through internal revenue service data.~~

~~((e) The department shall remit the exempted amounts to eligible low income persons who submitted applications. Remittances may be made by electronic funds transfer or other means.~~

~~((f) The department may, in conjunction with other agencies or organizations, design and implement a public information campaign to inform potentially eligible persons of the existence of and requirements for this exemption.~~

~~((g) The department may contact persons who appear to be eligible low income persons as a result of information received from the internal revenue service under such conditions and requirements as the internal revenue service may by law require.~~

~~((6) The provisions of chapter 82.32 RCW apply to the exemption in this section.~~

~~((7) The department may adopt rules necessary to implement this section.~~

~~((8) The department shall limit its costs for the exemption program to the initial start up costs to implement the program. The state omnibus appropriations act shall specify funding to be used for the ongoing administrative costs of the program. These ongoing administrative costs include, but are not limited to, costs for: The processing of internet and mail applications, verification of application claims, compliance and collections, additional full-time employees at the department's call center, processing warrants, updating printed materials and web information, media advertising, and support and maintenance of computer systems.))~~

(a) The remittance paid under this section will be paid to eligible filers who apply pursuant to this subsection.

(i) Application must be made to the department in a form and manner determined by the department. If the application process is initially done electronically, the department must provide a paper application upon request. The application must include any information and documentation as required by the department.

(ii) Application for the remittance under this section must be made in the year following the year for which the federal return was filed, but in no case may any remittance be provided for any period before January 1, 2022. The department must use the eligible person's most recent federal tax filing to process the remittance.

(iii) A person may not claim an exemption on behalf of a deceased individual. No individual may claim an exemption under this section for any year in a disallowance period under Title 26 U.S.C. Sec. 32(k)(1) or for any year for which the individual is ineligible to claim the credit in Title 26 U.S.C. Sec. 32 by reason of Title 26 U.S.C. Sec. 32(k)(2).

(b) The department shall protect the privacy and confidentiality of personal data of remittance recipients in accordance with chapter 82.32 RCW.

(c) The department shall, in conjunction with other agencies or organizations, design and implement a public information campaign to inform potentially eligible persons of the existence of, and requirements for, this section.

(d) The department must work with the internal revenue service to administer the exemption on an automatic basis as soon as practicable.

(5) Receipt of the remittance under this section may not be used in eligibility determinations for any state income support programs or in making public charge determinations.

(6) The department may adopt rules necessary to implement this section. This includes establishing a date by which applications will be accepted, with the aim of accepting applications as soon as possible. The department may gather

necessary data through audit and other administrative records, including verification through internal revenue service data.

(7) The department must review the application and determine eligibility for the working families' tax exemption based on information provided by the applicant and through audit and other administrative records, including, when it deems it necessary, verification through internal revenue service data.

(8) If, upon review of internal revenue service data or other information obtained by the department, it appears that an individual received a remittance that the individual was not entitled to, or received a larger remittance than the individual was entitled to, the department may assess against the individual the overpaid amount. The department may also assess such overpaid amount against the individual's spouse if the remittance in question was based on both spouses filing a joint federal income tax return for the year for which the remittance was claimed.

(a) Interest as provided under RCW 82.32.050 applies to assessments authorized under this subsection (8). Except as otherwise provided in this subsection, penalties may not be assessed on amounts due under this subsection.

(b) If an amount due under this subsection is not paid in full by the date due, or the department issues a warrant for the collection of amounts due under this subsection, the department may assess the applicable penalties under RCW 82.32.090.

(c) If the department finds by clear, cogent, and convincing evidence that an individual knowingly submitted, caused to be submitted, or consented to the submission of, a fraudulent claim for remittance under this section, the department must assess a penalty of 50 percent of the overpaid amount. This penalty is in addition to any other applicable penalties assessed in accordance with (b) of this subsection (8).

(9) If, within the period allowed for refunds under RCW 82.32.060, the department finds that an individual received a lesser remittance than the individual was entitled to, the department must remit the additional amount due under this section to the individual.

(10) Interest does not apply to remittances provided under this act.

(11) For any fiscal period, the working families' tax exemption authorized under this section shall be approved by the legislature in the state omnibus appropriations act before persons may claim the exemption during the fiscal period.

NEW SECTION. Sec. 10. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

### PART III

## PROVIDING TAX RELIEF TO PRESERVE AEROSPACE AND OTHER MANUFACTURING JOBS IN WASHINGTON

NEW SECTION. Sec. 11. The legislature finds that the manufacturing industry in Washington is an important source of jobs that pay significantly more than the average state wage. The legislature also finds that even prior to the coronavirus pandemic, the manufacturing industry had lost more than 43,000 jobs during the 21st century, while other leading Washington industries have collectively added hundreds of thousands of jobs. The legislature further finds that the coronavirus pandemic has exposed the detriments of limited manufacturing capacity at times when the people need a reliable supply of basic core products and goods.

It is the intent of the legislature to encourage a resurgence of manufacturing capacity in Washington and the creation of family-wage jobs by reducing the tax burden on the manufacturing industry. It is intended that this act will not only enhance the security of the public by promoting self-sufficiency, but also draw new industries to Washington.

**Sec. 12.** RCW 82.04.240 and 2004 c 24 s 4 are each amended to read as follows:

Upon every person engaging within this state in business as a manufacturer or processor for hire, except persons taxable as manufacturers or processors for hire under other provisions of this chapter; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including by-products, manufactured or processed, multiplied by the rate of ~~((0.484))~~ 0.00 percent.

The measure of the tax is the value of the products, including by-products, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

**Sec. 13.** RCW 82.04.2404 and 2017 3rd sp.s. c 37 s 503 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing or processing for hire semiconductor materials, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or, in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of ~~((0.275))~~ 0.00 percent.

(2) For the purposes of this section "semiconductor materials" means silicon crystals, silicon ingots, raw polished semiconductor wafers, and compound semiconductor wafers.

~~(3) ((A person reporting under the tax rate provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.~~

~~(4) Any person who has claimed the preferential tax rate under this section must reimburse the department for fifty percent of the amount of the tax preference under this section, if:~~

~~(a) The number of persons employed by the person claiming the tax preference is less than ninety percent of the person's three-year employment average for the three years immediately preceding the year in which the preferential tax rate is claimed; or~~

~~(b) The person is subject to a review under section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess. and such person does not meet performance criteria in section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess.~~

~~(5))~~ This section expires December 1, 2028.

**Sec. 14.** RCW 82.04.260 and 2020 c 165 s 3 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of ~~((0.138))~~ 0.00 percent;

(b) Beginning July 1, 2025, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured multiplied by the rate of 0.00 percent or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c)(i) Except as provided otherwise in (c)(iii) of this subsection, from July 1, 2025, until January 1, 2036, dairy products; or selling dairy products that the person has manufactured to purchasers who either transport in the ordinary course of business the goods out of state or purchasers who use such dairy products as an

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

ingredient or component in the manufacturing of a dairy product; as to such persons the tax imposed is equal to the value of the products manufactured multiplied by the rate of 0.00 percent or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(ii) For the purposes of this subsection (1)(c), "dairy products" means:

(A) Products, not including any marijuana-infused product, that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products, such as whey and casein; and

(B) Products comprised of not less than ~~((seventy))~~ 70 percent dairy products that qualify under (c)(ii)(A) of this subsection, measured by weight or volume.

(iii) The preferential tax rate provided to taxpayers under this subsection (1)(c) does not apply to sales of dairy products on or after July 1, 2023, where a dairy product is used by the purchaser as an ingredient or component in the manufacturing in Washington of a dairy product;

(d)(i) Beginning July 1, 2025, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured multiplied by the rate of 0.00 percent or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(ii) For purposes of this subsection (1)(d), "fruits" and "vegetables" do not include marijuana, useable marijuana, or marijuana-infused products; and

(e) Wood biomass fuel; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of ~~((0.138))~~ 0.00 percent. For the purposes of this section, "wood biomass fuel" means a liquid or gaseous fuel that is produced from lignocellulosic feedstocks, including wood, forest, or field residue and dedicated energy crops, and that does not include wood treated with chemical preservations such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of ~~((0.138))~~ 0.00 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross

proceeds derived from such sales multiplied by the rate of ~~((0.138))~~ 0.00 percent.

(5)(a) Upon every person engaging within this state in the business of acting as a travel agent or tour operator and whose annual taxable amount for the prior calendar year was ~~((two hundred fifty thousand dollars))~~ \$250,000 or less; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(b) Upon every person engaging within this state in the business of acting as a travel agent or tour operator and whose annual taxable amount for the calendar year was more than ~~((two hundred fifty thousand dollars))~~ \$250,000; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent through June 30, 2019, and 0.9 percent beginning July 1, 2019.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8)(a) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW ~~((43.145.014))~~ 70A.380.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees imposed under chapter ~~((43.200))~~ 70A.384 RCW, multiplied by the rate of 3.3 percent.

(b) If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through June 30, 2007;

(ii) 0.2904 percent beginning July 1, 2007, through March 31, 2020; ~~(and)~~

(iii) Beginning April 1, 2020, 0.484 percent, subject to any reduction required under (e) of this subsection (11). The tax rate in this subsection (11)(a)(iii) applies to ~~((and))~~ retailing and wholesaling business activities described in this subsection (11)(a); and

(iv) Beginning January 1, 2022, 0.00 percent for manufacturing activities described in this subsection (11)(a).

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection (11) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.2904 percent through March 31, 2020; and

(ii) Beginning April 1, 2020, the following rates, which are subject to any reduction required under (e) of this subsection (11):

(A) The generally applicable rate under ~~((RCW 82.04.250(1)))~~ this chapter on the business of making retail or wholesale sales of tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes; and

(B) ~~((0.484))~~ 0.00 percent on all other business activities described in this subsection (11)(b) beginning January 1, 2022.

(c) For the purposes of this subsection (11), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d)(i) In addition to all other requirements under this title, a person reporting ~~((under the tax rate))~~ a preferential tax rate for retailing or wholesaling activities provided in this subsection (11) must file a complete annual tax performance report with the department under RCW 82.32.534. However, this requirement does not apply to persons reporting under the tax rate in (a)(iii) of this subsection (11), so long as that rate remains 0.484 percent, or under any of the tax rates in (b)(ii)(A) and (B) of this subsection

(11), so long as those tax rates remain the rate imposed pursuant to RCW 82.04.250(1) and 0.484 percent, respectively.

(ii) Nothing in (d)(i) of this subsection (11) may be construed as affecting the obligation of a person reporting under a tax rate provided in this subsection (11) to file a complete annual tax performance report with the department under RCW 82.32.534: (A) Pursuant to another provision of this title as a result of claiming a tax credit or exemption; or (B) pursuant to (d)(i) of this subsection (11) as a result of claiming the tax rates in (a)(ii) or (b)(i) of this subsection (11) for periods ending before April 1, 2020.

(e)(i) After March 31, 2021, the tax rates under (a)(iii) and (b)(ii)(A) of this subsection (11) must be reduced to 0.357 percent for retailing and wholesaling activities provided the conditions in RCW 82.04.2602 are met. The effective date of the rates authorized under this subsection (11)(e) must occur on the first day of the next calendar quarter that is at least ~~((sixty))~~ 60 days after the department receives the last of the two written notices pursuant to RCW 82.04.2602 (3) and (4).

(ii) Both a significant commercial airplane manufacturer separately and the rest of the aerospace industry as a whole, receiving the rate of 0.357 percent under this subsection (11)(e) are subject to the aerospace apprenticeship utilization rates required under RCW 49.04.220 by April 1, 2026, or five years after the effective date of the 0.357 percent rate authorized under this subsection (11)(e), whichever is later, as determined by the department of labor and industries.

(iii) The provisions of RCW 82.32.805 and 82.32.808 do not apply to this subsection (11)(e).

(f)(i) Except as provided in (f)(ii) of this subsection (11), this subsection (11) does not apply on and after July 1, 2040.

(ii) With respect to ~~((the manufacturing of commercial airplanes or))~~ making sales, at retail or wholesale, of commercial airplanes, this subsection (11) does not apply on and after July 1st of the year in which the department makes a determination that any final assembly or wing assembly of any version or variant of a commercial airplane that is the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850 has been sited outside the state of Washington. This subsection (11)(f)(ii) only applies to the ~~((manufacturing or))~~ sale of commercial airplanes that are the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850. This subsection (11)(f)(ii) continues to apply during the time that a person is subject to the tax rate in (a)(iii) of this subsection (11).

(g) For the purposes of this subsection, "a significant commercial airplane manufacturer" means a manufacturer of commercial airplanes with at least ~~((fifty thousand))~~ 50,000 full-time employees in Washington as of January 1, 2021.

(12)(a) Until July 1, 2045, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and ~~((0.2904))~~ 0.00 percent from July 1, 2007, through June 30, 2045.

(b) Until July 1, 2045, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; (ii) timber products into other timber products or wood products; or (iii) products defined in RCW 19.27.570(1); as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire,

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and ~~((0.2904))~~ 0.00 percent from July 1, 2007, through June 30, 2045.

(c) Until July 1, 2045, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; (iii) wood products manufactured by that person from timber or timber products; or (iv) products defined in RCW 19.27.570(1) manufactured by that person; as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, wood products, or products defined in RCW 19.27.570(1) multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and ~~((0.2904))~~ 0.00 percent from July 1, 2007, through June 30, 2045.

(d) Until July 1, 2045, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection (12)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within ~~((thirty))~~ 30 months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than ~~((fifty))~~ 50 percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection (12)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard,

and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection (12) must file a complete annual tax performance report with the department under RCW 82.32.534.

(g) Nothing in this subsection (12) may be construed to affect the taxation of any activity defined as a retail sale in RCW 82.04.050(2) (b) or (c), defined as a wholesale sale in RCW 82.04.060(2), or taxed under RCW 82.04.280(1)(g).

(13) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(14)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.35 percent until July 1, 2024, and 0.484 percent thereafter.

(b) A person reporting under the tax rate provided in this subsection (14) must file a complete annual tax performance report with the department under RCW 82.32.534.

**Sec. 15.** RCW 82.04.2909 and 2017 c 135 s 12 are each amended to read as follows:

(1) Upon every person who is an aluminum smelter engaging within this state in the business of manufacturing aluminum; as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of ~~((.2904))~~ 0.00 percent.

(2) Upon every person who is an aluminum smelter engaging within this state in the business of making sales at wholesale of aluminum manufactured by that person, as to such persons the amount of tax with respect to such business is equal to the gross proceeds of sales of the aluminum multiplied by the rate of .2904 percent.

(3) A person reporting under the tax rate provided in subsection (2) of this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(4) This section expires January 1, 2027.

**Sec. 16.** RCW 82.04.294 and 2017 3rd sp.s. c 37 s 403 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing solar energy systems using photovoltaic modules or stirling converters, or of manufacturing solar grade silicon, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers to be used exclusively in components of such systems; as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of ~~((0.275))~~ 0.00 percent.

(2) Upon every person engaging within this state in the business of making sales at wholesale of solar energy systems using photovoltaic modules or stirling converters, or of solar grade silicon, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers to be used exclusively in components of such systems, manufactured by that person; as to such persons the amount of tax with respect to such business is equal to the gross proceeds of sales of the solar energy systems using photovoltaic modules or stirling converters, or of

the solar grade silicon to be used exclusively in components of such systems, multiplied by the rate of 0.275 percent.

(3) Silicon solar wafers, silicon solar cells, thin film solar devices, solar grade silicon, or compound semiconductor solar wafers are "semiconductor materials" for the purposes of RCW 82.08.9651 and 82.12.9651.

(4) The definitions in this subsection apply throughout this section.

(a) "Compound semiconductor solar wafers" means a semiconductor solar wafer composed of elements from two or more different groups of the periodic table.

(b) "Module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

(c) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

(d) "Silicon solar cells" means a photovoltaic cell manufactured from a silicon solar wafer.

(e) "Silicon solar wafers" means a silicon wafer manufactured for solar conversion purposes.

(f) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

(g) "Solar grade silicon" means high-purity silicon used exclusively in components of solar energy systems using photovoltaic modules to capture direct sunlight. "Solar grade silicon" does not include silicon used in semiconductors.

(h) "Stirling converter" means a device that produces electricity by converting heat from a solar source utilizing a stirling engine.

(i) "Thin film solar devices" means a nonparticipating substrate on which various semiconducting materials are deposited to produce a photovoltaic cell that is used to generate electricity.

(5) A person reporting under the tax rate provided in subsection (2) of this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(6) This section expires July 1, 2027.

**Sec. 17.** RCW 82.04.280 and 2019 c 449 s 1 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of: (a) Printing materials other than newspapers, and of publishing periodicals or magazines; (b) building, repairing or improving any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (c) extracting for hire ~~((or processing for hire))~~, except persons taxable as extractors for hire ~~((or processors for hire))~~ under another section of this chapter; (d) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (e) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of chapter 48.17 RCW; (f) radio and television broadcasting, but excluding revenues from network, national, and regional advertising computed either: (i) As a standard deduction that the department must publish by rule by September 30, 2020, and by September

30th of every fifth year thereafter, based on the national average thereof as reported by the United States census bureau's economic census; or (ii) in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the broadcasting station's total audience as measured by the .5 millivolt/meter signal strength contour for AM radio, the one millivolt/meter or ~~((sixty))~~ 60 dBU signal strength contour for FM radio, the ~~((twenty-eight))~~ 28 dBU signal strength contour for television channels two through six, the ~~((thirty-six))~~ 36 dBU signal strength contour for television channels seven through ~~((thirteen))~~ 13, and the ~~((forty-one))~~ 41 dBU signal strength contour for television channels ~~((fourteen))~~ 14 through ~~((sixty-nine))~~ 69 with delivery by wire, satellite, or any other means, if any; (g) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.484 percent.

(2) For the purposes of this section, the following definitions apply unless the context clearly requires otherwise.

(a) "Cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

(b) "Storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

(c) "Periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

**Sec. 18.** RCW 82.32.790 and 2019 c 449 s 2 are each amended to read as follows:

(1)(a) Section ~~((2))~~ 1, chapter 449, Laws of 2019, sections 510, 512, 514, 516, ~~((518,))~~ 520, 522, and 524, chapter 37, Laws of 2017 3rd sp. sess., sections ~~((9,))~~ 13, 17, 22, 24, 30, 32, and 45, chapter 135, Laws of 2017, sections ~~((404,))~~ 110, 117, 123, 125, 129, 131, and 150, chapter 114, Laws of 2010, and sections 1, 2, ~~((3,))~~ and 5 through 10, chapter 149, Laws of 2003 are contingent upon the siting and commercial operation of a significant semiconductor microchip fabrication facility in the state of Washington by January 1, 2024.

(b) For the purposes of this section:

(i) "Commercial operation" means the same as "commencement of commercial production" as used in RCW 82.08.965.

(ii) "Semiconductor microchip fabrication" means "manufacturing semiconductor microchips" as defined in RCW 82.04.426.

(iii) "Significant" means the combined investment of new buildings and new machinery and equipment in the buildings, at the commencement of commercial production, will be at least ~~((one billion dollars))~~ \$1,000,000,000.

(2) The sections referenced in subsection (1) of this section take effect the first day of the month in which a contract for the construction of a significant semiconductor fabrication facility is

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

signed, if the contract is signed and received by January 1, 2024, as determined by the director of the department of revenue.

(3)(a) The department of revenue must provide notice of the effective date of the sections referenced in subsection (1) of this section to affected taxpayers, the legislature, and others as deemed appropriate by the department.

(b) If, after making a determination that a contract has been signed and the sections referenced in subsection (1) of this section are effective, the department discovers that commencement of commercial production did not take place within three years of the date the contract was signed, the department must make a determination that chapter 149, Laws of 2003 is no longer effective, and all taxes that would have been otherwise due are deemed deferred taxes and are immediately assessed and payable from any person reporting tax under RCW 82.04.240(2) or claiming an exemption or credit under RCW 82.04.426, 82.04.448, 82.08.965, 82.12.965, 82.08.970, 82.12.970, or 84.36.645. The department is not authorized to make a second determination regarding the effective date of the sections referenced in subsection (1) of this section.

(4)(a) This section expires January 1, 2024, if the contingency in subsection (2) of this section does not occur by January 1, 2024, as determined by the department.

(b) The department must provide written notice of the expiration date of this section and the sections referenced in subsection (1) of this section to affected taxpayers, the legislature, and others as deemed appropriate by the department.

NEW SECTION. Sec. 19. 2017 3rd sp.s. c 37 s 518, 2017 c 135 s 9, 2010 c 114 s 104, & 2003 c 149 s 3 are each repealed.

NEW SECTION. Sec. 20. Sections 11 through 19 of this act take effect January 1, 2022.

**PART IV**

**PROVIDING PROPERTY TAX RELIEF FOR HOMEOWNERS**

NEW SECTION. Sec. 21. A new section is added to chapter 84.36 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claimant" means an individual who has applied for or is receiving a homestead exemption.

(b) "Homestead exemption" means an exemption from a portion of state property taxes.

(c) "Manufactured/mobile home," "manufactured housing cooperative," "mobile home park cooperative," and "park model" have the same meanings as provided in RCW 59.20.030.

(d) "Residence" means a single-family dwelling unit whether such unit is separate or part of a multiunit dwelling, including the land on which such dwelling stands. "Residence" includes:

(i) A single-family dwelling situated upon lands the fee of which is vested in or held in trust by the United States or any of its instrumentalities, a federally recognized Indian tribe, the state of Washington or any of its political subdivisions, or a municipal corporation;

(ii) A single-family dwelling consisting of a manufactured/mobile home or park model that has substantially lost its identity as a mobile unit by virtue of its being fixed in location and placed on a foundation with fixed pipe connections with sewer, water, or other utilities; and

(iii) A single-family dwelling consisting of a floating home as defined in RCW 82.45.032.

(2)(a) Subject to the conditions in this section, a portion of the assessed value of a residence is exempt from the total state property tax under RCW 84.52.065 (1) and (2). Beginning with taxes levied for collection in calendar year 2023 and subject to the

adjustments and limitations in subsection (3) of this section, the exemption from state property taxes is equal to:

(i) The first \$100,000 of valuation of each residential tax parcel consisting of fewer than three residences; and

(ii) The first \$100,000 of valuation of each residence within a multiunit residential dwelling wherein each residence is owned and taxed separately or is owned by members of a cooperative housing association, corporation, or partnership.

(b) For taxes levied for collection in calendar year 2024 and each subsequent year thereafter, the amount of homestead exemption must be increased from the prior year's exemption amount by the percentage growth in the state levy for the prior calendar year. The department is responsible for making a determination of any increase in the amount of the homestead exemption and may round the dollar amount of the homestead exemption to the nearest thousand dollars.

(3)(a) The county assessor must multiply the amount of the homestead exemption for a tax year by the combined indicated ratio fixed by the department for the county in which the residence is located and used by the department to determine the equalized state levy rate for that county for that tax year.

(b) The amount of the homestead exemption for a residence may not result in a tax reduction that exceeds the amount of state property taxes that would otherwise be levied on that residence.

(4) The homestead exemption is in addition to the exemption provided in RCW 84.36.379 through 84.36.389.

(5)(a) The homestead exemption must be claimed and renewed on declaration and renewal declaration forms developed by the department or by the county assessor and approved by the department. Each county assessor must make declaration and renewal declaration forms available at the assessor's office, on the assessor's official website, and by mail or email upon request.

(b) The claimant or his or her designated agent or legal guardian must sign the declaration or renewal declaration declaring that the property for which a homestead exemption is sought is the claimant's principal residence within the meaning of subsection (6)(a) and (b) of this section. If the claimant resides in a cooperative housing association, corporation, or partnership, the declaration or renewal declaration must also be signed by the authorized agent of such cooperative. If the claimant holds a life estate in the residence for which a homestead exemption is claimed and the claimant is not shown on the tax rolls as the taxpayer for that residence, the remainderman or other person shown on the tax rolls as the taxpayer must also sign the declaration or renewal declaration. All signatures on a declaration or renewal declaration must be made under penalty of perjury.

(c) Notice of the homestead exemption and where to obtain further information about the exemption must be included on or with property tax statements and revaluation notices for residential property. The department and each county assessor are required to publicize the qualifications and manner of making claims for the homestead exemption, including such paid advertisements or notices as deemed appropriate in the sole discretion of the department and county assessors.

(6) The following conditions apply to homestead exemptions:

(a) The residence must be occupied by the claimant as his or her principal place of residence as of the date of the signed declaration or renewal declaration under subsection (5) of this section. A claimant who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant may receive a homestead exemption on more than one residence in any calendar year. However, the confinement of the claimant to a hospital, nursing home, assisted living facility, or adult family home will not disqualify the claim of exemption if:

(i) The residence is temporarily unoccupied;  
 (ii) The residence is occupied by either a spouse, state registered domestic partner, or a person financially dependent on the claimant for support, or both; or

(iii) The residence is rented for the purpose of paying the claimant's costs of a nursing home, hospital, assisted living facility, or adult family home.

(b) At the time of signing the declaration or renewal declaration:

(i) The claimant must have owned, in fee or by contract purchase, or have held a life estate in, the residence for which the homestead exemption is claimed; or

(ii) If the claimant resides in a cooperative housing association, corporation, or partnership, including a mobile home park cooperative or manufactured housing cooperative, the claimant must own a share in the cooperative representing the unit or dwelling in which he or she resides or the lot on which his or her manufactured/mobile home or park model is situated.

(c) For purposes of this subsection, a residence owned by a marital community, state registered domestic partners, or cotenants is deemed to be owned by each spouse, domestic partner, or cotenant, and any lease for life is deemed a life estate.

(d) Except as provided in (e) of this subsection, the declaration form identified in subsection (5) of this section must be signed and returned to the county assessor no later than June 30th for exemption from state taxes payable the following year.

(e) A homestead exemption continues for no more than six consecutive years unless a renewal declaration is filed with the county assessor. At least once every six years the county assessor must, no later than March 1st, notify claimants currently receiving a homestead exemption of the requirement to file a renewal declaration. The county assessor may also require a renewal declaration following any change in state law regarding the qualifications or conditions for the homestead exemption. Each claimant receiving a homestead exemption must file with the county assessor a renewal declaration no later than June 30th of the year the assessor notifies such person of the requirement to file the renewal declaration.

(f)(i) The assessed value of a dwelling owned by a cooperative housing association, corporation, or partnership must be reduced, for purposes of state property taxes levied on the dwelling, by the amount of homestead exemption to which a claimant residing in that dwelling is entitled. The cooperative must pass the full amount of its property tax savings under this section to its members in proportion to each member's homestead exemption. The cooperative may meet its obligation under this subsection (6)(f)(i) by reducing the amount owed by the members to the cooperative or, if no amount be owed, by making payment to the members.

(ii) A mobile home park cooperative or manufactured housing cooperative is entitled to any unused portion of the homestead exemption of its members. A mobile home park cooperative or manufactured housing cooperative receiving the unused portion of the homestead exemption of its members must pass the full amount of its property tax savings to its members in proportion to each member's unused homestead exemption. The cooperative may meet its obligation under this subsection (6)(f)(ii) by reducing the amount owed by the members to the cooperative or, if no amount be owed, by making payment to the members. For purposes of this subsection (6)(f)(ii), "unused portion of the homestead exemption" means the amount by which the maximum allowable homestead exemption exceeds the assessed value of the manufactured/mobile home or park model owned by a member of the mobile home park cooperative or manufactured housing cooperative.

(g) A claimant granted a homestead exemption must immediately inform the county assessor, on forms created or approved by the department, of any change in status affecting the claimant's entitlement to a homestead exemption.

(h) Where a claimant has a life estate in his or her residence and a remainderman or other person would have otherwise paid the state property tax exempted on the residence as a result of the claimant's homestead exemption, such remainderman or other person must reduce the amount owed by the claimant to the remainderman or other person by the amount of the tax savings from the claimant's homestead exemption. If no amount is owed by the claimant to the remainderman or other person, the remainderman or other person must make payment to the claimant in the full amount of the tax savings from the claimant's homestead exemption.

(7)(a)(i) If the assessor finds that the claimant's residence does not meet the qualifications for a homestead exemption, the assessor must deny or cancel the homestead exemption.

(ii) If the assessor receives a declaration or renewal declaration after the deadline in subsection (6)(d) or (e) of this section, the assessor must deny the homestead exemption unless the assessor determines that the claimant qualifies for the homestead exemption and that good cause exists to excuse the late filing. A claimant whose homestead exemption was denied or canceled because the declaration or renewal declaration was filed after the deadline in subsection (6)(d) or (e) of this subsection may seek a refund of state property taxes paid as a result of the denial or cancellation, as provided in RCW 84.69.020. For purposes of this subsection (7)(a)(ii), good cause may be shown by one or more of the following circumstances:

(A) Death or serious illness of the claimant or a member of the claimant's immediate family, as defined in RCW 42.17A.005, within two weeks of the due date of the declaration or renewal declaration;

(B) The declaration or renewal declaration was mailed timely but inadvertently sent to the wrong address;

(C) The claimant received incorrect, ambiguous, or misleading written advice regarding the qualifications or filing requirements for the homestead exemption from the county assessor's staff;

(D) Natural disaster, such as flood or earthquake, occurring within two weeks of the due date of the declaration or renewal declaration;

(E) Delay or loss of the declaration or renewal declaration by the postal service, and documented by the postal service;

(F) The claimant was not sent a notice of the requirement to file a renewal declaration within the six-year period as required by subsection (6)(e) of this section; or

(G) Other circumstances as the department may provide by rule.

(b) A denial or cancellation under this subsection is subject to appeal under the provisions of RCW 84.48.010 and in accordance with the provisions of RCW 84.40.038.

(c) If the assessor determines that the claimant had received a homestead exemption in error in prior years, the county treasurer must collect all state property taxes that would have been paid on the claimant's residence for the prior years had the homestead exemption not been claimed, not to exceed six years. Interest, but not penalties, applies to such taxes and is computed at the same rates and in the same way as interest is computed on delinquent taxes. Taxes and interest imposed under this subsection (7)(c): (i) Must be extended on the tax roll; (ii) are due within 30 days after the date of the treasurer's billing for such taxes and interest; and (iii) constitute a lien on the real property to which the tax and interest applies as provided in chapter 84.60 RCW.

(8) The department may conduct audits of the administration of this section and claims filed for the homestead exemption as

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

the department considers necessary. The powers of the department under chapter 84.08 RCW apply to these audits.

(9) The homestead exemption under this section applies to the total state property tax levied under RCW 84.52.065. The exemption does not apply to any local property taxes.

(10) The department may adopt such rules in accordance with chapter 34.05 RCW, and prescribe such forms, as the department deems necessary and appropriate to implement and administer this section.

**NEW SECTION. Sec. 22.** A new section is added to chapter 84.52 RCW to read as follows:

Pursuant to the provisions of Article VII, section . . . (Senate Joint Resolution No. . . . (S-0947/21)), the state levy must be reduced as necessary to prevent the value exempted under the homestead exemption in section 21 of this act from resulting in a higher tax rate than would have occurred in the absence of the homestead exemption.

**Sec. 23.** RCW 84.48.010 and 2017 c 155 s 1 are each amended to read as follows:

(1) Prior to July 15th, the county legislative authority must form a board for the equalization of the assessment of the property of the county. The members of the board must receive a per diem amount as set by the county legislative authority for each day of actual attendance of the meeting of the board of equalization to be paid out of the current expense fund of the county. However, when the county legislative authority constitutes the board they may only receive their compensation as members of the county legislative authority. The board of equalization must meet in open session for this purpose annually on the 15th day of July or within fourteen days of certification of the county assessment rolls, whichever is later, and, having each taken an oath fairly and impartially to perform their duties as members of such board, they must examine and compare the returns of the assessment of the property of the county and proceed to equalize the same, so that each tract or lot of real property and each article or class of personal property must be entered on the assessment list at its true and fair value, according to the measure of value used by the county assessor in such assessment year, which is presumed to be correct under RCW 84.40.0301, and subject to the following rules:

(a) They must raise the valuation of each tract or lot or item of real property which is returned below its true and fair value to such price or sum as to be the true and fair value thereof, after at least five days' notice must have been given in writing to the owner or agent.

(b) They must reduce the valuation of each tract or lot or item which is returned above its true and fair value to such price or sum as to be the true and fair value thereof.

(c) They must raise the valuation of each class of personal property which is returned below its true and fair value to such price or sum as to be the true and fair value thereof, and they must raise the aggregate value of the personal property of each individual whenever the aggregate value is less than the true valuation of the taxable personal property possessed by such individual, to such sum or amount as to be the true value thereof, after at least five days' notice must have been given in writing to the owner or agent thereof.

(d) They must reduce the valuation of each class of personal property enumerated on the detail and assessment list of the current year, which is returned above its true and fair value, to such price or sum as to be the true and fair value thereof; and they must reduce the aggregate valuation of the personal property of such individual who has been assessed at too large a sum to such sum or amount as was the true and fair value of the personal property.

(e) The board may review all claims for either real or personal property tax exemption, or homestead exemptions under section 21 of this act, as determined by the county assessor, and must consider any taxpayer appeals from the decision of the assessor thereon to determine (i) if the taxpayer is entitled to an exemption, and (ii) if so, the amount thereof.

(2) The board must notify the taxpayer and assessor of the board's decision within forty-five days of any hearing on the taxpayer's appeal of the assessor's valuation of real or personal property.

(3) The clerk of the board must keep an accurate journal or record of the proceedings and orders of the board showing the facts and evidence upon which their action is based, and the record must be published the same as other proceedings of county legislative authority, and must make a true record of the changes of the descriptions and assessed values ordered by the county board of equalization. The assessor must correct the real and personal assessment rolls in accordance with the changes made by the county board of equalization.

(4) The county board of equalization must meet on the 15th day of July or within fourteen days of certification of the county assessment rolls, whichever is later, and may continue in session and adjourn from time to time during a period not to exceed four weeks, but must remain in session not less than three days. However, the county board of equalization with the approval of the county legislative authority may convene at any time when petitions filed exceed twenty-five, or ten percent of the number of appeals filed in the preceding year, whichever is greater.

(5) No taxes, except special taxes, may be extended upon the tax rolls until the property valuations are equalized by the department of revenue for the purpose of raising the state revenue.

(6) County legislative authorities as such have at no time any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person.

**Sec. 24.** RCW 84.69.020 and 2017 3rd sp.s. c 13 s 310 are each amended to read as follows:

(1) On the order of the county treasurer, ad valorem taxes paid before or after delinquency must be refunded if they were:

~~((4))~~ (a) Paid more than once;

~~((2))~~ (b) Paid as a result of manifest error in description;

~~((3))~~ (c) Paid as a result of a clerical error in extending the tax rolls;

~~((4))~~ (d) Paid as a result of other clerical errors in listing property;

~~((5))~~ (e) Paid with respect to improvements which did not exist on assessment date;

~~((6))~~ (f) Paid under levies or statutes adjudicated to be illegal or unconstitutional;

~~((7))~~ (g) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended;

~~((8))~~ (h) Paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person with respect to real property in which the person paying the same has no legal interest;

~~((9))~~ (i) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board;

~~((10))~~ (j) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under (i) and (j) of this subsection ~~((s (9) and (10) of this section shall))~~ may only be for the difference between the tax paid on the basis of the

appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order;

~~((11))~~ ~~(k)~~ Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded ~~((shall))~~ may only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 of the state Constitution equal one percent of the assessed value established by the board;

~~((12))~~ ~~(l)~~ Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded ~~((shall be))~~ is for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding;

~~((13))~~ ~~(m)~~ Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2);

~~((14))~~ ~~(n)~~ Paid on the basis of an assessed valuation that was reduced under RCW 84.48.065;

~~((15))~~ ~~(o)~~ Paid on the basis of an assessed valuation that was reduced under RCW 84.40.039; or

~~((16))~~ ~~(p)~~ Abated under RCW 84.70.010.

~~(2)~~ No refunds under the provisions of this section ~~((shall))~~ may be made because of any error in determining the valuation of property, except as authorized in subsection ~~((s(9), (10), (11), and (12)))~~ ~~(1)~~ ~~(i)~~ through (1) of this section nor may any refunds be made if a bona fide purchaser has acquired rights that would preclude the assessment and collection of the refunded tax from the property that should properly have been charged with the tax. Any refunds made on delinquent taxes must include the proportionate amount of interest and penalties paid. However, no refunds as a result of an incorrect payment authorized under subsection ~~((s(9)))~~ ~~(1)~~ ~~(h)~~ of this section made by a third party payee ~~((shall))~~ may be granted. The county treasurer may deduct from moneys collected for the benefit of the state's levies, refunds of the state's levies including interest on the levies as provided by this section and chapter 84.68 RCW.

~~(3)~~ The county treasurer of each county must make all refunds determined to be authorized by this section, and by the first Monday in February of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

NEW SECTION. **Sec. 25.** Sections 21 through 24 of this act take effect January 1, 2022, if the proposed amendment to Article VII of the state Constitution (Senate Joint Resolution No. . . . (S-0947/21)), providing for a homestead exemption, is validly submitted to and is approved and ratified by the voters at the next general election.

#### PART V

#### DEDICATING MOTOR VEHICLE SALES TAX TO TRANSPORTATION

NEW SECTION. **Sec. 26.** It is the intent of the legislature to ensure Washington's transportation infrastructure can support the safe and efficient movement of people and goods. Primary funding for transportation infrastructure efforts comes from the state portion of the fuel tax and fees for registering motor vehicles, which have economic and political vulnerabilities that can limit their reliability. The legislature intends to establish an additional funding source that would not be subject to bonding, and therefore offer greater flexibility and efficiency in addressing transportation infrastructure needs. The legislature finds that

dedicating the sales tax revenue on vehicle sales to the transportation budget would reinforce the state's ability to provide the 21st century transportation system that the people of Washington can and should expect.

**Sec. 27.** RCW 82.08.020 and 2014 c 140 s 12 are each amended to read as follows:

(1) There is levied and collected a tax equal to six and five-tenths percent of the selling price on each retail sale in this state of:

(a) Tangible personal property, unless the sale is specifically excluded from the RCW 82.04.050 definition of retail sale;

(b) Digital goods, digital codes, and digital automated services, if the sale is included within the RCW 82.04.050 definition of retail sale;

(c) Services, other than digital automated services, included within the RCW 82.04.050 definition of retail sale;

(d) Extended warranties to consumers; and

(e) Anything else, the sale of which is included within the RCW 82.04.050 definition of retail sale.

(2) There is levied and collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.

~~(3)~~ ~~(a)~~ Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.

~~((4))~~ ~~(b)~~ For purposes of this subsection (3) ~~((of this section))~~, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include:

~~((a))~~ ~~(i)~~ Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of marijuana;

~~((b))~~ ~~(ii)~~ Off-road vehicles as defined in RCW 46.04.365;

~~((c))~~ ~~(iii)~~ Nonhighway vehicles as defined in RCW 46.09.310; and

~~((d))~~ ~~(iv)~~ Snowmobiles as defined in RCW 46.04.546.

~~(4)~~ ~~(a)~~ Revenue collected under subsection (1) of this section on each new and used retail sales of a vehicle in this state, including private-party sales, but excluding retail car rentals taxed under subsection (2) of this section, must be deposited in the congestion relief and safety account as follows:

(i) Beginning January 1, 2022, and ending June 30, 2022, 20 percent must be deposited in the congestion relief and safety account and the remainder must be deposited in the general fund;

(ii) Beginning July 1, 2022, and ending June 30, 2023, 40 percent must be deposited in the congestion relief and safety account and the remainder must be deposited in the general fund;

(iii) Beginning July 1, 2023, and ending June 30, 2024, 60 percent must be deposited in the congestion relief and safety account and the remainder must be deposited in the general fund;

(iv) Beginning July 1, 2024, and ending June 30, 2025, 80 percent must be deposited in the congestion relief and safety account and the remainder must be deposited in the general fund; and

(v) Beginning July 1, 2025, all revenue must be deposited in the congestion relief and safety account.

(b) For purposes of this subsection (4), "vehicle" has the meaning provided in RCW 46.04.670 including, but not limited to, passenger vehicles, light trucks, commercial vehicles, travel trailers, recreational vehicles, intermittent use trailers, motorcycles, and campers, but "vehicle" does not include:

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

(i) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of marijuana;

(ii) Off-road vehicles as defined in RCW 46.04.365;

(iii) Nonhighway vehicles as defined in RCW 46.09.310;

(iv) Bicycles as defined in RCW 46.04.071; and

(v) Snowmobiles as defined in RCW 46.04.546.

(5) Beginning on December 8, 2005, 0.16 percent of the taxes collected under subsection (1) of this section must be dedicated to funding comprehensive performance audits required under RCW 43.09.470. The revenue identified in this subsection must be deposited in the performance audits of government account created in RCW 43.09.475.

(6) The taxes imposed under this chapter apply to successive retail sales of the same property.

(7) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

**Sec. 28.** RCW 82.12.020 and 2017 c 323 s 520 are each amended to read as follows:

(1) There is levied and collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any:

(a) Article of tangible personal property acquired by the user in any manner, including tangible personal property acquired at a casual or isolated sale, and including by-products used by the manufacturer thereof, except as otherwise provided in this chapter, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state;

(b) Prewritten computer software, regardless of the method of delivery, but excluding prewritten computer software that is either provided free of charge or is provided for temporary use in viewing information, or both;

(c) Services defined as a retail sale in RCW 82.04.050 (2) (a) or (g) or (6)(c), excluding services defined as a retail sale in RCW 82.04.050(6)(c) that are provided free of charge;

(d) Extended warranty; or

(e)(i) Digital good, digital code, or digital automated service, including the use of any services provided by a seller exclusively in connection with digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(ii) With respect to the use of digital goods, digital automated services, and digital codes acquired by purchase, the tax imposed in this subsection (1)(e) applies in respect to:

(A) Sales in which the seller has granted the purchaser the right of permanent use;

(B) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(C) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(D) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(iii) With respect to digital goods, digital automated services, and digital codes acquired other than by purchase, the tax imposed in this subsection (1)(e) applies regardless of whether or not the consumer has a right of permanent use or is obligated to make continued payment as a condition of use.

(2) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property, extended warranty, digital good, digital code, digital automated service, or service taxable under RCW 82.04.050 (2) (a) or (g) or (6)(c), if the sale to, or the use by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(3)(a) Except as provided in this section, payment of the tax imposed by this chapter or chapter 82.08 RCW by one purchaser or user of tangible personal property, extended warranty, digital good, digital code, digital automated service, or other service does not have the effect of exempting any other purchaser or user of the same property, extended warranty, digital good, digital code, digital automated service, or other service from the taxes imposed by such chapters.

(b) The tax imposed by this chapter does not apply:

(i) If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor;

(ii) In respect to the use of any article of tangible personal property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use;

(iii) In respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961; or

(iv) To the use of digital goods or digital automated services, which were obtained through the use of a digital code, if the sale of the digital code to, or the use of the digital code by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(4)(a) Except as provided in (b) of this subsection (4), the tax is levied and must be collected in an amount equal to the value of the article used, value of the digital good or digital code used, value of the extended warranty used, or value of the service used by the taxpayer, multiplied by the applicable rates in effect for the retail sales tax under RCW 82.08.020.

(b) In the case of a seller required to collect use tax from the purchaser, the tax must be collected in an amount equal to the purchase price multiplied by the applicable rate in effect for the retail sales tax under RCW 82.08.020.

(5) For purposes of the tax imposed in this section, "person" includes anyone within the definition of "buyer," "purchaser," and "consumer" in RCW 82.08.010.

(6)(a) Use tax revenue collected under subsection (1) of this section on the use of each new and used vehicle in this state, but excluding retail car rentals taxed under RCW 82.08.020, must be deposited in the congestion relief and safety account as follows:

(i) Beginning January 1, 2022, and ending June 30, 2022, 20 percent must be deposited in the congestion relief and safety account and the remainder must be deposited in the general fund;

(ii) Beginning July 1, 2022, and ending June 30, 2023, 40 percent must be deposited in the congestion relief and safety account and the remainder must be deposited in the general fund;

(iii) Beginning July 1, 2023, and ending June 30, 2024, 60 percent must be deposited in the congestion relief and safety account and the remainder must be deposited in the general fund;

(iv) Beginning July 1, 2024, and ending June 30, 2025, 80 percent must be deposited in the congestion relief and safety account and the remainder must be deposited in the general fund; and

(v) Beginning July 1, 2025, all revenue must be deposited in the congestion relief and safety account.

(b) For purposes of this subsection (6):

(i) "Highway purposes" also includes preservation; and

(ii) "Vehicle" has the meaning provided in RCW 46.04.670 including, but not limited to, passenger vehicles, light trucks, commercial vehicles, travel trailers, recreational vehicles, intermittent use trailers, motorcycles, and campers, but "vehicle" does not include:

(A) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of marijuana;

(B) Off-road vehicles as defined in RCW 46.04.365;

(C) Nonhighway vehicles as defined in RCW 46.09.310;

(D) Bicycles as defined in RCW 46.04.071; and

(E) Snowmobiles as defined in RCW 46.04.546.

**NEW SECTION. Sec. 29.** A new section is added to chapter 46.68 RCW to read as follows:

(1) The congestion relief and safety account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for transportation projects, programs, or activities based on the percentage of historical spending of 18th amendment restricted funds and noneighteenth amendment restricted funds as determined under subsection (2) of this section.

(2) By November 1st of each even-numbered year, the joint transportation committee must determine the historical percentage spent from 18th amendment restricted funds and noneighteenth amendment restricted funds based on the three most recently completed fiscal biennia. This information must be transmitted to the office of financial management and the house and senate transportation committees of the legislature to be used in the development of their respective omnibus transportation appropriations.

(3) All sales and use tax revenues on new and used vehicles deposited into the congestion relief and safety account pursuant to RCW 82.08.020 and 82.12.020 must be used exclusively on a cash funding basis for transportation projects, programs, and activities, including reducing the reliance on transportation-related debt obligations pursuant to subsection (4) of this section. All sales and use tax revenues on new and used vehicles deposited into the congestion relief and safety account pursuant to RCW 82.08.020 and 82.12.020 may not be used for any new revenue bond issues or used as a source for any other type of debt or similar type of financing mechanism.

(4) Part of the purpose in the allocation of additional resources from the sales and use tax revenues on new and used vehicles into the congestion relief and safety account pursuant to RCW 82.08.020 and 82.12.020 is to lower the overall reliance on debt financing for transportation projects and infrastructure. Beginning December 1, 2023, and each two years thereafter, the state treasurer must prepare a report that shows the impact of this act on the reliance of debt financing for transportation appropriations.

(5) Nothing in this section may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on fuel.

**Sec. 30.** RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5, 2020 c 148 s 3, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of

interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the congestion relief and safety account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community ~~(trust)~~ services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan

implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 31.** RCW 43.84.092 and 2020 c 221 s 5, 2020 c 148 s 3, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond

water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the congestion relief and safety account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community ((~~trust~~) services) account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1

account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 32.** Section 30 of this act expires July 1, 2024.

NEW SECTION. **Sec. 33.** Section 31 of this act takes effect July 1, 2024.

NEW SECTION. **Sec. 34.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "a carbon pollution tax to provide tax relief, mitigate climate risk, and stabilize transportation funding; amending RCW 82.08.0206, 82.04.240, 82.04.2404, 82.04.260, 82.04.2909, 82.04.294, 82.04.280, 82.32.790, 84.48.010, 84.69.020, 82.08.020, and 82.12.020; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.52 RCW; adding a new section to chapter 46.68 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing 2017 3rd sp.s. c 37 s 518, 2017 c 135 s 9, 2010 c 114 s 104, and 2003 c 149 s 3; providing effective dates; providing a contingent effective date; providing an expiration date; and providing for submission of this act to a vote of the people."

Senator Braun spoke in favor of adoption of the striking amendment.

Senator Carlyle spoke against adoption of the striking amendment.

PARLIAMENTARY INQUIRY

Senator Ericksen: "Thank you Mr. President. I have a point of inquiry as to the properness of mentioning the name of an individual. This is a question for a speech I would like to give not what anybody else has said. Um, mentioning the name of an individual during a floor speech who is a public figure, who has been active in the initiative process in the past. Can I reference that person's name in a floor speech? Is that within our rules?"

REPLY BY THE PRESIDENT

President Heck: "Thank you Senator Ericksen. The President is hesitant to answer a hypothetical because specific ways which a reference is made or context matter. I would just like to remind the Senator that any remarks must be within the rules of the Senate and that notably includes that they be pertinent to the amendment before the body."

Senators Rivers, Wilson, L., Fortunato, Wagoner, Dozier and King spoke in favor of adoption of the striking amendment.

Senator Ericksen spoke on adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 571 by Senator Braun to Second Substitute Senate Bill No. 5126.

The motion by Senator Braun did not carry and striking floor amendment no. 571 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following striking floor amendment no. 673 by Senator Wagoner be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I**

**IMPOSING A CARBON POLLUTION TAX TO MITIGATE CLIMATE RISK AND PROVIDE INDIVIDUAL AND BUSINESS TAX RELIEF**

**NEW SECTION. Sec. 1.** This act establishes a carbon pollution tax to account for a significant share of the economic and environmental impacts of greenhouse gas emissions and includes substantial funding for forest health and resiliency. The legislature intends to offset the tax burden imposed on Washingtonians from this tax by providing individual and business tax relief as identified in this act, including state property tax relief for homeowners, eliminating the business and occupation tax on manufacturing, and implementing the working families tax credit.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aircraft fuel" has the same meaning as provided in RCW 82.42.010.

(2) "Carbon calculation" means a calculation made by the department of ecology, in consultation with the department of commerce, for purposes of determining the carbon dioxide emissions from the complete combustion or oxidation of fossil fuels for use in calculating the carbon pollution tax pursuant to

section 3 of this act. The carbon calculation also includes the life-cycle analysis of emissions associated with these fuels determined under section 3 of this act.

(3) "Carbon dioxide equivalent" means a metric measure used to compare the emissions from various greenhouse gases based on their global warming potential.

(4) "Carbon pollution tax" means the tax created in section 3 of this act.

(5) "Coal" means a readily combustible rock of carbonaceous material, including anthracite coal, bituminous coal, subbituminous coal, lignite, waste coal, syncopal, and coke of any kind.

(6) "Department" means the department of revenue.

(7) "Direct access gas customer" means a person who purchases natural gas for consumption from any seller other than a seller registered with the department for purposes of paying taxes due under chapter 82.04 or 82.16 RCW.

(8) "Facility" means any physical property, plant, building, structure, source, or stationary equipment located on one or more contiguous or adjacent properties in actual physical contact or separated solely by a public roadway or other public right-of-way and under common ownership or common control, that emits or may emit any greenhouse gas.

(9) "Fossil fuel" means motor vehicle fuel, special fuel, dyed special fuel, aircraft fuel, natural gas, coal, and any form of solid, liquid, or gaseous fuel derived from natural gas, coal, petroleum, or crude oil, including without limitation still gas, propane, and petroleum residuals including bunker fuel.

(10) "Gas distribution business" has the same meaning as provided in RCW 82.16.010.

(11) "Greenhouse gas" means carbon dioxide, methane, nitrogen trifluoride, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, perfluorocarbons, and other fluorinated greenhouse gases.

(12) "Highly impacted community" has the same meaning as defined in RCW 19.405.020.

(13) "Motor vehicle fuel" has the same meaning as provided in RCW 82.38.020.

(14) "Natural gas" means naturally occurring mixtures of hydrocarbon gases and vapors consisting principally of methane, whether in gaseous or liquid form, including methane clathrate.

(15) "Person" has the same meaning as provided in RCW 82.04.030.

(16) "Sale" has the same meaning as provided in RCW 82.04.040.

(17) "Special fuel" has the same meaning as provided in RCW 82.38.020.

(18) "Taxpayer" means a person subject to the carbon pollution tax created in section 3 of this act.

(19) "Tribal lands" has the same meaning as "Indian country" as provided in 18 U.S.C. Sec. 1151, and also includes sacred sites, traditional cultural properties, burial grounds, and other tribal sites protected by federal or state law.

(20)(a) "Use," "used," "using," or "put to use" means, with respect to any fossil fuel other than natural gas, the consumption in this state of the fossil fuel by the taxpayer or the possession or storage in this state of the fossil fuel by the taxpayer preparatory to subsequent consumption of the fossil fuel within this state by the taxpayer.

(b) "Use," "used," "using," or "put to use" means, with respect to natural gas, the consumption in this state of the fossil fuel by the taxpayer.

(c) For the purposes of this subsection, "possession" means the control of fossil fuel located within this state and includes either actual or constructive possession, or both. "Actual possession"

occurs when the person with control has physical possession. "Constructive possession" occurs when the person with control does not have physical possession. "Control" means the power to sell or use a fossil fuel or to authorize the sale or use by another.

(21) "Vulnerable populations" has the same meaning as defined in RCW 19.405.020.

(22) "Year" means the 12-month period commencing January 1st and ending December 31st unless otherwise specified.

**NEW SECTION. Sec. 3.** (1)(a) Beginning July 1, 2022, a carbon pollution tax is imposed on the sale or use within this state of all fossil fuels, except fossil fuels used to generate electricity in the state.

(b) The measure of the carbon pollution tax is the carbon dioxide equivalent emissions:

(i) Resulting from the complete combustion or oxidation of fossil fuels sold or used by the taxpayer within this state; and

(ii) For the purposes of measuring the tax rate under subsection (2) of this section only, from the entire life cycle of the fossil fuel.

(2) The tax rate as of July 1, 2022, is equal to \$15.00 per metric ton of greenhouse gas emissions. The tax rate automatically increases annually each July 1st thereafter by five percent each year and is adjusted for inflation using the consumer price index.

(3) By January 1, 2031, the department of ecology shall make a determination of whether the sources of emissions covered by this tax are predicted to achieve their combined share of the emissions reductions necessary for the state to achieve the emissions limits established in RCW 70A.45.020. By January 1, 2031, the department of ecology must provide the legislature with a report detailing its determination with recommendations, pursuant to the tax and covered sources, for achieving the emissions limits established in RCW 70A.45.020.

(4) For the purposes of this chapter, the carbon pollution tax is imposed:

(a) Only once with respect to the same unit of fossil fuel;

(b) At the time and place of the first event within this state in which the tax is applicable, except as otherwise provided in this section, occurring on or after the effective date of this section, regardless of whether the fossil fuel was previously sold, used, or consumed within this state before the effective date of this section; and

(c) Upon the first person within this state upon which the tax would be applicable, except as otherwise provided in this section. Such a person includes:

(i) A person required to be registered with the department under RCW 82.32.030(1);

(ii) The state, its political subdivisions, and municipal corporations; and

(iii) A person who maintains a place of business in this state but who is not required to be registered with the department under RCW 82.32.030(1).

(5) As provided in this section, the carbon pollution tax on the sale or use of fossil fuels is imposed on the seller or user of the fossil fuel.

(6) The carbon pollution tax on the sale or use of natural gas is imposed as follows:

(a) Natural gas transported through the state that is not produced or delivered in the state is exempt from the carbon pollution tax imposed by this section. Natural gas possessed or stored in this state is exempt from the carbon pollution tax imposed by this section unless the tax is otherwise applicable under (b) or (c) of this subsection;

(b) For natural gas sold by a gas distribution business to a retail customer in the state, the carbon pollution tax is imposed on the gas distribution business upon the sale of such natural gas to the retail customer; and

(c) For natural gas sold to a direct access gas customer in the state, the carbon pollution tax is imposed on the direct access gas customer upon the consumption of such natural gas by the direct access gas customer.

(7) For motor vehicle fuel and special fuel, the carbon pollution tax is imposed on the seller or user of the fuel at the points of taxation specified in RCW 82.38.030(9).

(8)(a) The carbon pollution tax may not be applied to the sale or use of any fossil fuels or consumption of electricity upon which the tax under this chapter has been previously imposed.

(b) A sale of fossil fuel takes place in this state when the fossil fuel is delivered in this state to the purchaser or a person designated by the purchaser, notwithstanding any contract terms designating a location outside of this state as the place of sale.

(c) All sales subject to the tax within this state of a fossil fuel must document the amount of carbon pollution tax paid in accordance with rules adopted by the department.

(9) For purposes of determining the carbon pollution tax due under this chapter:

(a) The department must use the carbon calculation for all fossil fuels sold or used within the state, a calculation of the life-cycle emissions associated with the consumption in the state of transportation fuels;

(b) For fossil fuels, the department of ecology, in consultation with the department of commerce, must adopt by rule criteria for making the carbon calculation;

(c) The department of ecology may require additional information from sources as necessary, in consultation with the department of commerce, for determining the carbon calculation under this chapter.

(10) For taxpayers who are also subject to any of the taxes imposed under chapter 82.04, 82.08, 82.12, or 82.16 RCW, the frequency of reporting and payment of the carbon pollution tax must, to the extent practicable, coincide with a taxpayer's reporting periods for the taxes imposed under chapter 82.04, 82.08, 82.12, or 82.16 RCW.

(11) The department must develop and make available worksheets, tax tables, and guidance documents it deems necessary to calculate the carbon dioxide emissions of fossil fuels.

(12) The first \$500,000,000 of carbon pollution tax proceeds collected under this section must be deposited in the forest resiliency account created in RCW 43.79. . . . (section 964, chapter . . . (Engrossed Substitute Senate Bill No. 5092), Laws of 2021) and must be used to implement the department of natural resources' forest health plan, as specified in chapter 95, Laws of 2017. All remaining proceeds from the carbon pollution tax imposed under this section must be deposited in the state general fund.

**NEW SECTION. Sec. 4.** (1) The carbon pollution tax in section 3 of this act does not apply to:

(a) Fossil fuels brought into this state by means of the primary fuel supply tank of a motor vehicle, vessel, locomotive, or aircraft, actively supplying fuel for combustion upon entry into the state;

(b) Fossil fuels that the state is prohibited from imposing a tax under the state Constitution or the Constitution or laws of the United States;

(c)(i) Fossil fuels exported from this state. Export to Indian country located within the boundaries of this state is not considered export from this state. For purposes of this subsection, "Indian country" has the same meaning as provided in RCW 37.12.160.

(ii) An exporter of fossil fuels upon which another person previously paid the carbon pollution tax is entitled to a credit or refund of the tax paid, if the exporter can establish to the department's satisfaction that the tax under this chapter was

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

previously paid on the exported fossil fuels. The person who paid the carbon pollution tax is not entitled to an exemption under this subsection (1)(c) when any other person is entitled to a refund or credit under this subsection (1)(c)(ii). For purposes of this subsection, "exporter" means a person who exports fossil fuels or electricity from this state;

(d) The sale or use of coal transition power as defined in RCW 80.80.010;

(e) Diesel fuel, biodiesel fuel, or aircraft fuel when these fuels are used solely for agricultural purposes by a farm fuel user, as defined in RCW 82.08.865;

(f) Biogas, which includes renewable liquid natural gas or liquid compressed natural gas made from biogas, landfill gas, biodiesel, renewable diesel, and cellulosic ethanol;

(g) Aircraft fuel as defined in RCW 82.42.010;

(h) The portion of fossil fuels purchased in the state and combusted outside the state by interstate motor carriers and vessels used primarily in interstate or foreign commerce. The department must provide a methodology by rule to apportion fossil fuels consumed inside the state of Washington by interstate motor carriers and vessels used primarily in interstate or foreign commerce;

(i) Activities or property of Indian tribes and individual Indians that are exempt from state imposition of a tax as a matter of federal law or state law, whether by statute, rule, or compact;

(j) Motor vehicle fuel or special fuel that is used exclusively for agricultural purposes by a farm fuel user. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department. For the purposes of this subsection (1)(j), "agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865; the department shall determine a method for expanding this exemption to include fuels used for the purpose of transporting agricultural goods on public highways; the department shall maintain this expanded exemption for a period of five years, in order to provide the agricultural sector with a feasible transition period;

(k)(i) Motor vehicle fuel or special fuel that is used by the following: (A) Log transportation businesses; and (B) persons in the business of extracting timber. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department; the department shall determine a method for expanding this exemption to include fuels used for the purpose of transporting timber on public highways; the department shall maintain this expanded exemption for a period of five years, in order to provide the timber sector with a feasible transition period.

(ii) For the purposes of this subsection (1)(k), the following definitions apply: (A) "Log transportation business" has the same meaning as provided in RCW 82.16.010; and (B) "timber" means forest trees, standing or down, on privately owned or publicly owned land, and does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035; and

(l) Any fossil fuels consumed by an energy-intensive, trade-exposed business in a sector designated by department rules. By June 30, 2022, the department in consultation with the departments of commerce and ecology shall adopt rules to designate energy-intensive, trade-exposed industry sectors. By July 30, 2026, the department of ecology must provide a report to the appropriate committees of the senate and house of representatives on whether to restrict or eliminate this exemption identified in this subsection (1)(l). In developing the report, the

department of ecology must solicit input and data from industry sectors and other interested persons. The report must include recommendations for alternatives that will minimize leakage, allow for growth of Washington industries, recognize and provide credit for early actions to reduce emissions, availability of alternative fuels, and incorporate performance benchmarking of emissions intensity in production processes.

(2)(a) For any fossil fuels subject to the carbon pollution tax imposed by section 3 of this act that are also subject to a comparable carbon pollution tax or charge on carbon content imposed by another jurisdiction, including the federal government or allowances required to be purchased by another jurisdiction, the entity may take a credit against the tax imposed under this chapter by the amount of the comparable pollution tax or charge paid to the other jurisdiction up to the amount of tax owed under this chapter, provided that the person claiming the credit provides evidence acceptable to the department that the equivalent tax has been paid.

(b) For the purposes of this section, a comparable carbon pollution tax or charge means a tax or charge that is not generally imposed on other activities or privileges that is:

(i) Imposed on the sale, use, possession, transfer, or consumption of fossil fuels; and

(ii) Measured in terms of greenhouse gas emissions by the greenhouse gas emissions resulting from the complete combustion or oxidation of such fossil fuels.

NEW SECTION. Sec. 5. The provisions of chapter 82.32 RCW apply to this chapter.

NEW SECTION. Sec. 6. This chapter may be known and cited as the Washington climate and economic relief act.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

## PART II

### PROVIDING FINANCIAL RELIEF FOR WORKING FAMILIES

Sec. 9. RCW 82.08.0206 and 2008 c 325 s 2 are each amended to read as follows:

(1) A working families' tax exemption, in the form of a remittance of tax due under this chapter and chapter 82.12 RCW, is provided to eligible low-income persons for sales taxes paid under this chapter after January 1, ~~(2008)~~ 2022.

(2) For purposes of the exemption in this section, ~~(an eligible low-income person is)~~ the following definitions apply:

(a) ~~(An)~~ "Eligible low-income person" means an individual ~~(; or an individual and that individual's spouse if they file a federal joint income tax return;~~

~~(b) [An individual who] Who is) who:~~

~~(i) Is eligible for(, and is granted,) the credit provided in Title 26 U.S.C. Sec. 32; and~~

~~((e) [An individual who] Who properly)) (ii) Properly files a federal income tax return as a Washington resident, and has been a resident of the state of Washington more than one hundred eighty days of the year for which the exemption is claimed.~~

~~(b) "Income" means earned income as defined by Title 26 U.S.C. Sec. 32.~~

~~(c) "Individual" means an individual and that individual's spouse if they file a federal joint income tax return.~~

~~(3) ((For remittances made in 2009 and 2010, the working families' tax exemption for the prior year is a retail sales tax exemption equal to the greater of five percent of the credit granted as a result of Title 26 U.S.C. Sec. 32 in the most recent year for~~

which data is available or twenty-five dollars. For 2014)) (a) For 2023 and thereafter, the working families' tax (~~exemption~~) remittance amount for the prior year is equal to the greater of ten percent of the credit granted as a result of Title 26 U.S.C. Sec. 32 in the most recent year for which data is available or fifty dollars.

(b) If the remittance for an eligible person as calculated in this section is greater than one cent, but less than \$50, the remittance amount is \$50.

(4) (~~For any fiscal period, the working families' tax exemption authorized under this section shall be approved by the legislature in the state omnibus appropriations act before persons may claim the exemption during the fiscal period.~~

(5)) The working families' tax exemption shall be administered as provided in this subsection.

((~~a~~) An eligible low income person claiming an exemption under this section must pay the tax imposed under chapters 82.08, 82.12, and 82.14 RCW in the year for which the exemption is claimed. The eligible low income person may then apply to the department for the remittance as calculated under subsection (3) of this section.

(b) Application shall be made to the department in a form and manner determined by the department, but the department must provide alternative filing methods for applicants who do not have access to electronic filing.

(c) Application for the exemption remittance under this section must be made in the year following the year for which the federal return was filed, but in no case may any remittance be provided for any period before January 1, 2008. The department may use the best available data to process the exemption remittance. The department shall begin accepting applications October 1, 2009.

(d) The department shall review the application and determine eligibility for the working families' tax exemption based on information provided by the applicant and through audit and other administrative records, including, when it deems it necessary, verification through internal revenue service data.

(e) The department shall remit the exempted amounts to eligible low income persons who submitted applications. Remittances may be made by electronic funds transfer or other means.

(f) The department may, in conjunction with other agencies or organizations, design and implement a public information campaign to inform potentially eligible persons of the existence of and requirements for this exemption.

(g) The department may contact persons who appear to be eligible low income persons as a result of information received from the internal revenue service under such conditions and requirements as the internal revenue service may by law require.

(6) The provisions of chapter 82.32 RCW apply to the exemption in this section.

(7) The department may adopt rules necessary to implement this section.

(8) The department shall limit its costs for the exemption program to the initial start-up costs to implement the program. The state omnibus appropriations act shall specify funding to be used for the ongoing administrative costs of the program. These ongoing administrative costs include, but are not limited to, costs for: The processing of internet and mail applications, verification of application claims, compliance and collections, additional full-time employees at the department's call center, processing warrants, updating printed materials and web information, media advertising, and support and maintenance of computer systems.))

(a) The remittance paid under this section will be paid to eligible filers who apply pursuant to this subsection.

(i) Application must be made to the department in a form and manner determined by the department. If the application process is initially done electronically, the department must provide a

paper application upon request. The application must include any information and documentation as required by the department.

(ii) Application for the remittance under this section must be made in the year following the year for which the federal return was filed, but in no case may any remittance be provided for any period before January 1, 2022. The department must use the eligible person's most recent federal tax filing to process the remittance.

(iii) A person may not claim an exemption on behalf of a deceased individual. No individual may claim an exemption under this section for any year in a disallowance period under Title 26 U.S.C. Sec. 32(k)(1) or for any year for which the individual is ineligible to claim the credit in Title 26 U.S.C. Sec. 32 by reason of Title 26 U.S.C. Sec. 32(k)(2).

(b) The department shall protect the privacy and confidentiality of personal data of remittance recipients in accordance with chapter 82.32 RCW.

(c) The department shall, in conjunction with other agencies or organizations, design and implement a public information campaign to inform potentially eligible persons of the existence of, and requirements for, this section.

(d) The department must work with the internal revenue service to administer the exemption on an automatic basis as soon as practicable.

(5) Receipt of the remittance under this section may not be used in eligibility determinations for any state income support programs or in making public charge determinations.

(6) The department may adopt rules necessary to implement this section. This includes establishing a date by which applications will be accepted, with the aim of accepting applications as soon as possible. The department may gather necessary data through audit and other administrative records, including verification through internal revenue service data.

(7) The department must review the application and determine eligibility for the working families' tax exemption based on information provided by the applicant and through audit and other administrative records, including, when it deems it necessary, verification through internal revenue service data.

(8) If, upon review of internal revenue service data or other information obtained by the department, it appears that an individual received a remittance that the individual was not entitled to, or received a larger remittance than the individual was entitled to, the department may assess against the individual the overpaid amount. The department may also assess such overpaid amount against the individual's spouse if the remittance in question was based on both spouses filing a joint federal income tax return for the year for which the remittance was claimed.

(a) Interest as provided under RCW 82.32.050 applies to assessments authorized under this subsection (8). Except as otherwise provided in this subsection, penalties may not be assessed on amounts due under this subsection.

(b) If an amount due under this subsection is not paid in full by the date due, or the department issues a warrant for the collection of amounts due under this subsection, the department may assess the applicable penalties under RCW 82.32.090.

(c) If the department finds by clear, cogent, and convincing evidence that an individual knowingly submitted, caused to be submitted, or consented to the submission of, a fraudulent claim for remittance under this section, the department must assess a penalty of 50 percent of the overpaid amount. This penalty is in addition to any other applicable penalties assessed in accordance with (b) of this subsection (8).

(9) If, within the period allowed for refunds under RCW 82.32.060, the department finds that an individual received a lesser remittance than the individual was entitled to, the

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

department must remit the additional amount due under this section to the individual.

(10) Interest does not apply to remittances provided under this act.

(11) For any fiscal period, the working families' tax exemption authorized under this section shall be approved by the legislature in the state omnibus appropriations act before persons may claim the exemption during the fiscal period.

NEW SECTION. Sec. 10. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

**PART III**

**PROVIDING TAX RELIEF TO PRESERVE AEROSPACE AND OTHER MANUFACTURING JOBS IN WASHINGTON**

NEW SECTION. Sec. 11. The legislature finds that the manufacturing industry in Washington is an important source of jobs that pay significantly more than the average state wage. The legislature also finds that even prior to the coronavirus pandemic, the manufacturing industry had lost more than 43,000 jobs during the 21st century, while other leading Washington industries have collectively added hundreds of thousands of jobs. The legislature further finds that the coronavirus pandemic has exposed the detriments of limited manufacturing capacity at times when the people need a reliable supply of basic core products and goods.

It is the intent of the legislature to encourage a resurgence of manufacturing capacity in Washington and the creation of family-wage jobs by reducing the tax burden on the manufacturing industry. It is intended that this act will not only enhance the security of the public by promoting self-sufficiency, but also draw new industries to Washington.

**Sec. 12.** RCW 82.04.240 and 2004 c 24 s 4 are each amended to read as follows:

Upon every person engaging within this state in business as a manufacturer or processor for hire, except persons taxable as manufacturers or processors for hire under other provisions of this chapter; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including by-products, manufactured or processed, multiplied by the rate of ~~((0.484))~~ 0.00 percent.

The measure of the tax is the value of the products, including by-products, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

**Sec. 13.** RCW 82.04.2404 and 2017 3rd sp.s. c 37 s 503 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing or processing for hire semiconductor materials, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or, in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of ~~((0.275))~~ 0.00 percent.

(2) For the purposes of this section "semiconductor materials" means silicon crystals, silicon ingots, raw polished semiconductor wafers, and compound semiconductor wafers.

~~(3) ((A person reporting under the tax rate provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.~~

~~(4) Any person who has claimed the preferential tax rate under this section must reimburse the department for fifty percent of the amount of the tax preference under this section, if:~~

~~(a) The number of persons employed by the person claiming the tax preference is less than ninety percent of the person's three-year employment average for the three years immediately preceding the year in which the preferential tax rate is claimed; or~~

~~(b) The person is subject to a review under section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess. and such person does not meet performance criteria in section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess.~~

~~(5))~~ This section expires December 1, 2028.

**Sec. 14.** RCW 82.04.260 and 2020 c 165 s 3 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of ~~((0.138))~~ 0.00 percent;

(b) Beginning July 1, 2025, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured multiplied by the rate of 0.00 percent or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c)(i) Except as provided otherwise in (c)(iii) of this subsection, from July 1, 2025, until January 1, 2036, dairy products; or selling dairy products that the person has manufactured to purchasers who either transport in the ordinary course of business the goods out of state or purchasers who use such dairy products as an ingredient or component in the manufacturing of a dairy product; as to such persons the tax imposed is equal to the value of the products manufactured multiplied by the rate of 0.00 percent or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(ii) For the purposes of this subsection (1)(c), "dairy products" means:

(A) Products, not including any marijuana-infused product, that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products, such as whey and casein; and

(B) Products comprised of not less than ~~((seventy))~~ 70 percent dairy products that qualify under (c)(ii)(A) of this subsection, measured by weight or volume.

(iii) The preferential tax rate provided to taxpayers under this subsection (1)(c) does not apply to sales of dairy products on or after July 1, 2023, where a dairy product is used by the purchaser as an ingredient or component in the manufacturing in Washington of a dairy product;

(d)(i) Beginning July 1, 2025, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with

respect to such business is equal to the value of the products manufactured multiplied by the rate of 0.00 percent or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(ii) For purposes of this subsection (1)(d), "fruits" and "vegetables" do not include marijuana, useable marijuana, or marijuana-infused products; and

(c) Wood biomass fuel; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of ~~((0.138))~~ 0.00 percent. For the purposes of this section, "wood biomass fuel" means a liquid or gaseous fuel that is produced from lignocellulosic feedstocks, including wood, forest, or field residue and dedicated energy crops, and that does not include wood treated with chemical preservations such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of ~~((0.138))~~ 0.00 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of ~~((0.138))~~ 0.00 percent.

(5)(a) Upon every person engaging within this state in the business of acting as a travel agent or tour operator and whose annual taxable amount for the prior calendar year was ~~((two hundred fifty thousand dollars))~~ \$250,000 or less; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(b) Upon every person engaging within this state in the business of acting as a travel agent or tour operator and whose annual taxable amount for the calendar year was more than ~~((two hundred fifty thousand dollars))~~ \$250,000; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent through June 30, 2019, and 0.9 percent beginning July 1, 2019.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection.

Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8)(a) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW ~~((43.145.010))~~ 70A.380.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees imposed under chapter ~~((43.200))~~ 70A.384 RCW, multiplied by the rate of 3.3 percent.

(b) If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through June 30, 2007;

(ii) 0.2904 percent beginning July 1, 2007, through March 31, 2020; ~~((and))~~

(iii) Beginning April 1, 2020, 0.484 percent, subject to any reduction required under (e) of this subsection (11). The tax rate in this subsection (11)(a)(iii) applies to ~~((a#))~~ retailing and wholesaling business activities described in this subsection (11)(a); and

(iv) Beginning January 1, 2022, 0.00 percent for manufacturing activities described in this subsection (11)(a).

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection (11) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.2904 percent through March 31, 2020; and

(ii) Beginning April 1, 2020, the following rates, which are subject to any reduction required under (e) of this subsection (11):

(A) The generally applicable rate under ((RCW 82.04.250(1))) this chapter on the business of making retail or wholesale sales of tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes; and

(B) ~~((0.484))~~ 0.00 percent on all other business activities described in this subsection (11)(b) beginning January 1, 2022.

(c) For the purposes of this subsection (11), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d)(i) In addition to all other requirements under this title, a person reporting ~~((under the tax rate))~~ a preferential tax rate for retailing or wholesaling activities provided in this subsection (11) must file a complete annual tax performance report with the department under RCW 82.32.534. However, this requirement does not apply to persons reporting under the tax rate in (a)(iii) of this subsection (11), so long as that rate remains 0.484 percent, or under any of the tax rates in (b)(ii)(A) and (B) of this subsection (11), so long as those tax rates remain the rate imposed pursuant to RCW 82.04.250(1) and 0.484 percent, respectively.

(ii) Nothing in (d)(i) of this subsection (11) may be construed as affecting the obligation of a person reporting under a tax rate provided in this subsection (11) to file a complete annual tax performance report with the department under RCW 82.32.534: (A) Pursuant to another provision of this title as a result of claiming a tax credit or exemption; or (B) pursuant to (d)(i) of this subsection (11) as a result of claiming the tax rates in (a)(ii) or (b)(i) of this subsection (11) for periods ending before April 1, 2020.

(e)(i) After March 31, 2021, the tax rates under (a)(iii) and (b)(ii)(A) of this subsection (11) must be reduced to 0.357 percent for retailing and wholesaling activities provided the conditions in RCW 82.04.2602 are met. The effective date of the rates authorized under this subsection (11)(e) must occur on the first day of the next calendar quarter that is at least ~~((sixty))~~ 60 days after the department receives the last of the two written notices pursuant to RCW 82.04.2602 (3) and (4).

(ii) Both a significant commercial airplane manufacturer separately and the rest of the aerospace industry as a whole, receiving the rate of 0.357 percent under this subsection (11)(e) are subject to the aerospace apprenticeship utilization rates required under RCW 49.04.220 by April 1, 2026, or five years after the effective date of the 0.357 percent rate authorized under this subsection (11)(e), whichever is later, as determined by the department of labor and industries.

(iii) The provisions of RCW 82.32.805 and 82.32.808 do not apply to this subsection (11)(e).

(f)(i) Except as provided in (f)(ii) of this subsection (11), this subsection (11) does not apply on and after July 1, 2040.

(ii) With respect to ~~((the manufacturing of commercial airplanes or))~~ making sales, at retail or wholesale, of commercial

airplanes, this subsection (11) does not apply on and after July 1st of the year in which the department makes a determination that any final assembly or wing assembly of any version or variant of a commercial airplane that is the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850 has been sited outside the state of Washington. This subsection (11)(f)(ii) only applies to the ~~((manufacturing or))~~ sale of commercial airplanes that are the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850. This subsection (11)(f)(ii) continues to apply during the time that a person is subject to the tax rate in (a)(iii) of this subsection (11).

(g) For the purposes of this subsection, "a significant commercial airplane manufacturer" means a manufacturer of commercial airplanes with at least ~~((fifty thousand))~~ 50,000 full-time employees in Washington as of January 1, 2021.

(12)(a) Until July 1, 2045, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and ~~((0.2904))~~ 0.00 percent from July 1, 2007, through June 30, 2045.

(b) Until July 1, 2045, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; (ii) timber products into other timber products or wood products; or (iii) products defined in RCW 19.27.570(1); as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and ~~((0.2904))~~ 0.00 percent from July 1, 2007, through June 30, 2045.

(c) Until July 1, 2045, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; (iii) wood products manufactured by that person from timber or timber products; or (iv) products defined in RCW 19.27.570(1) manufactured by that person; as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, wood products, or products defined in RCW 19.27.570(1) multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and ~~((0.2904))~~ 0.00 percent from July 1, 2007, through June 30, 2045.

(d) Until July 1, 2045, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection (12)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within ~~((thirty))~~ 30 months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than ~~((fifty))~~ 50 percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection (12)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection (12) must file a complete annual tax performance report with the department under RCW 82.32.534.

(g) Nothing in this subsection (12) may be construed to affect the taxation of any activity defined as a retail sale in RCW 82.04.050(2) (b) or (c), defined as a wholesale sale in RCW 82.04.060(2), or taxed under RCW 82.04.280(1)(g).

(13) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(14)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.35 percent until July 1, 2024, and 0.484 percent thereafter.

(b) A person reporting under the tax rate provided in this subsection (14) must file a complete annual tax performance report with the department under RCW 82.32.534.

**Sec. 15.** RCW 82.04.2909 and 2017 c 135 s 12 are each amended to read as follows:

(1) Upon every person who is an aluminum smelter engaging within this state in the business of manufacturing aluminum; as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of (~~(2.904)~~) 0.00 percent.

(2) Upon every person who is an aluminum smelter engaging within this state in the business of making sales at wholesale of aluminum manufactured by that person, as to such persons the amount of tax with respect to such business is equal to the gross proceeds of sales of the aluminum multiplied by the rate of .2904 percent.

(3) A person reporting under the tax rate provided in subsection (2) of this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(4) This section expires January 1, 2027.

**Sec. 16.** RCW 82.04.294 and 2017 3rd sp.s. c 37 s 403 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing solar energy systems using photovoltaic modules or stirling converters, or of manufacturing solar grade silicon, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers to be used exclusively in components of such systems; as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of (~~(0.275)~~) 0.00 percent.

(2) Upon every person engaging within this state in the business of making sales at wholesale of solar energy systems using photovoltaic modules or stirling converters, or of solar grade silicon, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers to be used exclusively in components of such systems, manufactured by that person; as to such persons the amount of tax with respect to such business is equal to the gross proceeds of sales of the solar energy systems using photovoltaic modules or stirling converters, or of the solar grade silicon to be used exclusively in components of such systems, multiplied by the rate of 0.275 percent.

(3) Silicon solar wafers, silicon solar cells, thin film solar devices, solar grade silicon, or compound semiconductor solar wafers are "semiconductor materials" for the purposes of RCW 82.08.9651 and 82.12.9651.

(4) The definitions in this subsection apply throughout this section.

(a) "Compound semiconductor solar wafers" means a semiconductor solar wafer composed of elements from two or more different groups of the periodic table.

(b) "Module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

(c) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

(d) "Silicon solar cells" means a photovoltaic cell manufactured from a silicon solar wafer.

(e) "Silicon solar wafers" means a silicon wafer manufactured for solar conversion purposes.

(f) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

(g) "Solar grade silicon" means high-purity silicon used exclusively in components of solar energy systems using photovoltaic modules to capture direct sunlight. "Solar grade silicon" does not include silicon used in semiconductors.

(h) "Stirling converter" means a device that produces electricity by converting heat from a solar source utilizing a stirling engine.

(i) "Thin film solar devices" means a nonparticipating substrate on which various semiconducting materials are deposited to produce a photovoltaic cell that is used to generate electricity.

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

(5) A person reporting under the tax rate provided in subsection (2) of this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(6) This section expires July 1, 2027.

**Sec. 17.** RCW 82.04.280 and 2019 c 449 s 1 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of: (a) Printing materials other than newspapers, and of publishing periodicals or magazines; (b) building, repairing or improving any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (c) extracting for hire ~~((or processing for hire)),~~ except persons taxable as extractors for hire ~~((or processors for hire))~~ under another section of this chapter; (d) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (e) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of chapter 48.17 RCW; (f) radio and television broadcasting, but excluding revenues from network, national, and regional advertising computed either: (i) As a standard deduction that the department must publish by rule by September 30, 2020, and by September 30th of every fifth year thereafter, based on the national average thereof as reported by the United States census bureau's economic census; or (ii) in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the broadcasting station's total audience as measured by the .5 millivolt/meter signal strength contour for AM radio, the one millivolt/meter or ~~((sixty)) 60~~ dBu signal strength contour for FM radio, the ~~((twenty-eight)) 28~~ dBu signal strength contour for television channels two through six, the ~~((thirty-six)) 36~~ dBu signal strength contour for television channels seven through ~~((thirteen)) 13~~, and the ~~((forty-one)) 41~~ dBu signal strength contour for television channels ~~((fourteen)) 14~~ through ~~((sixty-nine)) 69~~ with delivery by wire, satellite, or any other means, if any; (g) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.484 percent.

(2) For the purposes of this section, the following definitions apply unless the context clearly requires otherwise.

(a) "Cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

(b) "Storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad

freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

(c) "Periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

**Sec. 18.** RCW 82.32.790 and 2019 c 449 s 2 are each amended to read as follows:

(1)(a) Section ~~((2)) 1~~, chapter 449, Laws of 2019, sections 510, 512, 514, 516, ~~((518,)) 520, 522, and 524~~, chapter 37, Laws of 2017 3rd sp. sess., sections ~~((9,)) 13, 17, 22, 24, 30, 32, and 45~~, chapter 135, Laws of 2017, sections ~~((104,)) 110, 117, 123, 125, 129, 131, and 150~~, chapter 114, Laws of 2010, and sections 1, 2, ~~((3,)) and 5 through 10~~, chapter 149, Laws of 2003 are contingent upon the siting and commercial operation of a significant semiconductor microchip fabrication facility in the state of Washington by January 1, 2024.

(b) For the purposes of this section:

(i) "Commercial operation" means the same as "commencement of commercial production" as used in RCW 82.08.965.

(ii) "Semiconductor microchip fabrication" means "manufacturing semiconductor microchips" as defined in RCW 82.04.426.

(iii) "Significant" means the combined investment of new buildings and new machinery and equipment in the buildings, at the commencement of commercial production, will be at least ~~((one billion dollars)) \$1,000,000,000~~.

(2) The sections referenced in subsection (1) of this section take effect the first day of the month in which a contract for the construction of a significant semiconductor fabrication facility is signed, if the contract is signed and received by January 1, 2024, as determined by the director of the department of revenue.

(3)(a) The department of revenue must provide notice of the effective date of the sections referenced in subsection (1) of this section to affected taxpayers, the legislature, and others as deemed appropriate by the department.

(b) If, after making a determination that a contract has been signed and the sections referenced in subsection (1) of this section are effective, the department discovers that commencement of commercial production did not take place within three years of the date the contract was signed, the department must make a determination that chapter 149, Laws of 2003 is no longer effective, and all taxes that would have been otherwise due are deemed deferred taxes and are immediately assessed and payable from any person reporting tax under RCW 82.04.240(2) or claiming an exemption or credit under RCW 82.04.426, 82.04.448, 82.08.965, 82.12.965, 82.08.970, 82.12.970, or 84.36.645. The department is not authorized to make a second determination regarding the effective date of the sections referenced in subsection (1) of this section.

(4)(a) This section expires January 1, 2024, if the contingency in subsection (2) of this section does not occur by January 1, 2024, as determined by the department.

(b) The department must provide written notice of the expiration date of this section and the sections referenced in subsection (1) of this section to affected taxpayers, the legislature, and others as deemed appropriate by the department.

**NEW SECTION. Sec. 19.** 2017 3rd sp.s. c 37 s 518, 2017 c 135 s 9, 2010 c 114 s 104, & 2003 c 149 s 3 are each repealed.

**NEW SECTION. Sec. 20.** Sections 11 through 19 of this act take effect January 1, 2022.

**PART IV  
PROVIDING PROPERTY TAX RELIEF FOR  
HOMEOWNERS**

**NEW SECTION. Sec. 21.** A new section is added to chapter 84.36 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claimant" means an individual who has applied for or is receiving a homestead exemption.

(b) "Homestead exemption" means an exemption from a portion of state property taxes.

(c) "Manufactured/mobile home," "manufactured housing cooperative," "mobile home park cooperative," and "park model" have the same meanings as provided in RCW 59.20.030.

(d) "Residence" means a single-family dwelling unit whether such unit is separate or part of a multiunit dwelling, including the land on which such dwelling stands. "Residence" includes:

(i) A single-family dwelling situated upon lands the fee of which is vested in or held in trust by the United States or any of its instrumentalities, a federally recognized Indian tribe, the state of Washington or any of its political subdivisions, or a municipal corporation;

(ii) A single-family dwelling consisting of a manufactured/mobile home or park model that has substantially lost its identity as a mobile unit by virtue of its being fixed in location and placed on a foundation with fixed pipe connections with sewer, water, or other utilities; and

(iii) A single-family dwelling consisting of a floating home as defined in RCW 82.45.032.

(2)(a) Subject to the conditions in this section, a portion of the assessed value of a residence is exempt from the total state property tax under RCW 84.52.065 (1) and (2). Beginning with taxes levied for collection in calendar year 2023 and subject to the adjustments and limitations in subsection (3) of this section, the exemption from state property taxes is equal to:

(i) The first \$100,000 of valuation of each residential tax parcel consisting of fewer than three residences; and

(ii) The first \$100,000 of valuation of each residence within a multiunit residential dwelling wherein each residence is owned and taxed separately or is owned by members of a cooperative housing association, corporation, or partnership.

(b) For taxes levied for collection in calendar year 2024 and each subsequent year thereafter, the amount of homestead exemption must be increased from the prior year's exemption amount by the percentage growth in the state levy for the prior calendar year. The department is responsible for making a determination of any increase in the amount of the homestead exemption and may round the dollar amount of the homestead exemption to the nearest thousand dollars.

(3)(a) The county assessor must multiply the amount of the homestead exemption for a tax year by the combined indicated ratio fixed by the department for the county in which the residence is located and used by the department to determine the equalized state levy rate for that county for that tax year.

(b) The amount of the homestead exemption for a residence may not result in a tax reduction that exceeds the amount of state property taxes that would otherwise be levied on that residence.

(4) The homestead exemption is in addition to the exemption provided in RCW 84.36.379 through 84.36.389.

(5)(a) The homestead exemption must be claimed and renewed on declaration and renewal declaration forms developed by the department or by the county assessor and approved by the department. Each county assessor must make declaration and

renewal declaration forms available at the assessor's office, on the assessor's official website, and by mail or email upon request.

(b) The claimant or his or her designated agent or legal guardian must sign the declaration or renewal declaration declaring that the property for which a homestead exemption is sought is the claimant's principal residence within the meaning of subsection (6)(a) and (b) of this section. If the claimant resides in a cooperative housing association, corporation, or partnership, the declaration or renewal declaration must also be signed by the authorized agent of such cooperative. If the claimant holds a life estate in the residence for which a homestead exemption is claimed and the claimant is not shown on the tax rolls as the taxpayer for that residence, the remainderman or other person shown on the tax rolls as the taxpayer must also sign the declaration or renewal declaration. All signatures on a declaration or renewal declaration must be made under penalty of perjury.

(c) Notice of the homestead exemption and where to obtain further information about the exemption must be included on or with property tax statements and revaluation notices for residential property. The department and each county assessor are required to publicize the qualifications and manner of making claims for the homestead exemption, including such paid advertisements or notices as deemed appropriate in the sole discretion of the department and county assessors.

(6) The following conditions apply to homestead exemptions:

(a) The residence must be occupied by the claimant as his or her principal place of residence as of the date of the signed declaration or renewal declaration under subsection (5) of this section. A claimant who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant may receive a homestead exemption on more than one residence in any calendar year. However, the confinement of the claimant to a hospital, nursing home, assisted living facility, or adult family home will not disqualify the claim of exemption if:

(i) The residence is temporarily unoccupied;

(ii) The residence is occupied by either a spouse, state registered domestic partner, or a person financially dependent on the claimant for support, or both; or

(iii) The residence is rented for the purpose of paying the claimant's costs of a nursing home, hospital, assisted living facility, or adult family home.

(b) At the time of signing the declaration or renewal declaration:

(i) The claimant must have owned, in fee or by contract purchase, or have held a life estate in, the residence for which the homestead exemption is claimed; or

(ii) If the claimant resides in a cooperative housing association, corporation, or partnership, including a mobile home park cooperative or manufactured housing cooperative, the claimant must own a share in the cooperative representing the unit or dwelling in which he or she resides or the lot on which his or her manufactured/mobile home or park model is situated.

(c) For purposes of this subsection, a residence owned by a marital community, state registered domestic partners, or cotenants is deemed to be owned by each spouse, domestic partner, or cotenant, and any lease for life is deemed a life estate.

(d) Except as provided in (e) of this subsection, the declaration form identified in subsection (5) of this section must be signed and returned to the county assessor no later than June 30th for exemption from state taxes payable the following year.

(e) A homestead exemption continues for no more than six consecutive years unless a renewal declaration is filed with the county assessor. At least once every six years the county assessor must, no later than March 1st, notify claimants currently receiving a homestead exemption of the requirement to file a renewal

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

declaration. The county assessor may also require a renewal declaration following any change in state law regarding the qualifications or conditions for the homestead exemption. Each claimant receiving a homestead exemption must file with the county assessor a renewal declaration no later than June 30th of the year the assessor notifies such person of the requirement to file the renewal declaration.

(f)(i) The assessed value of a dwelling owned by a cooperative housing association, corporation, or partnership must be reduced, for purposes of state property taxes levied on the dwelling, by the amount of homestead exemption to which a claimant residing in that dwelling is entitled. The cooperative must pass the full amount of its property tax savings under this section to its members in proportion to each member's homestead exemption. The cooperative may meet its obligation under this subsection (6)(f)(i) by reducing the amount owed by the members to the cooperative or, if no amount be owed, by making payment to the members.

(ii) A mobile home park cooperative or manufactured housing cooperative is entitled to any unused portion of the homestead exemption of its members. A mobile home park cooperative or manufactured housing cooperative receiving the unused portion of the homestead exemption of its members must pass the full amount of its property tax savings to its members in proportion to each member's unused homestead exemption. The cooperative may meet its obligation under this subsection (6)(f)(ii) by reducing the amount owed by the members to the cooperative or, if no amount be owed, by making payment to the members. For purposes of this subsection (6)(f)(ii), "unused portion of the homestead exemption" means the amount by which the maximum allowable homestead exemption exceeds the assessed value of the manufactured/mobile home or park model owned by a member of the mobile home park cooperative or manufactured housing cooperative.

(g) A claimant granted a homestead exemption must immediately inform the county assessor, on forms created or approved by the department, of any change in status affecting the claimant's entitlement to a homestead exemption.

(h) Where a claimant has a life estate in his or her residence and a remainderman or other person would have otherwise paid the state property tax exempted on the residence as a result of the claimant's homestead exemption, such remainderman or other person must reduce the amount owed by the claimant to the remainderman or other person by the amount of the tax savings from the claimant's homestead exemption. If no amount is owed by the claimant to the remainderman or other person, the remainderman or other person must make payment to the claimant in the full amount of the tax savings from the claimant's homestead exemption.

(7)(a)(i) If the assessor finds that the claimant's residence does not meet the qualifications for a homestead exemption, the assessor must deny or cancel the homestead exemption.

(ii) If the assessor receives a declaration or renewal declaration after the deadline in subsection (6)(d) or (e) of this section, the assessor must deny the homestead exemption unless the assessor determines that the claimant qualifies for the homestead exemption and that good cause exists to excuse the late filing. A claimant whose homestead exemption was denied or canceled because the declaration or renewal declaration was filed after the deadline in subsection (6)(d) or (e) of this subsection may seek a refund of state property taxes paid as a result of the denial or cancellation, as provided in RCW 84.69.020. For purposes of this subsection (7)(a)(ii), good cause may be shown by one or more of the following circumstances:

(A) Death or serious illness of the claimant or a member of the claimant's immediate family, as defined in RCW 42.17A.005, within two weeks of the due date of the declaration or renewal declaration;

(B) The declaration or renewal declaration was mailed timely but inadvertently sent to the wrong address;

(C) The claimant received incorrect, ambiguous, or misleading written advice regarding the qualifications or filing requirements for the homestead exemption from the county assessor's staff;

(D) Natural disaster, such as flood or earthquake, occurring within two weeks of the due date of the declaration or renewal declaration;

(E) Delay or loss of the declaration or renewal declaration by the postal service, and documented by the postal service;

(F) The claimant was not sent a notice of the requirement to file a renewal declaration within the six-year period as required by subsection (6)(e) of this section; or

(G) Other circumstances as the department may provide by rule.

(b) A denial or cancellation under this subsection is subject to appeal under the provisions of RCW 84.48.010 and in accordance with the provisions of RCW 84.40.038.

(c) If the assessor determines that the claimant had received a homestead exemption in error in prior years, the county treasurer must collect all state property taxes that would have been paid on the claimant's residence for the prior years had the homestead exemption not been claimed, not to exceed six years. Interest, but not penalties, applies to such taxes and is computed at the same rates and in the same way as interest is computed on delinquent taxes. Taxes and interest imposed under this subsection (7)(c): (i) Must be extended on the tax roll; (ii) are due within 30 days after the date of the treasurer's billing for such taxes and interest; and (iii) constitute a lien on the real property to which the tax and interest applies as provided in chapter 84.60 RCW.

(8) The department may conduct audits of the administration of this section and claims filed for the homestead exemption as the department considers necessary. The powers of the department under chapter 84.08 RCW apply to these audits.

(9) The homestead exemption under this section applies to the total state property tax levied under RCW 84.52.065. The exemption does not apply to any local property taxes.

(10) The department may adopt such rules in accordance with chapter 34.05 RCW, and prescribe such forms, as the department deems necessary and appropriate to implement and administer this section.

**NEW SECTION. Sec. 22.** A new section is added to chapter 84.52 RCW to read as follows:

Pursuant to the provisions of Article VII, section . . . (Senate Joint Resolution No. . . . (S-0947/21)), the state levy must be reduced as necessary to prevent the value exempted under the homestead exemption in section 21 of this act from resulting in a higher tax rate than would have occurred in the absence of the homestead exemption.

**Sec. 23.** RCW 84.48.010 and 2017 c 155 s 1 are each amended to read as follows:

(1) Prior to July 15th, the county legislative authority must form a board for the equalization of the assessment of the property of the county. The members of the board must receive a per diem amount as set by the county legislative authority for each day of actual attendance of the meeting of the board of equalization to be paid out of the current expense fund of the county. However, when the county legislative authority constitutes the board they may only receive their compensation as members of the county legislative authority. The board of equalization must meet in open session for this purpose annually on the 15th day of July or within

fourteen days of certification of the county assessment rolls, whichever is later, and, having each taken an oath fairly and impartially to perform their duties as members of such board, they must examine and compare the returns of the assessment of the property of the county and proceed to equalize the same, so that each tract or lot of real property and each article or class of personal property must be entered on the assessment list at its true and fair value, according to the measure of value used by the county assessor in such assessment year, which is presumed to be correct under RCW 84.40.0301, and subject to the following rules:

(a) They must raise the valuation of each tract or lot or item of real property which is returned below its true and fair value to such price or sum as to be the true and fair value thereof, after at least five days' notice must have been given in writing to the owner or agent.

(b) They must reduce the valuation of each tract or lot or item which is returned above its true and fair value to such price or sum as to be the true and fair value thereof.

(c) They must raise the valuation of each class of personal property which is returned below its true and fair value to such price or sum as to be the true and fair value thereof, and they must raise the aggregate value of the personal property of each individual whenever the aggregate value is less than the true valuation of the taxable personal property possessed by such individual, to such sum or amount as to be the true value thereof, after at least five days' notice must have been given in writing to the owner or agent thereof.

(d) They must reduce the valuation of each class of personal property enumerated on the detail and assessment list of the current year, which is returned above its true and fair value, to such price or sum as to be the true and fair value thereof; and they must reduce the aggregate valuation of the personal property of such individual who has been assessed at too large a sum to such sum or amount as was the true and fair value of the personal property.

(e) The board may review all claims for either real or personal property tax exemption, or homestead exemptions under section 21 of this act, as determined by the county assessor, and must consider any taxpayer appeals from the decision of the assessor thereon to determine (i) if the taxpayer is entitled to an exemption, and (ii) if so, the amount thereof.

(2) The board must notify the taxpayer and assessor of the board's decision within forty-five days of any hearing on the taxpayer's appeal of the assessor's valuation of real or personal property.

(3) The clerk of the board must keep an accurate journal or record of the proceedings and orders of the board showing the facts and evidence upon which their action is based, and the record must be published the same as other proceedings of county legislative authority, and must make a true record of the changes of the descriptions and assessed values ordered by the county board of equalization. The assessor must correct the real and personal assessment rolls in accordance with the changes made by the county board of equalization.

(4) The county board of equalization must meet on the 15th day of July or within fourteen days of certification of the county assessment rolls, whichever is later, and may continue in session and adjourn from time to time during a period not to exceed four weeks, but must remain in session not less than three days. However, the county board of equalization with the approval of the county legislative authority may convene at any time when petitions filed exceed twenty-five, or ten percent of the number of appeals filed in the preceding year, whichever is greater.

(5) No taxes, except special taxes, may be extended upon the tax rolls until the property valuations are equalized by the department of revenue for the purpose of raising the state revenue.

(6) County legislative authorities as such have at no time any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person.

**Sec. 24.** RCW 84.69.020 and 2017 3rd sp.s. c 13 s 310 are each amended to read as follows:

(1) On the order of the county treasurer, ad valorem taxes paid before or after delinquency must be refunded if they were:

((1)) (a) Paid more than once;

((2)) (b) Paid as a result of manifest error in description;

((3)) (c) Paid as a result of a clerical error in extending the tax rolls;

((4)) (d) Paid as a result of other clerical errors in listing property;

((5)) (e) Paid with respect to improvements which did not exist on assessment date;

((6)) (f) Paid under levies or statutes adjudicated to be illegal or unconstitutional;

((7)) (g) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended;

((8)) (h) Paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person with respect to real property in which the person paying the same has no legal interest;

((9)) (i) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board;

((10)) (j) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under (i) and (j) of this subsection ~~((s-9) and (10) of this section shall)~~ may only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order;

((11)) (k) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded ~~((shall))~~ may only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 of the state Constitution equal one percent of the assessed value established by the board;

((12)) (l) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded ~~((shall be))~~ is for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding;

((13)) (m) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2);

((14)) (n) Paid on the basis of an assessed valuation that was reduced under RCW 84.48.065;

((15)) (o) Paid on the basis of an assessed valuation that was reduced under RCW 84.40.039; or

((16)) (p) Abated under RCW 84.70.010.

(2) No refunds under the provisions of this section ~~((shall))~~ may be made because of any error in determining the valuation of property, except as authorized in subsection ~~((s-9), (10), (11), and (12))~~ (1) (i) through (l) of this section nor may any refunds be

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

made if a bona fide purchaser has acquired rights that would preclude the assessment and collection of the refunded tax from the property that should properly have been charged with the tax. Any refunds made on delinquent taxes must include the proportionate amount of interest and penalties paid. However, no refunds as a result of an incorrect payment authorized under subsection ~~((g))~~ (1)(h) of this section made by a third party payee ~~(shall)~~ may be granted. The county treasurer may deduct from moneys collected for the benefit of the state's levies, refunds of the state's levies including interest on the levies as provided by this section and chapter 84.68 RCW.

(3) The county treasurer of each county must make all refunds determined to be authorized by this section, and by the first Monday in February of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

NEW SECTION. Sec. 25. Sections 21 through 24 of this act take effect January 1, 2022, if the proposed amendment to Article VII of the state Constitution (Senate Joint Resolution No. . . . (S-0947/21)), providing for a homestead exemption, is validly submitted to and is approved and ratified by the voters at the next general election.

NEW SECTION. Sec. 26. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "a carbon pollution tax to provide tax relief and mitigate climate risk; amending RCW 82.08.0206, 82.04.240, 82.04.2404, 82.04.260, 82.04.2909, 82.04.294, 82.04.280, 82.32.790, 84.48.010, and 84.69.020; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.52 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing 2017 3rd sp.s. c 37 s 518, 2017 c 135 s 9, 2010 c 114 s 104, and 2003 c 149 s 3; providing an effective date; providing a contingent effective date; and providing for submission of this act to a vote of the people."

Senator Wagoner spoke in favor of adoption of the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wagoner and without objection, striking floor amendment no. 673 by Senator Wagoner to Second Substitute Senate Bill No. 5126 was withdrawn.

MOTION

On motion of Senator Carlyle, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5126 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

At 6:58 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

----

The Senate was called to order at 7:42 p.m. by President Heck.

The Senate resumed consideration of Engrossed Second Substitute Senate Bill No. 5126.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5126, by Senate Committee on Ways & Means (originally sponsored by Carlyle, Saldaña, Conway, Das, Frockt, Hunt, Liias, Nguyen, Pedersen, Salomon, Stanford, and Wilson, C.)

Concerning the Washington climate commitment act.

Senators Carlyle and Nobles spoke in favor of passage of the bill.

Senators Fortunato, Wilson, J., Warnick, Short, Muzzall, Dozier and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5126.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5126 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hobbs, Hunt, Keiser, Kuderer, Liias, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hasegawa, Hawkins, Holy, Honeyford, King, Lovelett, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529, by House Committee on Transportation (originally sponsored by Barkis, Fey, Slatter and Eslick)

Modifying requirements in order to pay for debt service obligations when toll revenues are not sufficient to cover legal obligations.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute House Bill No. 1529 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1529.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1529 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Dozier, Ericksen, Honeyford and Schoesler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1379, by House Committee on Transportation (originally sponsored by Lovick, Boehnke, Sutherland, Ryu and Dent)

Establishing an unpiloted aircraft system state coordinator and program funding source.

The measure was read the second time.

## MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 47.68 RCW to read as follows:

(1) Within amounts collected from commercial unpiloted aircraft registration fees pursuant to RCW 47.68.250(1), the aviation division director (also known as the senior state aviation official) or the aviation division director's designee shall act as the unpiloted aircraft system coordinator. The unpiloted aircraft system coordinator serves primarily in an advisory role and is not authorized to direct unpiloted aircraft system operations, training, or policy outside the department. The duties of the unpiloted aircraft system coordinator include:

(a) Assisting with unpiloted aircraft system training and continuing education for state agencies;

(b) Coordinating with local governments on state and federal unpiloted aircraft system policies and regulations;

(c) Acting as a state level coordinator for unpiloted aircraft system operations during a governor declaration of emergency pursuant to RCW 43.06.210;

(d) Coordinating with the federal aviation administration and state agencies on unpiloted aircraft system trends;

(e) Identifying and disseminating information on unpiloted aircraft system training sites;

(f) Establishing and maintaining an unpiloted aircraft system coordination website for state and local governments;

(g) Assisting with the advancement of unpiloted aircraft systems across the state in coordination with the department of commerce, the aerospace industry, and the commercial unmanned aircraft systems industry;

(h) Acting as the principal advisor to the secretary on unpiloted aircraft system matters;

(i) Undertaking other unpiloted aircraft system coordination duties that are deemed appropriate by the aviation division director and the unpiloted aircraft system coordinator including, but not limited to, overseeing unpiloted aircraft system symposiums or other events for state agencies and other stakeholder groups.

(2) The department may adopt rules to implement this section.

(3) By December 1, 2022, the department shall provide a report to the transportation committees of the legislature and the department of commerce that provides details on the specific activities, accomplishments, and opportunities undertaken by the unpiloted aircraft system coordinator as to each of the duties provided in this section. The report must also be shared with interested aviation and aerospace industry stakeholders. The report shall include:

(a) Information on the specific activities, accomplishments, and opportunities taken by the aviation division director or the director's designee in their role as the unpiloted aircraft system coordinator;

(b) A statement on the justification and need for the aviation division director or the director's designee to continue to perform the specific activities of the unpiloted aircraft system coordinator; and

(c) Recommendations on any changes to the scope of the work and duties of the unpiloted aircraft system coordinator. This shall include recommendations on the reassignment of duties of the unpiloted aircraft system coordinator to the department's aviation division and recommendations on the termination of the unpiloted aircraft system coordinator position.

**Sec. 2.** RCW 47.68.250 and 2020 c 304 s 3 are each amended to read as follows:

(1) Every aircraft, inclusive of commercial unpiloted aircraft systems, must be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of fifteen dollars is charged for each such registration and each annual renewal thereof.

(2) The department must review the fee schedule based on the number of unpiloted aircraft systems registered under any single entity. Consideration should be given to the cost to administer the program and the number of commercial aircraft registered in the state. The department shall collaborate with the department of commerce, the department of revenue, and industry representatives in determining any recommendations to revise the initial fee. The report is due to the transportation committees of the legislature by December 1, 2022.

(3) Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 RCW for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section are the only requisites for registration of an aircraft under this section.

~~((3))~~ (4) The registration fee imposed by this section is payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and collected by the secretary at the time of the collection by him or her of the excise tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she must issue to the owner of the aircraft a certificate of registration therefor. The secretary must pay to the state treasurer the registration fees collected under this section, which registration fees must be credited to the aeronautics account.

~~((4))~~ (5) It is not necessary for the registrant to provide the secretary with originals or copies of federal certificates, permits, ratings, or licenses. The secretary must issue certificates of registration, or such other evidences of registration or payment of

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

fees as he or she may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

~~((5))~~ (6) The provisions of this section do not apply to:

(a) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(b) An aircraft registered under the laws of a foreign country;

(c) An aircraft that is owned by a nonresident if:

(i) The aircraft remains in this state or is based in this state, or both, for a period less than ninety days; or

(ii) The aircraft is a large private airplane as defined in RCW 82.08.215 and remains in this state for a period of ninety days or longer, but only when:

(A) The airplane is in this state exclusively for the purpose of repairs, alterations, or reconstruction, including any flight testing related to the repairs, alterations, or reconstruction, or for the purpose of continual storage of not less than one full calendar year;

(B) An employee of the facility providing these services is on board the airplane during any flight testing; and

(C) Within ninety days of the date the airplane first arrived in this state during the calendar year, the nonresident files a written statement with the department indicating that the airplane is exempt from registration under this subsection ~~((5))~~ (6)(c)(ii). The written statement must be filed in a form and manner prescribed by the department and must include such information as the department requires. The department may require additional periodic verification that the airplane remains exempt from registration under this subsection ~~((5))~~ (6)(c)(ii) and that written statements conform with the provisions of chapter 5.50 RCW;

(d) ~~((A))~~ A piloted aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(e) An aircraft owned by the commercial manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(f) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW; ~~((and))~~

(g) An aircraft based within the state that is in an unairworthy condition, is not operated within the registration period, and has obtained a written exemption issued by the secretary; and

(h) Unpiloted aircraft systems used exclusively for hobby or recreation.

~~((6))~~ (7) The secretary must be notified within thirty days of any change in ownership of a registered aircraft. The notification must contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

~~((7))~~ (8) A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, must require from an aircraft owner proof of aircraft registration as a condition of leasing or selling tiedown or hangar space for an aircraft. It is the responsibility of the lessee or purchaser to register the aircraft. Proof of registration must be provided according to the following schedule:

(a) For the purchase of tiedown or hangar space, the municipality or port district must allow the purchaser thirty days

from the date of the application for purchase to produce proof of aircraft registration.

(b) For the lease of tiedown or hangar space that extends thirty days or more, the municipality or port district must allow the lessee thirty days to produce proof of aircraft registration from the date of the application for lease of tiedown or hangar space.

(c) For the lease of tiedown or hangar space that extends less than thirty days, the municipality or port district must allow the lessee to produce proof of aircraft registration at any point prior to the final day of the lease.

~~((8))~~ (9) The airport must work with the aviation division to assist in its efforts to register aircraft by providing information about based aircraft on an annual basis as requested by the division.

(10) The department may adopt rules to implement this section.

**Sec. 3.** RCW 47.68.250 and 2019 c 232 s 23 are each amended to read as follows:

(1) Every aircraft, inclusive of commercial unpiloted aircraft systems, must be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of fifteen dollars is charged for each such registration and each annual renewal thereof.

(2) The department must review the fee schedule based on the number of unpiloted aircraft systems registered under any single entity. Consideration should be given to the cost to administer the program and the number of commercial aircraft registered in the state. The department shall collaborate with the department of commerce, the department of revenue, and industry representatives in determining any recommendations to revise the initial fee. The report is due to the transportation committees of the legislature by December 1, 2022.

(3) Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 RCW for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section are the only requisites for registration of an aircraft under this section.

~~((3))~~ (4) The registration fee imposed by this section is payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and must be collected by the secretary at the time of the collection by him or her of the excise tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she must issue to the owner of the aircraft a certificate of registration therefor. The secretary must pay to the state treasurer the registration fees collected under this section, which registration fees must be credited to the aeronautics account.

~~((4))~~ (5) It is not necessary for the registrant to provide the secretary with originals or copies of federal certificates, permits, ratings, or licenses. The secretary must issue certificates of registration, or such other evidences of registration or payment of fees as he or she may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

~~((5))~~ (6) The provisions of this section do not apply to:

(a) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(b) An aircraft registered under the laws of a foreign country;

(c) An aircraft that is owned by a nonresident if:

(i) The aircraft remains in this state or is based in this state, or both, for a period less than ninety days; or

(ii) The aircraft is a large private airplane as defined in RCW 82.08.215 and remains in this state for a period of ninety days or longer, but only when:

(A) The airplane is in this state exclusively for the purpose of repairs, alterations, or reconstruction, including any flight testing related to the repairs, alterations, or reconstruction, or for the purpose of continual storage of not less than one full calendar year;

(B) An employee of the facility providing these services is on board the airplane during any flight testing; and

(C) Within ninety days of the date the airplane first arrived in this state during the calendar year, the nonresident files a written statement with the department indicating that the airplane is exempt from registration under this subsection ~~((5))~~ (6)(c)(ii). The written statement must be filed in a form and manner prescribed by the department and must include such information as the department requires. The department may require additional periodic verification that the airplane remains exempt from registration under this subsection ~~((5))~~ (6)(c)(ii) and that written statements conform with the provisions of chapter 5.50 RCW;

(d) ~~((A))~~ A piloted aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(e) An aircraft owned by the commercial manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(f) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW; ~~((and))~~

(g) An aircraft based within the state that is in an unairworthy condition, is not operated within the registration period, and has obtained a written exemption issued by the secretary; and

(h) Unpiloted aircraft systems used exclusively for hobby or recreation.

~~((6))~~ (7) The secretary must be notified within thirty days of any change in ownership of a registered aircraft. The notification must contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

~~((7))~~ (8) A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, must require from an aircraft owner proof of aircraft registration as a condition of leasing or selling tiedown or hangar space for an aircraft. It is the responsibility of the lessee or purchaser to register the aircraft. Proof of registration must be provided according to the following schedule:

(a) For the purchase of tiedown or hangar space, the municipality or port district must allow the purchaser thirty days from the date of the application for purchase to produce proof of aircraft registration.

(b) For the lease of tiedown or hangar space that extends thirty days or more, the municipality or port district must allow the lessee thirty days to produce proof of aircraft registration from the date of the application for lease of tiedown or hangar space.

(c) For the lease of tiedown or hangar space that extends less than thirty days, the municipality or port district must allow the lessee to produce proof of aircraft registration at any point prior to the final day of the lease.

~~((8))~~ (9) The airport must work with the aviation division to assist in its efforts to register aircraft by providing information

about based aircraft on an annual basis as requested by the division.

(10) The department may adopt rules to implement this section.

**Sec. 4.** RCW 47.68.020 and 1993 c 208 s 4 are each amended to read as follows:

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Aeronautics" means the science and art of flight and including, but not limited to, transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or air navigation facilities; and instruction in flying or ground subjects pertaining thereto.

(2) "Aircraft" means ~~((any))~~ a piloted or unmanned contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

(3) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or right-of-way, together with all airport buildings and facilities located thereon.

(4) "Department" means the state department of transportation.

(5) "Secretary" means the state secretary of transportation.

(6) "State" or "this state" means the state of Washington.

(7) "Air navigation facility" means any facility, other than one owned or operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

(8) "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the airspace over this state or upon any airport within this state.

(9) "Airman or airwoman" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew in the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, airframes, propellers, or appliances, and any individual who serves in the capacity of aircraft dispatcher or air-traffic control tower operator; but does not include any individual employed outside the United States, or any individual employed by a manufacturer of aircraft, aircraft engines, airframes, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, or any individual performing inspection or mechanical duties in connection with aircraft owned or operated by the person.

(10) "Aeronautics instructor" means any individual who for hire or reward engages in giving instruction or offering to give instruction in flying or ground subjects pertaining to aeronautics, but excludes any instructor in a public school, university, or institution of higher learning duly accredited and approved for carrying on collegiate work, who instructs in flying or ground subjects pertaining to aeronautics, while in the performance of his or her duties at such school, university, or institution.

(11) "Air school" means any person who advertises, represents, or holds out as giving or offering to give instruction in flying or ground subjects pertaining to aeronautics whether for or without hire or reward; but excludes any public school, university, or institution of higher learning duly accredited and approved for carrying on collegiate work.

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

(12) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(13) "Municipal" means pertaining to a municipality, and "municipality" means any county, city, town, authority, district, or other political subdivision or public corporation of this state.

(14) "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

(15) "State airway" means a route in the navigable airspace over and above the lands or waters of this state, designated by the department as a route suitable for air navigation.

(16) "Aviation division" means the aeronautics division of the department.

(17) "Commercial" means an aircraft, piloted or unpiloted, not used exclusively for hobby or recreation.

(18) "Unpiloted aircraft system" means an aircraft operated without the possibility of direct human intervention from within or on the aircraft and is synonymous with the term "unmanned aircraft system". An unpiloted aircraft system must meet the same criteria and standards established by the federal aviation administration for an unmanned aircraft system.

NEW SECTION. Sec. 5. Section 2 of this act expires July 1, 2031.

NEW SECTION. Sec. 6. Section 3 of this act takes effect July 1, 2031.

NEW SECTION. Sec. 7. Except for section 3 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2021."

On page 1, line 2 of the title, after "source;" strike the remainder of the title and insert "amending RCW 47.68.250, 47.68.250, and 47.68.020; adding a new section to chapter 47.68 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1379.

The motion by Senator Hobbs carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1379 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1379.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1379 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Erickson, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers,

Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Schoesler

SUBSTITUTE HOUSE BILL NO. 1379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1271, by Representatives Orwall, Goehner, Goodman, Thai, Fey, Pollet and Harris-Talley

Ensuring continuity of operations in the offices of county elected officials during the current COVID-19 pandemic and future public health crises.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed House Bill No. 1271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1271.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1271 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Erickson, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Padden and Schoesler

ENGROSSED HOUSE BILL NO. 1271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1495, by Representatives Chapman, Robertson and Dent

Providing that qualified dealer cash incentives paid to auto dealers are bona fide discounts for purposes of the business and occupation tax.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, House Bill No. 1495 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1495.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1495 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Frockt

HOUSE BILL NO. 1495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091, by House Committee on Transportation (originally sponsored by Fitzgibbon, Slatter, Berry, Dolan, Bateman, Ramos, Simmons, Ramel, Senn, Peterson, Duerr, Ryu, Valdez, Callan, Kloba, Chopp, Ormsby, Frame, Macri, Pollet, Goodman and Bergquist)

Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel.

The measure was read the second time.

#### MOTION

Senator Carlyle moved that the following committee striking amendment by the Committee on Environment, Energy & Technology be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that rapid innovations in low carbon transportation technologies, including electric vehicles and clean transportation fuels, are at the threshold of widespread commercial deployment. In order to help prompt the use of clean fuels, other states have successfully implemented programs that reduce the carbon intensity of their transportation fuels. California and Oregon have both implemented low carbon fuel standards that are similar to the program created in this act; after enacting their programs, neither state has experienced disruptions to fuel markets or significant impacts to the costs of transportation fuels, and both states have experienced biofuel sector growth and have successfully sited large biofuel projects that had originally been planned for Washington. Washington state has extensively studied the potential impact of a clean fuels program, and most projections show that a low carbon fuel standard would decrease greenhouse

gas and conventional air pollutant emissions, while positively impacting the state's economy.

(2) The legislature further finds that the health and welfare of the people of the state of Washington is threatened by the prospect of crumbling or swamped coastlines, rising water, and more intense forest fires caused by higher temperatures and related droughts, all of which are intensified and made more frequent by the volume of greenhouse gas emissions. As of 2017, the transportation sector contributes 45 percent of Washington's greenhouse gas emissions, and the legislature's interest in the life cycle of the fuels used in the state arises from a concern for the effects of the production and use of these fuels on Washington's environment and public health, including its air quality, snowpack, and coastline.

(3) Therefore, it is the intent of the legislature to support the deployment of clean transportation fuel technologies through a carefully designed program that reduces the carbon intensity of fuel used in Washington, in order to:

(a) Reduce levels of conventional air pollutants from diesel and gasoline that are harmful to public health;

(b) Reduce greenhouse gas emissions associated with transportation fuels, which are the state's largest source of greenhouse gas emissions; and

(c) Create jobs and spur economic development based on innovative clean fuel technologies.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Carbon dioxide equivalents" has the same meaning as defined in RCW 70A.45.010.

(2) "Carbon intensity" means the quantity of life-cycle greenhouse gas emissions, per unit of fuel energy, expressed in grams of carbon dioxide equivalent per megajoule (gCO<sub>2</sub>e/MJ).

(3) "Clean fuels program" means the requirements established under this chapter.

(4) "Cost" means an expense connected to the manufacture, distribution, or other aspects of the provision of a transportation fuel product.

(5) "Credit" means a unit of measure generated when a transportation fuel with a carbon intensity that is less than the applicable standard adopted by the department under section 3 of this act is produced, imported, or dispensed for use in Washington, such that one credit is equal to one metric ton of carbon dioxide equivalents.

(6) "Deficit" means a unit of measure generated when a transportation fuel with a carbon intensity that is greater than the applicable standard adopted by the department under section 3 of this act is produced, imported, or dispensed for use in Washington, such that one deficit is equal to one metric ton of carbon dioxide equivalents.

(7) "Department" means the department of ecology.

(8) "Electric utility" means a consumer-owned utility or investor-owned utility, as those terms are defined in RCW 19.29A.010.

(9) "Greenhouse gas" has the same meaning as defined in RCW 70A.45.010.

(10) "Military tactical vehicle" means a motor vehicle owned by the United States department of defense or the United States military services and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(11) "Motor vehicle" has the same meaning as defined in RCW 46.04.320.

(12) "Price" means the amount of payment or compensation provided as consideration for a specified quantity of

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

transportation fuel by a consumer or end user of the transportation fuel.

(13)(a) "Tactical support equipment" means equipment using a portable engine, including turbines, that meets military specifications, owned by the United States military services or its allies, and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) "Tactical support equipment" includes, but is not limited to, engines associated with portable generators, aircraft start carts, heaters, and lighting carts.

(14) "Transportation fuel" means electricity and any liquid or gaseous fuel sold, supplied, offered for sale, or used for the propulsion of a motor vehicle or that is intended for use for transportation purposes.

**NEW SECTION. Sec. 3.** (1) The department shall adopt rules that establish standards that reduce carbon intensity in transportation fuels used in Washington. The standards established by the rules must be based on the carbon intensity of gasoline and gasoline substitutes and the carbon intensity of diesel and diesel substitutes. The standards:

(a) Must reduce the overall, aggregate carbon intensity of transportation fuels used in Washington;

(b) May only require carbon intensity reductions at the aggregate level of all transportation fuels and may not require a reduction in carbon intensity to be achieved by any individual type of transportation fuel;

(c) Must assign a compliance obligation to fuels whose carbon intensity exceeds the standards adopted by the department, consistent with the requirements of section 4 of this act; and

(d) Must assign credits that can be used to satisfy or offset compliance obligations to fuels whose carbon intensity is below the standards adopted by the department and that elect to participate in the program, consistent with the requirements of section 4 of this act.

(2)(a) The rules adopted under this section must reduce the greenhouse gas emissions attributable to each unit of the fuels to 10 percent below 2017 levels by 2028 and 20 percent below 2017 levels by 2035.

(b) The rules must establish a start date for the clean fuels program of no later than January 1, 2023.

(c) By December 31, 2031, the department must adopt updated rules that reduce the greenhouse gas emissions attributable to each unit of transportation fuels applicable to each year through 2050. The department must adopt rules that set the greenhouse gas emissions attributable to each unit of transportation fuel in the year 2050 so that total emissions from transportation sources in 2050 are consistent with the state achieving the emissions limits established in RCW 70A.45.020.

(3) Transportation fuels exported from Washington are not subject to the greenhouse gas emissions reduction requirements in this section.

(4) To the extent the requirements of this chapter conflict with the requirements of chapter 19.112 RCW, the requirements of this chapter prevail.

**NEW SECTION. Sec. 4.** The rules adopted by the department to achieve the greenhouse gas emissions reductions per unit of fuel energy specified in section 3 of this act must include, but are not limited to, the following:

(1) Standards for greenhouse gas emissions attributable to the transportation fuels throughout their life cycles, including but not limited to emissions from the production, storage, transportation, and combustion of transportation fuels and from changes in land use associated with transportation fuels and any permanent greenhouse gas sequestration activities.

(a) The rules adopted by the department under this subsection (1) may:

(i) Include provisions to address the efficiency of a fuel as used in a powertrain as compared to a reference fuel;

(ii) Consider carbon intensity calculations for transportation fuels developed by national laboratories or used by similar programs in other states; and

(iii) Consider changes in land use and any permanent greenhouse gas sequestration activities associated with the production of any type of transportation fuel.

(b) The rules adopted by the department under this subsection (1) must:

(i) Neutrally consider the life-cycle emissions associated with transportation fuels with respect to the political jurisdiction in which the fuels originated and may not discriminate against fuels on the basis of having originated in another state or jurisdiction. Nothing in this subsection may be construed to prohibit inclusion or assessment of emissions related to fuel production, storage, transportation, or combustion or associated changes in land use in determining the carbon intensity of a fuel;

(ii) Measure greenhouse gas emissions associated with electricity and hydrogen based on a mix of generation resources specific to each electric utility participating in the clean fuels program. The department may apply an asset-controlling supplier emission factor certified or approved by a similar program to reduce the greenhouse gas emissions associated with transportation fuels in another state;

(iii) Include mechanisms for certifying electricity that has a carbon intensity of zero. This electricity must include, at minimum, electricity:

(A) For which a renewable energy credit or other environmental attribute has been retired or used; and

(B) Produced using a zero emission resource including, but not limited to, solar, wind, geothermal, or the industrial combustion of biomass consistent with RCW 70A.45.020(3), that is directly supplied as a transportation fuel by the generator of the electricity to a metered customer for electric vehicle charging or refueling;

(iv) Allow the generation of credits associated with electricity with a carbon intensity lower than that of standard adopted by the department. The department may not require electricity to have a carbon intensity of zero in order to be eligible to generate credits from use as a transportation fuel; and

(v) Include procedures for setting and adjusting the amounts of greenhouse gas emissions per unit of fuel energy that is assigned to transportation fuels under this subsection.

(c) If the department determines that it is necessary for purposes of accurately measuring greenhouse gas emissions associated with transportation fuels, the department may require transportation fuel suppliers to submit data or information to be used for purposes of calculating greenhouse gas emissions that is different from or additional to the greenhouse gas emissions data reported under RCW 70A.15.2200(5)(a)(iii).

(d) If the department determines that it is necessary for purposes of accurately measuring greenhouse gas emissions associated with electricity supplied to retail customers or hydrogen production facilities by an electric utility, the department may require electric utilities participating in the clean fuels program to submit data or information to be used for purposes of calculating greenhouse gas emissions that is different from or additional to the fuel mix disclosure information submitted under chapter 19.29A RCW. To the extent practicable, rules adopted by the department may allow data requested of utilities to be submitted in a form and manner consistent with other required state or federal data submissions;

(2) Provisions allowing for the achievement of limits on the greenhouse gas emissions intensity of transportation fuels in section 3 of this act to be achieved by any combination of credit generating activities capable of meeting such standards. Where such provisions would not produce results counter to the emission reduction goals of the program or prove administratively burdensome for the department, the rules should provide each participant in the clean fuels program with the opportunity to demonstrate appropriate carbon intensity values taking into account both emissions from production facilities and elsewhere in the production cycle, including changes in land use and permanent greenhouse gas sequestration activities;

(3)(a) Methods for assigning compliance obligations and methods for tracking tradable credits. The department may assign the generation of a credit when a fuel with associated life-cycle greenhouse gas emissions that are lower than the applicable per-unit standard adopted by the department under section 3 of this act is produced, imported, or dispensed for use in Washington, or when specified activities are undertaken that support the reduction of greenhouse gas emissions associated with transportation in Washington;

(b) Mechanisms that allow credits to be traded and to be banked for future compliance periods; and

(c) Procedures for verifying the validity of credits and deficits generated under the clean fuels program;

(4) Mechanisms to elect to participate in the clean fuels program for persons associated with the supply chains of transportation fuels that are eligible to generate credits consistent with subsection (3) of this section, including producers, importers, distributors, users, or retailers of such fuels, and electric vehicle manufacturers;

(5) Mechanisms for persons associated with the supply chains of transportation fuels that are used for purposes that are exempt from the clean fuels program compliance obligations including, but not limited to, fuels used by aircraft, vessels, railroad locomotives, and other exempt fuels specified in section 5 of this act, to elect to participate in the clean fuels program by earning credits for the production, import, distribution, use, or retail of exempt fuels with associated life-cycle greenhouse gas emissions lower than the per-unit standard established in section 3 of this act;

(6) Mechanisms that allow for the assignment of credits to an electric utility for electricity used within its utility service area, at minimum, for residential electric vehicle charging or fueling;

(7) Cost containment mechanisms.

(a) Cost containment mechanisms may include, but are not limited to:

(i) A credit clearance market designed to make credits available for sale to regulated persons after the conclusion of a compliance period at a department-determined price;

(ii) Similar procedures that provide a means of compliance with the clean fuels program requirements in the event that a regulated person has not been able to acquire sufficient volumes of credits at the end of a compliance period; or

(iii) Similar procedures that ensure that credit prices do not significantly exceed credit prices in other jurisdictions that have adopted similar programs to reduce the carbon intensity of transportation fuels.

(b) Any cost containment mechanisms must be designed to provide financial disincentive for regulated persons to rely on the cost containment mechanism for purposes of program compliance instead of seeking to generate or acquire sufficient credits under the program.

(c) The department shall harmonize the program's cost containment mechanisms with the cost containment rules in the states specified in section 7(1) of this act.

(d) The department shall consider mechanisms such as the establishment of a credit price cap or other alternative cost containment measures if deemed necessary to harmonize market credit costs with those in the states specified in section 7(1) of this act;

(8) Authority for the department to designate an entity to aggregate and use unclaimed credits associated with persons that elect not to participate in the clean fuels program under subsection (4) of this section.

**NEW SECTION. Sec. 5.** (1) The rules adopted under sections 3 and 4 of this act must include exemptions for, at minimum, the following transportation fuels:

(a) Fuels used in volumes below thresholds adopted by the department;

(b) Fuels used for the propulsion of all aircraft, vessels, and railroad locomotives; and

(c) Fuels used for the operation of military tactical vehicles and tactical support equipment.

(2)(a) The rules adopted under sections 3 and 4 of this act must exempt the following transportation fuels from greenhouse gas emission intensity reduction requirements until January 1, 2028:

(i) Special fuel used off-road in vehicles used primarily to transport logs;

(ii) Dyed special fuel used in vehicles that are not designed primarily to transport persons or property, that are not designed to be primarily operated on highways, and that are used primarily for construction work including, but not limited to, mining and timber harvest operations; and

(iii) Dyed special fuel used for agricultural purposes exempt from chapter 82.38 RCW.

(b) Prior to January 1, 2028, fuels identified in this subsection (2) are eligible to generate credits, consistent with subsection (5) of this section. Beginning January 1, 2028, the fuels identified in this subsection (2) are subject to the greenhouse gas emission intensity reduction requirements applicable to transportation fuels specified in section 3 of this act.

(3) The department may adopt rules to specify the standards for persons to qualify for the exemptions provided in this section. The department may implement the exemptions under subsection (2) of this section to align with the implementation of exemptions for similar fuels exempt from chapter 82.38 RCW.

(4) The rules adopted under sections 3 and 4 of this act may include exemptions in addition to those described in subsections (1) and (2) of this section, but only if such exemptions are necessary, with respect to the relationship between the program and similar greenhouse gas emissions requirements or low carbon fuel standards, in order to avoid:

(a) Mismatched incentives across programs;

(b) Fuel shifting between markets; or

(c) Other results that are counter to the intent of this chapter.

(5) Nothing in this chapter precludes the department from adopting rules under sections 3 and 4 of this act that allow the generation of credits associated with electric or alternative transportation infrastructure that existed prior to the effective date of this section or to the start date of program requirements. The department must apply the same baseline years to credits associated with electric or alternative transportation infrastructure that apply to gasoline and diesel liquid fuels in any market-based program enacted by the legislature that establishes a cap on greenhouse gas emissions.

**NEW SECTION. Sec. 6.** (1) The rules adopted under sections 3 and 4 of this act may allow the generation of credits from activities that support the reduction of greenhouse gas emissions associated with transportation in Washington, including but not limited to:

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

(a) Carbon capture and sequestration projects, including but not limited to:

(i) Innovative crude oil production projects that include carbon capture and sequestration;

(ii) Project-based refinery greenhouse gas mitigation including, but not limited to, process improvements, renewable hydrogen use, and carbon capture and sequestration; or

(iii) Direct air capture projects;

(b) Investments and activities that support deployment of machinery and equipment used to produce gaseous and liquid fuels from nonfossil feedstocks, and derivatives thereof;

(c) Infrastructure investments in broadband access associated with facilitating remote work and therefore reducing transportation emissions, consistent with the 2021 state energy strategy recommendation. The department may establish a metric for the allocation of credits per foot of installed broadband infrastructure that varies by technology type including, but not limited to, cable, digital subscriber line, and fiber broadband;

(d) The fueling of battery or fuel cell electric vehicles by a commercial, nonprofit, or public entity that is not an electric utility, which may include, but is not limited to, the fueling of vehicles using electricity certified by the department to have a carbon intensity of zero; and

(e) The use of smart vehicle charging technology that results in the fueling of an electric vehicle during times when the carbon intensity of grid electricity is comparatively low.

(2)(a) The rules adopted under sections 3 and 4 of this act must allow the generation of credits based on capacity for zero emission vehicle refueling infrastructure, including DC fast charging infrastructure and hydrogen refueling infrastructure.

(b) The rules adopted under sections 3 and 4 of this act may allow the generation of credits from the provision of low carbon fuel infrastructure not specified in (a) of this subsection.

(3) The rules adopted by the department may establish limits for the number of credits that may be earned each year by persons participating in the program for some or all of the activities specified in subsections (1) and (2) of this section. Any limits established under this subsection must take into consideration the return on investment required in order for an activity specified in subsection (2) of this section to be financially viable.

**NEW SECTION. Sec. 7.** (1) Except where otherwise provided in this chapter, the department shall seek to adopt rules that are harmonized with the regulatory standards, exemptions, reporting obligations, and other clean fuels program compliance requirements and methods for credit generation of other states that:

(a) Have adopted low carbon fuel standards or similar greenhouse gas emissions requirements applicable specifically to transportation fuels; and

(b)(i) Supply, or have the potential to supply, significant quantities of transportation fuel to Washington markets; or

(ii) To which Washington supplies, or has the potential to supply, significant quantities of transportation fuel.

(2) The department must establish and periodically consult a stakeholder advisory panel, including representatives of forestland and agricultural landowners, for purposes of soliciting input on how to best incentivize and allot credits for the sequestration of greenhouse gases through activities on agricultural and forestlands in a manner that is consistent with the goals and requirements of this chapter.

(3) The department must conduct a biennial review of innovative technologies and pathways that reduce carbon and increase credit generation opportunities and must modify rules or guidance as needed to maintain stable credit markets.

(4) In any reports to the legislature under section 10 of this act, on the department's website, or in other public documents or communications that refer to assumed public health benefits associated with the program created in this chapter, the department must distinguish between public health benefits from small particulate matter and other conventional pollutant reductions achieved primarily as a result of vehicle emission standards established under chapter 70A.30 RCW, and the incremental benefits to air pollution attributable to the program created under this chapter.

**NEW SECTION. Sec. 8.** (1)(a) Each producer or importer of any amount of a transportation fuel that is ineligible to generate credits consistent with the requirements of section 4(3) of this act must register with the department.

(b) Electric vehicle manufacturers and producers, importers, distributors, users, and retailers of transportation fuels that are eligible to generate credits consistent with section 4(3) of this act must register with the department if they elect to participate in the clean fuels program.

(c) Other persons must register with the department to generate credits from other activities that support the reduction of greenhouse gas emissions associated with transportation in Washington.

(2) Each transaction transferring ownership of transportation fuels for which clean fuels program participation is mandated must be accompanied by documentation, in a format approved by the department, that assigns the clean fuels program compliance responsibility associated with the fuels, including the assignment of associated credits. The department may also require documentation assigning clean fuels program compliance responsibility associated with fuels for which program participation has been elected.

(3) The department may adopt rules requiring the periodic reporting of information to the department by persons associated with the supply chains of transportation fuels participating in the clean fuels program. To the extent practicable, the rules must establish reporting procedures and timelines that are consistent with similar programs in other states that reduce the greenhouse gas emission intensity of transportation fuel and with procedures and timelines of state programs requiring similar information to be reported by regulated parties, including electric utilities.

(4) RCW 70A.15.2510 applies to records or information submitted to the department under this chapter.

**NEW SECTION. Sec. 9.** (1)(a) Fifty percent of the revenues generated by an electric utility from credits earned from the electricity supplied to retail customers by an electric utility under the clean fuels program must be expended by the electric utility on transportation electrification projects, which may include projects to support the production and provision of hydrogen and other gaseous fuels produced from nonfossil feedstocks, and derivatives thereof as a transportation fuel.

(b) Sixty percent of the revenues described in (a) of this subsection, or 30 percent of the revenues generated by an electric utility from credits earned from the electricity supplied to retail customers by an electric utility under the clean fuels program, must be expended by the electric utility on transportation electrification projects, which may include projects to support the production and provision of hydrogen and other gaseous fuels produced from nonfossil feedstocks, and derivatives thereof as a transportation fuel, located within or directly benefiting a federally designated nonattainment or maintenance area, a federally designated nonattainment or maintenance area that existed as of January 1, 2021, a disproportionately impacted community identified by the department of health, or an area designated by the department as being at risk of nonattainment, if

such a nonattainment or maintenance area or disproportionately impacted community is within the service area of the utility.

(2) For the 50 percent of revenues not subject to the requirements of subsection (1) of this section, the department, in consultation with the utilities and transportation commission, must adopt requirements for the expenditure of revenues from credits earned from the electricity supplied to retail customers by an electric utility under the clean fuels program. The department must provide for the establishment and funding of a statewide clean fuel reward program to provide light duty vehicle consumers with reasonable purchase incentives and require that at least some portion of the 50 percent of revenues subject to this subsection be contributed by each electric utility to such a program. The clean fuel reward program must provide a price reduction to vehicle purchasers or leasers at the time of purchase or lease on electric vehicle purchases or leases in Washington. Any requirements for the expenditure of revenues from credits earned from the electricity supplied to retail customers by an electric utility under the clean fuels program must be developed in consultation with electric utilities, automobile manufacturers, and car dealers.

(3) Electric utilities that participate in the clean fuels program must annually provide information to the department accounting for and briefly describing all expenditures of revenues generated from credits earned under the clean fuels program.

**NEW SECTION. Sec. 10.** (1) Beginning May 1, 2025, and each May 1st thereafter, the department must post a report on the department's website that includes the following information regarding the previous calendar year of clean fuels program activities:

(a) The program-wide number of credits and deficits generated by entities participating in the clean fuels program;

(b) The volumes of each transportation fuel and average price per credit used to comply with the requirements of the clean fuels program;

(c) The best estimate or range in probable costs or cost savings attributable to the clean fuels program per gallon of gasoline and per gallon of diesel, as determined by an independent consultant whose services the department has contracted. The estimate or range in probable costs or cost savings from the independent consultant must be announced in a press release to the news media at the time that the report under this subsection (1) is posted to the department's website, and must be simultaneously reported to the transportation committees of the house of representatives and the senate;

(d) The total greenhouse gas emissions reductions attributable to the clean fuels program; and

(e) The range in the probable cost per ton of greenhouse gas emissions reductions attributable to fuels supported by the clean fuels program, taking into account the information in (c) and (d) of this subsection.

(2) Nothing in this section prohibits the department from posting information described in subsection (1) of this section on a more frequent basis than once per year.

(3) By May 1, 2025, and each May 1st thereafter, the department must submit the report required under subsection (1) of this section to the appropriate committees of the house of representatives and senate.

(4) The department must contract for a one-time ex ante independent analysis of the information specified in subsection (1)(c) of this section covering each year of the program through 2035. The analysis must be informed by input from stakeholders, including regulated industries, and informed by experience from other jurisdictions. The analysis must impute price impacts using multiple analytical methodologies and must make clear how the assumptions or factors considered differed in each methodology

used and price impact imputed. The analysis required in this subsection must be completed and submitted to the appropriate committees of the legislature by July 1, 2022.

**NEW SECTION. Sec. 11.** (1) In consultation with the department, the utilities and transportation commission, and the department of agriculture, the department of commerce must develop a periodic fuel supply forecast to project the availability of fuels to Washington necessary for compliance with clean fuels program requirements.

(2) Based upon the estimates in subsection (3) of this section, the fuel supply forecast must include a prediction by the department of commerce regarding whether sufficient credits will be available to comply with clean fuels program requirements.

(3) The fuel supply forecast for each upcoming compliance period must include, but is not limited to, the following:

(a) An estimate of the potential volumes of gasoline, gasoline substitutes, and gasoline alternatives, and diesel, diesel substitutes, and diesel alternatives available to Washington. In developing this estimate, the department of commerce must consider, but is not limited to considering:

(i) The existing and future vehicle fleet in Washington; and

(ii) Any constraints that might be preventing access to available and cost-effective low carbon fuels by Washington, such as geographic and logistical factors, and alleviating factors to the constraints;

(b) An estimate of the total banked credits and carried over deficits held by regulated parties, credit generators, and credit aggregators at the beginning of the compliance period, and an estimate of the total credits attributable to fuels described in (a) of this subsection;

(c) An estimate of the number of credits needed to meet the applicable clean fuels program requirements during the forecasted compliance period; and

(d) A comparison in the estimates of (a) and (b) of this subsection with the estimate in (c) of this subsection, for the purpose of indicating the availability of fuels needed for compliance with the requirements of this chapter.

(4) The department of commerce, in coordination with the department, may appoint a forecast review team of relevant experts to participate in the fuel supply forecast or examination of data required by this section. The department of commerce must finalize a fuel supply forecast for an upcoming compliance period by no later than 90 days prior to the start of the compliance period.

**NEW SECTION. Sec. 12.** (1) The director of the department may issue an order declaring an emergency deferral of compliance with the carbon intensity standard established under section 3 of this act no later than 15 calendar days after the date the department determines, in consultation with the governor's office and the department of commerce, that:

(a) Extreme and unusual circumstances exist that prevent the distribution of an adequate supply of renewable fuels needed for regulated parties to comply with the clean fuels program taking into consideration all available methods of obtaining sufficient credits to comply with the standard;

(b) The extreme and unusual circumstances are the result of a natural disaster, an act of God, a significant supply chain disruption or production facility equipment failure, or another event that could not reasonably have been foreseen or prevented and not the lack of prudent planning on the part of the suppliers of the fuels to the state; and

(c) It is in the public interest to grant the deferral such as when a deferral is necessary to meet projected temporary shortfalls in the supply of the renewable fuel in the state and that other methods of obtaining compliance credits are unavailable to compensate for the shortage of renewable fuel supply.

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

(2) If the director of the department makes the determination required under subsection (1) of this section, such a temporary extreme and unusual deferral is permitted only if:

(a) The deferral applies only for the shortest time necessary to address the extreme and unusual circumstances;

(b) The deferral is effective for the shortest practicable time period the director of the department determines necessary to permit the correction of the extreme and unusual circumstances; and

(c) The director has given public notice of a proposed deferral.

(3) An order declaring an emergency deferral under this section must set forth:

(a) The duration of the emergency deferral;

(b) The types of fuel to which the emergency deferral applies;

(c) Which of the following methods the department has selected for deferring compliance with the clean fuels program during the emergency deferral:

(i) Temporarily adjusting the scheduled applicable carbon intensity standard to a standard identified in the order that better reflects the availability of credits during the emergency deferral and requiring regulated parties to comply with the temporary standard;

(ii) Allowing for the carryover of deficits accrued during the emergency deferral into the next compliance period without penalty; or

(iii) Suspending deficit accrual during the emergency deferral period.

(4) An emergency deferral may be terminated prior to the expiration date of the emergency deferral if new information becomes available indicating that the shortage that provided the basis for the emergency deferral has ended. The director of the department shall consult with the department of commerce and the governor's office in making an early termination decision. Termination of an emergency deferral is effective 15 calendar days after the date that the order declaring the termination is adopted.

(5)(a) In addition to the emergency deferral specified in subsection (1) of this section, the department may issue a full or partial deferral for one calendar quarter of a person's obligation to furnish credits for compliance under section 4 of this act if it finds that the person is unable to comply with the requirements of this chapter due to reasons beyond the person's reasonable control. The department may initiate a deferral under this subsection at its own discretion or at the request of a person regulated under this chapter. The department may renew issued deferrals. In evaluating whether to issue a deferral under this subsection, the department may consider the results of the fuel supply forecast in section 11 of this act, but is not bound in its decision-making discretion by the results of the forecast.

(b) If the department issues a deferral pursuant to this subsection, the department may:

(i) Direct the person subject to the deferral to file a progress report on achieving full compliance with the requirements of this chapter within an amount of time determined to be reasonable by the department; and

(ii) Direct the person to take specific actions to achieve full compliance with the requirements of this chapter.

(c) The issuance of a deferral under this subsection does not permanently relieve the deferral recipient of the obligation to comply with the requirements of this chapter.

**NEW SECTION. Sec. 13.** (1) The department may require that persons that are required or elect to register or report under this chapter pay a fee. If the department elects to require program participants to pay a fee, the department must, after an

opportunity for public review and comment, adopt rules to establish a process to determine the payment schedule and the amount of the fee charged. The amount of the fee must be set so as to equal but not exceed the projected direct and indirect costs to the department for developing and implementing the program and the projected direct and indirect costs to the department of commerce to carry out its responsibilities under section 11 of this act. The department and the department of commerce must prepare a biennial workload analysis and provide an opportunity for public review of and comment on the workload analysis. The department shall enter into an interagency agreement with the department of commerce to implement this section.

(2) The clean fuels program account is created in the state treasury. All receipts from fees and penalties received under the program created in this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. The department may only use expenditures from the account for carrying out the program created in this chapter.

**NEW SECTION. Sec. 14.** (1) By December 1, 2029, the joint legislative audit and review committee must analyze the impacts of the initial five years of clean fuels program implementation and must submit a report summarizing the analysis to the legislature. The analysis must include, at minimum, the following components:

(a) Costs and benefits, including environmental and public health costs and benefits, associated with this chapter for categories of persons participating in the clean fuels program or that are most impacted by air pollution, as defined in consultation with the departments of ecology and health and as measured on a census tract scale. This component of the analysis must, at minimum, assess the costs and benefits of changes in the following metrics since the start of the program:

(i) Levels of greenhouse gas emissions and criteria air pollutants for which the United States environmental protection agency has established national ambient air quality standards;

(ii) Fuel prices; and

(iii) Total employment in categories of industries generating credits or deficits. The categories of industries assessed must include but are not limited to electric utilities, oil refineries, and other industries involved in the production of high carbon fuels, industries involved in the delivery and sale of high carbon fuels, biofuel refineries, and industries involved in the delivery and sale of low carbon fuels;

(b) An evaluation of the information calculated and provided by the department under section 10(1) of this act; and

(c) A summary of the estimated total statewide costs and benefits attributable to the clean fuels program, including state agency administrative costs and regulated entity compliance costs. For purposes of calculating the benefits of the program, the summary may rely, in part, on a constant value of the social costs attributable to greenhouse gas emissions, as identified in contemporary internationally accepted estimates of such global social cost. This summary must include an estimate of the total statewide costs of the program per ton of greenhouse gas emissions reductions achieved by the clean fuels program.

(2) This section expires June 30, 2030.

**NEW SECTION. Sec. 15.** A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts received from the generation, purchase, sale, transfer, or retirement of credits under chapter 70A.--- RCW (the new chapter created in section 25 of this act).

(2) The provisions of RCW 82.32.805 and 82.32.808 do not apply to subsection (1) of this section.

**Sec. 16.** RCW 46.17.365 and 2015 3rd sp.s. c 44 s 202 are each amended to read as follows:

(1) A person applying for a motor vehicle registration and paying the vehicle license fee required in RCW 46.17.350(1) (a), (d), (e), (h), (j), (n), and (o) shall pay a motor vehicle weight fee in addition to all other fees and taxes required by law.

(a) For vehicle registrations that are due or become due before July 1, 2016, the motor vehicle weight fee:

(i) Must be based on the motor vehicle scale weight;

(ii) Is the difference determined by subtracting the vehicle license fee required in RCW 46.17.350 from the license fee in Schedule B of RCW 46.17.355, plus two dollars; and

(iii) Must be distributed under RCW 46.68.415.

(b) For vehicle registrations that are due or become due on or after July 1, 2016, the motor vehicle weight fee:

(i) Must be based on the motor vehicle scale weight as follows:

WEIGHT	FEE
4,000 pounds	\$ 25.00
6,000 pounds	\$ 45.00
8,000 pounds	\$ 65.00
16,000 pounds and over	\$ 72.00;

(ii) If the resultant motor vehicle scale weight is not listed in the table provided in (b)(i) of this subsection, must be increased to the next highest weight; and

(iii) Must be distributed under RCW 46.68.415 unless prior to July 1, 2023, the actions described in (b)(iii)(A) or (B) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in this subsection must be distributed to the connecting Washington account created under RCW 46.68.395.

(A) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(B) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(C) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(2) A person applying for a motor home vehicle registration shall, in lieu of the motor vehicle weight fee required in subsection (1) of this section, pay a motor home vehicle weight fee of seventy-five dollars in addition to all other fees and taxes required by law. The motor home vehicle weight fee must be distributed under RCW 46.68.415.

(3) Beginning July 1, 2022, in addition to the motor vehicle weight fee as provided in subsection (1) of this section, the department, county auditor or other agent, or subagent appointed by the director must require an applicant to pay an additional weight fee of ten dollars, which must be distributed to the multimodal transportation account under RCW 47.66.070 unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in this subsection must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(4) The department shall:

(a) Rely on motor vehicle empty scale weights provided by vehicle manufacturers, or other sources defined by the department, to determine the weight of each motor vehicle; and

(b) Adopt rules for determining weight for vehicles without manufacturer empty scale weights.

**Sec. 17.** RCW 46.25.100 and 2015 3rd sp.s. c 44 s 208 are each amended to read as follows:

(1) When a person has been disqualified from operating a commercial motor vehicle, the person is not entitled to have the commercial driver's license or commercial learner's permit restored until after the expiration of the appropriate disqualification period required under RCW 46.25.090 or until the department has received a drug and alcohol assessment and evidence is presented of satisfactory participation in or completion of any required drug or alcohol treatment program for ending the disqualification under RCW 46.25.090(7). After expiration of the appropriate period and upon payment of a requalification fee of twenty dollars until June 30, 2016, and thirty-five dollars beginning July 1, 2016, or one hundred fifty dollars if the person has been disqualified under RCW 46.25.090(7), the person may apply for a new, duplicate, or renewal commercial driver's license or commercial learner's permit as provided by law. If the person has been disqualified for a period of one year or more, the person shall demonstrate that he or she meets the commercial driver's license or commercial learner's permit qualification standards specified in RCW 46.25.060.

(2) The fees under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 208, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

**Sec. 18.** RCW 46.20.202 and 2017 c 310 s 3 are each amended to read as follows:

(1) The department may enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between the state of Washington and the Canadian province of British Columbia.

(2) The department may enter into an agreement with the Canadian province of British Columbia for the purposes of implementing a border-crossing initiative.

(3)(a) The department may issue an enhanced driver's license or identicard for the purposes of crossing the border between the state of Washington and the Canadian province of British Columbia to an applicant who provides the department with proof of: United States citizenship, identity, and state residency. The department shall continue to offer a standard driver's license and identicard. If the department chooses to issue an enhanced driver's license, the department must allow each applicant to choose between a standard driver's license or identicard, or an enhanced driver's license or identicard.

(b) The department shall implement a one-to-many biometric matching system for the enhanced driver's license or identicard. An applicant for an enhanced driver's license or identicard shall submit a biometric identifier as designated by the department. The biometric identifier must be used solely for the purpose of verifying the identity of the holders and for any purpose set out in RCW 46.20.037. Applicants are required to sign a declaration acknowledging their understanding of the one-to-many biometric match.

(c) The enhanced driver's license or identicard must include reasonable security measures to protect the privacy of Washington state residents, including reasonable safeguards to protect against unauthorized disclosure of data about Washington state residents. If the enhanced driver's license or identicard includes a radio frequency identification chip, or similar technology, the department shall ensure that the technology is encrypted or otherwise secure from unauthorized data access.

(d) The requirements of this subsection are in addition to the requirements otherwise imposed on applicants for a driver's license or identicard. The department shall adopt such rules as necessary to meet the requirements of this subsection. From time to time the department shall review technological innovations related to the security of identity cards and amend the rules related to enhanced driver's licenses and identicards as the director deems consistent with this section and appropriate to protect the privacy of Washington state residents.

(e) Notwithstanding RCW 46.20.118, the department may make images associated with enhanced drivers' licenses or identicards from the negative file available to United States customs and border agents for the purposes of verifying identity.

(4) Beginning on July 23, 2017, the fee for an enhanced driver's license or enhanced identicard is twenty-four dollars, which is in addition to the fees for any regular driver's license or identicard. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than six years, the fee for each class is four dollars for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.

(5) The enhanced driver's license and enhanced identicard fee under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 209, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

**Sec. 19.** RCW 46.25.052 and 2015 3rd sp.s. c 44 s 206 are each amended to read as follows:

(1) The department may issue a CLP to an applicant who is at least eighteen years of age and holds a valid Washington state driver's license and who has:

(a) Submitted an application on a form or in a format provided by the department;

(b) Passed the general knowledge examination required for issuance of a CDL under RCW 46.25.060 for the commercial motor vehicle classification in which the applicant operates or expects to operate; and

(c) Paid the appropriate examination fee or fees and an application fee of ten dollars until June 30, 2016, and forty dollars beginning July 1, 2016.

(2) A CLP must be marked "commercial learner's permit" or "CLP," and must be, to the maximum extent practicable, tamperproof. Other than a photograph of the applicant, it must include, but not be limited to, the information required on a CDL under RCW 46.25.080(1).

(3) The holder of a CLP may drive a commercial motor vehicle on a highway only when in possession of a valid driver's license and accompanied by the holder of a valid CDL who has the proper CDL classification and endorsement or endorsements necessary to operate the commercial motor vehicle. The CDL holder must at all times be physically present in the front seat of the vehicle next to the CLP holder or, in the case of a passenger vehicle, directly behind or in the first row behind the driver and must have the CLP holder under observation and direct supervision.

(4) A CLP may be classified in the same manner as a CDL under RCW 46.25.080(2)(a).

(5) CLPs may be issued with only P, S, or N endorsements as described in RCW 46.25.080(2)(b).

(a) The holder of a CLP with a P endorsement must have taken and passed the P endorsement knowledge examination. The holder of a CLP with a P endorsement is prohibited from operating a commercial motor vehicle carrying passengers other than authorized employees or representatives of the department and the federal motor carrier safety administration, examiners, other trainees, and the CDL holder accompanying the CLP holder as required under subsection (2) of this section. The P endorsement must be class specific.

(b) The holder of a CLP with an S endorsement must have taken and passed the S endorsement knowledge examination. The holder of a CLP with an S endorsement is prohibited from operating a school bus with passengers other than authorized employees or representatives of the department and the federal motor carrier safety administration, examiners, other trainees, and the CDL holder accompanying the CLP holder as required under subsection (2) of this section.

(c) The holder of a CLP with an N endorsement must have taken and passed the N endorsement knowledge examination. The holder of a CLP with an N endorsement may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials and has not been purged of any residue.

(6) A CLP may be issued with appropriate restrictions as described in RCW 46.25.080(2)(c). In addition, a CLP may be issued with the following restrictions:

(a) "P" restricts the driver from operating a bus with passengers;

(b) "X" restricts the driver from operating a tank vehicle that contains cargo; and

(c) Any restriction as established by rule of the department.

(7) The holder of a CLP is not authorized to operate a commercial motor vehicle transporting hazardous materials.

(8) A CLP may not be issued for a period to exceed one hundred eighty days. The department may renew the CLP for one additional one hundred eighty-day period without requiring the CLP holder to retake the general and endorsement knowledge examinations.

(9) The department must transmit the fees collected for CLPs to the state treasurer for deposit in the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 206, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

**Sec. 20.** RCW 46.25.060 and 2020 c 78 s 2 are each amended to read as follows:

(1)(a) No person may be issued a commercial driver's license unless that person:

(i) Is a resident of this state;

(ii) Has successfully completed a course of instruction in the operation of a commercial motor vehicle that has been approved by the director or has been certified by an employer as having the skills and training necessary to operate a commercial motor vehicle safely;

(iii) If he or she does not hold a valid commercial driver's license of the appropriate classification, has been issued a commercial learner's permit under RCW 46.25.052; and

(iv) Has passed a knowledge and skills examination for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R. Part 383, subparts F, G, and H, in addition to other requirements imposed by state law or federal regulation. The department may not allow the person to take the skills examination during the first fourteen days after initial issuance of the person's commercial learner's permit. The examinations must be prescribed and conducted by the department.

(b) In addition to the fee charged for issuance or renewal of any license, the applicant shall pay a fee of no more than ten dollars until June 30, 2016, and thirty-five dollars beginning July 1, 2016, for the classified knowledge examination, classified endorsement knowledge examination, or any combination of classified license and endorsement knowledge examinations. The applicant shall pay a fee of no more than one hundred dollars until June 30, 2016, and two hundred fifty dollars beginning July 1, 2016, for each classified skill examination or combination of classified skill examinations conducted by the department.

(c) The department may authorize a person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency, or instrumentality of local government, to administer the skills examination specified by this section under the following conditions:

(i) The examination is the same which would otherwise be administered by the state;

(ii) The third party has entered into an agreement with the state that complies with the requirements of 49 C.F.R. Sec. 383.75; and

(iii) The director has adopted rules as to the third party testing program and the development and justification for fees charged by any third party.

(d) If the applicant's primary use of a commercial driver's license is for any of the following, then the applicant shall pay a fee of no more than seventy-five dollars until June 30, 2016, and two hundred twenty-five dollars beginning July 1, 2016, for the classified skill examination or combination of classified skill examinations whether conducted by the department or a third-party tester:

(i) Public benefit not-for-profit corporations that are federally supported head start programs; or

(ii) Public benefit not-for-profit corporations that support early childhood education and assistance programs as described in RCW 43.216.505.

(e) Beginning July 1, 2016, if the applicant's primary use of a commercial driver's license is to drive a school bus, the applicant shall pay a fee of no more than one hundred dollars for the classified skill examination or combination of classified skill examinations conducted by the department.

(f) Beginning July 1, 2016, payment of the examination fees under this subsection entitles the applicant to take the examination up to two times in order to pass.

(2)(a) The department may waive the skills examination and the requirement for completion of a course of instruction in the operation of a commercial motor vehicle specified in this section for a commercial driver's license applicant who meets the requirements of 49 C.F.R. Sec. 383.77. For current or former military service members that meet the requirements of 49 C.F.R. Sec. 383.77, the department may also waive the requirements for a knowledge test for commercial driver's license applicants. Beginning December 1, 2021, the department shall provide an annual report to the house and senate transportation committees and the joint committee on veterans' and military affairs of the legislature on the number and types of waivers granted pursuant to this subsection.

(b) An applicant who operates a commercial motor vehicle for agribusiness purposes is exempt from the course of instruction completion and employer skills and training certification requirements under this section. By January 1, 2010, the department shall submit recommendations regarding the continuance of this exemption to the transportation committees of the legislature. For purposes of this subsection (2)(b), "agribusiness" means a private carrier who in the normal course of business primarily transports:

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

(i) Farm machinery, farm equipment, implements of husbandry, farm supplies, and materials used in farming;

(ii) Agricultural inputs, such as seed, feed, fertilizer, and crop protection products;

(iii) Unprocessed agricultural commodities, as defined in RCW 17.21.020, where such commodities are produced by farmers, ranchers, vineyardists, or orchardists; or

(iv) Any combination of (b)(i) through (iii) of this subsection.

The department shall notify the transportation committees of the legislature if the federal government takes action affecting the exemption provided in this subsection (2)(b).

(3) A commercial driver's license or commercial learner's permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked, or canceled in any state, nor may a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state for cancellation.

(4) The fees under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 207, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW, absent explicit legislative authorization enacted subsequent to July 1, 2015, for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard, without explicit legislative authorization enacted subsequent to July 1, 2015.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

**Sec. 21.** RCW 70A.15.3150 and 2020 c 20 s 1111 are each amended to read as follows:

(1) Any person who knowingly violates any of the provisions of this chapter ((or)), chapter 70A.25 or 70A.--- (the new chapter created in section 25 of this act) RCW, RCW 70A.45.080, or any ordinance, resolution, or regulation in force pursuant thereto is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for up to three hundred sixty-four days, or by both for each separate violation.

(2) Any person who negligently releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm is guilty of a gross misdemeanor and shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for up to three hundred sixty-four days, or both.

(3) Any person who knowingly releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time

that he or she thereby places another person in imminent danger of death or substantial bodily harm, is guilty of a class C felony and shall, upon conviction, be punished by a fine of not less than fifty thousand dollars, or by imprisonment for not more than five years, or both.

(4) Any person who knowingly fails to disclose a potential conflict of interest under RCW 70A.15.2000 is guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five thousand dollars.

**Sec. 22.** RCW 70A.15.3160 and 2020 c 20 s 1112 are each amended to read as follows:

(1)(a) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of this chapter, chapter 70A.25 ((or)), 70A.450, or 70A.--- (the new chapter created in section 25 of this act) RCW, RCW 70A.45.080, or any of the rules in force under such chapters or section may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

(b) Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2)(a) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

(b) The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the air pollution control account established in RCW 70A.15.1010 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) The department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

**Sec. 23.** RCW 19.112.110 and 2013 c 225 s 601 are each amended to read as follows:

(1) Special fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least two percent of the total annual diesel fuel sold in Washington is biodiesel or renewable diesel fuel, following the earlier of: (a) November 30, 2008; or (b) when a determination is made by the director, published in the Washington State Register, that feedstock grown in Washington state can satisfy a two-percent requirement.

(2) Special fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least five percent of total annual diesel fuel sold in Washington is biodiesel or renewable diesel fuel, when the director determines, and publishes this determination in the Washington State Register, that both in-state oil seed crushing capacity and feedstock grown in Washington state can satisfy a three-percent requirement.

(3) The requirements of subsections (1) and (2) of this section may take effect no sooner than one hundred eighty days after the determination has been published in the Washington State Register.

(4) The director and the director of licensing must each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section.

(5) To the extent that the requirements of this section conflict with the requirements of chapter 70A.--- (the new chapter created in section 25 of this act) RCW, the requirements of chapter 70A.-- (the new chapter created in section 25 of this act) RCW prevail.

**Sec. 24.** RCW 19.112.120 and 2013 c 225 s 602 are each amended to read as follows:

(1) By December 1, 2008, motor vehicle fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least two percent of total gasoline sold in Washington, measured on a quarterly basis, is denatured ethanol.

(2) If the director of ecology determines that ethanol content greater than two percent of the total gasoline sold in Washington will not jeopardize continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution in Washington and the director of agriculture determines and publishes this determination in the Washington State Register that sufficient raw materials are available within Washington to support economical production of ethanol at higher levels, the director of agriculture may require by rule that licensees provide evidence to the department of licensing that denatured ethanol comprises between two percent and at least ten percent of total gasoline sold in Washington, measured on a quarterly basis.

(3) The requirements of subsections (1) and (2) of this section may take effect no sooner than one hundred eighty days after the determination has been published in the Washington State Register.

(4) The director and the director of licensing must each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section.

(5) Nothing in this section is intended to prohibit the production, sale, or use of motor fuel for use in federally designated flexibly fueled vehicles capable of using E85 motor fuel. Nothing in this section is intended to limit the use of high octane gasoline not blended with ethanol for use in aircraft.

(6) To the extent that the requirements of this section conflict with the requirements of chapter 70A.--- (the new chapter created in section 25 of this act) RCW, the requirements of chapter 70A.-- (the new chapter created in section 25 of this act) RCW prevail.

**NEW SECTION. Sec. 25.** Sections 1 through 14 of this act constitute a new chapter in Title 70A RCW.

**NEW SECTION. Sec. 26.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 27.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "fuel;" strike the remainder of the title and insert "amending RCW 46.17.365, 46.25.100, 46.20.202, 46.25.052, 46.25.060, 70A.15.3150, 70A.15.3160, 19.112.110, and 19.112.120; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70A RCW; creating a new section; prescribing penalties; and providing an expiration date."

#### MOTION

Senator Van De Wege moved that the following floor amendment no. 659 by Senator Van De Wege be adopted:

On page 1, line 29, after "(3)" insert "The legislature finds that the clean fuel standard created in this chapter will create jobs in Washington state in the production and distribution of sustainable fuels like biofuels from agricultural feedstocks and forest residuals, hydrogen produced from renewable feedstocks, and more. In order to maximize the benefits of this policy to Washington workers while also protecting the environment for current and future generations, it is necessary to uphold and improve upon the state's siting policies. By identifying priority areas of the state for development and by developing methods to further avoid, minimize, and mitigate environmental impacts consistent with statute, rules, and guidance, Washington can protect its environment, contribute to the global fight against climate change, and support broadly shared prosperity.

(4)"

On page 38, after line 9, insert the following:

**NEW SECTION. Sec. 26.** A new section is added to chapter 28B.30 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, Washington State University's energy program must initiate a least conflict priority clean energy project siting program in coordination with the energy facility site evaluation council, the department of ecology, the department of commerce, the department of fish and wildlife, local governments, clean energy stakeholders, conservation stakeholders, and Indian tribes. This program must engage all relevant agencies, stakeholders, and Indian tribes to identify priority areas in Washington state with the least amount of potential environmental impact and other conflict over competing land uses in the siting of major clean energy projects with the potential to produce significant volumes of transportation fuel with a low carbon intensity, or that support the production of such transportation fuel. Washington State University's energy program may identify different priority areas for different types of industrial or manufacturing clean energy projects with the potential to produce significant volumes of transportation fuel with a low carbon intensity in sectors including, but not limited to, biofuels, agricultural and forest

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

biomass, hydrogen produced via electrolysis of water, and renewable natural gas.

(2) A project proposed in an area designated under subsection (1) of this section does not receive a guarantee or assurance of being permitted and is subject to review consistent with chapter 43.21C RCW and applicable environmental permit processes. Project proponents are not limited to proposing projects in identified least conflict zones.

(3) The identification of priority areas completed in subsection (1) of this section must be updated at least once every six years.

NEW SECTION. **Sec. 27.** A new section is added to chapter 43.21A RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department, in consultation with the department of commerce, must periodically convene stakeholders, including all of those identified in section 26 of this act, Indian tribes, and the member agencies of the energy facility site evaluation council to identify and discuss avoidance, minimization, and mitigation of significant likely environmental impacts of clean energy projects specified in section 26 of this act. The environmental impacts identified and discussed must include, but are not limited to, air quality impacts, impacts to land and aquatic habitats, and wildlife impacts that may result from clean energy projects. The department must periodically provide a report to the appropriate committees of the house of representatives and the senate identifying mitigation resources, funding needs, and potential policies and programs to modify permitting and environmental review necessary for construction of clean energy projects with the potential to produce significant volumes of transportation fuel with a low carbon intensity, or that support the production of such transportation fuel, in Washington state."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 38, at the beginning of line 24, after "RCW;" insert "adding a new section to chapter 28B.30 RCW; adding a new section to chapter 43.21A RCW;"

Senators Van De Wege and Carlyle spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 659 by Senator Van De Wege on page 1, line 29 to Engrossed Third Substitute House Bill No. 1091.

The motion by Senator Van De Wege carried and floor amendment no. 659 was adopted by voice vote.

#### MOTION

Senator Wilson, J. moved that the following floor amendment no. 648 by Senator Wilson, J. be adopted:

On page 2, after line 7, insert the following:

"(4) The legislature intends for the clean fuels program to terminate if the state establishes a goal that all publicly owned and privately owned passenger and light duty vehicles of model year 2030 or later that are sold, purchased, or registered in Washington state must be electric vehicles."

Senator Wilson, J. spoke in favor of adoption of the amendment.

Senator Lias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 648 by Senator Wilson, J. on page 2, line 7 to Engrossed Third Substitute House Bill No. 1091.

The motion by Senator Wilson, J. did not carry and floor amendment no. 648 was not adopted by voice vote.

#### MOTION

Senator Rivers moved that the following floor amendment no. 665 by Senator Rivers be adopted:

On page 5, beginning on line 14, after "2023" strike all material through "section" on line 15

On page 5, beginning on line 16, strike all of subsection (6)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senator Rivers spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Mullet spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 665 by Senator Rivers on page 5, line 14 to Engrossed Third Substitute House Bill No. 1091.

The motion by Senator Rivers did not carry and floor amendment no. 665 was not adopted by voice vote.

#### MOTION

Senator Mullet moved that the following floor amendment no. 649 by Senator Mullet be adopted:

On page 5, line 29, after "(7)" insert "Beginning January 1, 2028, the department shall not increase the applicable clean fuels program standard adopted by the department under subsection (5) of this section until the department can demonstrate that at least one new biofuel production facility producing in excess of 60,000,000 gallons of biofuels per year has received all necessary siting, operating, and environmental permits post all applicable appeals.

(8)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 13, line 33, after "(3)" insert "The rules adopted under sections 3 and 4 of this act must allow the generation of credits from state transportation investments funded in an omnibus transportation appropriations act for activities and projects that reduce greenhouse gas emissions and decarbonize the transportation sector. These include, but are not limited to: (a) Electrical grid and hydrogen fueling infrastructure investments; (b) ferry operating and capital investments; (c) electrification of the state ferry fleet; (d) alternative fuel vehicle rebate programs; (e) transit grants; (f) infrastructure and other costs associated with the adoption of alternative fuel use by transit agencies; (g) bike and pedestrian grant programs and other activities; (h) complete streets and safe walking grants and allocations; (i) rail funding; and (j) multimodal investments.

(4)"

On page 13, line 36, after "(1)" strike "and (2)" and insert ", (2), and (3)"

Senators Mullet and Carlyle spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Ericksen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 649 by Senator Mullet on page 5, line 29 to Engrossed Third Substitute House Bill No. 1091.

The motion by Senator Mullet carried and floor amendment no. 649 was adopted by voice vote.

#### MOTION

Senator Van De Wege moved that the following floor amendment no. 667 by Senator Van De Wege be adopted:

On page 5, line 29, after "(7)" insert "Beginning January 1, 2026, the department may not increase the applicable clean fuels program standard adopted by the department under subsection (5) of this section until the department can demonstrate the following have occurred:

(a) At least a 25 percent net increase in the volume of in-state liquid biofuel production and the use of agricultural feedstocks grown within the state relative to the start of the program; and

(b) At least one new biofuels production facility producing in excess of 60,000,000 gallons of biofuels per year has received all necessary siting, operating, and environmental permits post all applicable appeals.

(8)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 11, beginning on line 12, strike all of subsections (11) and (12)

Senators Van De Wege and Carlyle spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Dozier, Ericksen and Schoesler spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 667 by Senator Van De Wege on page 5, line 29 to Engrossed Third Substitute House Bill No. 1091.

The motion by Senator Van De Wege carried and floor amendment no. 667 was adopted by voice vote.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Carlyle and without objection, floor amendment no. 688 by Senator Carlyle on page 5, line 29 to Engrossed Third Substitute House Bill No. 1091 was withdrawn.

#### MOTION

Senator Ericksen moved that the following floor amendment no. 650 by Senator Ericksen be adopted:

On page 5, after line 34, insert the following:

"(9) This act shall not take effect unless it can be determined that this act, when combined with all other greenhouse gas emissions reduction policies enacted by the state of Washington, will cause an average annual reduction of global greenhouse gas emissions totaling at least 0.2 percent."

Senator Ericksen spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Lovelett spoke against adoption of the amendment to the committee striking amendment.

#### MOTION

On motion of Senator Wagoner, Senator Honeyford was excused.

The President declared the question before the Senate to be the adoption of floor amendment no. 650 by Senator Ericksen on page 5, line 34 to Engrossed Third Substitute House Bill No. 1091.

The motion by Senator Ericksen did not carry and floor amendment no. 650 was not adopted by voice vote.

#### MOTION

Senator Ericksen moved that the following floor amendment no. 651 by Senator Ericksen be adopted:

On page 5, after line 34, insert the following:

"(9) This act shall not take effect until the People's Republic of China reduces its annual greenhouse gas emissions by 20 percent, or more, below its 2020 levels."

Senators Ericksen and Wilson, J. spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Lovelett spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 651 by Senator Ericksen on page 5, line 34 to Engrossed Third Substitute House Bill No. 1091.

The motion by Senator Ericksen did not carry and floor amendment no. 651 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 668 by Senator Fortunato be adopted:

On page 6, beginning on line 19, after "(i)" strike all material through "(ii)" on line 27

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senator Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Stanford spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 668 by Senator Fortunato on page 6, line 19 to Engrossed Third Substitute House Bill No. 1091.

The motion by Senator Fortunato did not carry and floor amendment no. 668 was not adopted by voice vote.

#### MOTION

Senator Rivers moved that the following floor amendment no. 666 by Senator Rivers be adopted:

On page 16, line 18, after "programs;" strike "and"

On page 16, line 20, after "agencies" insert "; and (e) the planting of carbon-sequestering vegetation on department of transportation property"

Senators Rivers, Muzzall, King and Wagoner spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Stanford spoke against adoption of the amendment to the committee striking amendment.

Senator Fortunato spoke on adoption of the amendment to the committee striking amendment.

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

The President declared the question before the Senate to be the adoption of floor amendment no. 666 by Senator Rivers on page 16, line 18 to Engrossed Third Substitute House Bill No. 1091.

The motion by Senator Rivers did not carry and floor amendment no. 666 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 652 by Senator Ericksen be adopted:

On page 16, after line 24, insert the following:

"(4) An electric utility making an expenditure of funds under this section may not make expenditure decisions based on race, sex, color, ethnicity, or national origin."

Senator Ericksen spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Lias spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 652 by Senator Ericksen on page 16, line 24 to Engrossed Third Substitute House Bill No. 1091.

The motion by Senator Ericksen did not carry and floor amendment no. 652 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 669 by Senator Fortunato be adopted:

On page 17, line 4, after "senate" insert ". If a report required under this section shows that the best estimate or range in probable costs attributable to the clean fuels program per gallon of gasoline or per gallon of diesel exceeds five cents, the department shall adopt an emergency rule to suspend the program"

Senator Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 669 by Senator Fortunato on page 17, line 4 to Engrossed Third Substitute House Bill No. 1091.

The motion by Senator Fortunato did not carry and floor amendment no. 669 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 671 by Senator Short be adopted:

On page 22, after line 26, insert the following:

"(3) All rule making authorized under this act must be conducted according to the standards for significant legislative rules provided in RCW 34.05.328."

Senators Short and Carlyle spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 671 by Senator Short on page 22, line 26 to Engrossed Third Substitute House Bill No. 1091.

The motion by Senator Short carried and floor amendment no. 671 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Energy & Technology to Engrossed Third Substitute House Bill No. 1091.

The motion by Senator Carlyle carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Carlyle, the rules were suspended, Engrossed Third Substitute House Bill No. 1091 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle spoke in favor of passage of the bill.

Senators Rivers, Wilson, J., Wilson, L. and Wagoner spoke against passage of the bill.

MOTION

On motion of Senator Lias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

Senator Robinson spoke in favor of passage of the bill.

Senators Ericksen, Warnick, Dozier, King, Brown, Muzzall, Braun, Schoesler and Padden spoke against passage of the bill.

MOTION

On motion of Senator Wagoner, Senator McCune was excused.

The President declared the question before the Senate to be the final passage of Engrossed Third Substitute House Bill No. 1091.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute House Bill No. 1091 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, King, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senators Honeyford and McCune

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1355, by House Committee on Rural Development, Agriculture & Natural Resources

(originally sponsored by Dent, Chandler, Boehnke, Lovick, Dye, Fitzgibbon, Klippert, Jacobsen and Schmick)

Concerning noxious weeds.

The measure was read the second time.

#### MOTION

Senator Warnick moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 17.10.010 and 1997 c 353 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Noxious weed" means a plant that when established is highly destructive, competitive, or difficult to control by cultural or chemical practices.

(2) "State noxious weed list" means a list of noxious weeds adopted by the state noxious weed control board. The list is divided into three classes:

(a) Class A consists of those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state;

(b) Class B consists of those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region;

(c) Class C consists of any other nonnative to Washington state noxious weeds.

(3) "Person" means any individual, partnership, corporation, firm, the state or any department, agency, or subdivision thereof, or any other entity.

(4) "Owner" means the person in actual control of property including, but not limited to, deeded parcels, public rights-of-way, and undefined lots, or his or her agent, whether the control is based on legal or equitable title or on any other interest entitling the holder to possession and, for purposes of liability, pursuant to RCW 17.10.170 or 17.10.210, means the possessor of legal or equitable title or the possessor of an easement: PROVIDED, That when the possessor of an easement has the right to control or limit the growth of vegetation within the boundaries of an easement, only the possessor of the easement is deemed, for the purpose of this chapter, an "owner" of the property within the boundaries of the easement.

(5) As pertains to the duty of an owner, the words "control", "contain", "eradicate", and the term "prevent the spread of noxious weeds" means conforming to the standards of noxious weed control or prevention in this chapter or as adopted by rule in chapter 16-750 WAC by the state noxious weed control board and an activated county noxious weed control board.

(6) "Agent" means any occupant or any other person acting for the owner and working or in charge of the land.

(7) "Agricultural purposes" are those that are intended to provide for the growth and harvest of food and fiber.

(8) "Director" means the director of the department of agriculture or the director's appointed representative.

(9) "Weed district" means a weed district as defined in chapters 17.04 and 17.06 RCW.

(10) "Aquatic noxious weed" means an aquatic plant species that is listed on the state weed list under RCW 17.10.080.

(11) "Screenings" means a mixture of mill or elevator run mixture or a combination of varying amounts of materials obtained in the process of cleaning either grain or seeds, or both,

such as light or broken grain or seed, weed seeds, hulls, chaff, joints, straw, elevator dust, floor sweepings, sand, and dirt.

(12) "Assessment" means a special assessment levied by a county legislative authority pursuant to RCW 17.10.240.

(13) "Centerline miles" means the length of any given road right-of-way corridor in miles, along the center line of the overall roadway alignment.

(14) "Parcel" means real property having a parcel number or deeded real property, undefined lot, a lot having a legal description, or right-of-way owned or held by the state, county, or city.

**Sec. 2.** RCW 17.10.030 and 1997 c 353 s 4 are each amended to read as follows:

There is created a state noxious weed control board comprised of nine voting members and ~~((three))~~ four nonvoting members. Four of the voting members shall be elected by the members of the various activated county noxious weed control boards, and shall be residents of a county in which a county noxious weed control board has been activated and a member of said board, and those qualifications shall continue through their term of office. Two of these members shall be elected from the west side of the state, the crest of the Cascades being the dividing line, and two from the east side of the state. The director of agriculture is a voting member of the board. One voting member shall be elected by the directors of the various active weed districts formed under chapter 17.04 or 17.06 RCW. The Washington state association of counties appoints one voting member who shall be a member of a county legislative authority. A statewide association representing county noxious weed coordinators appoints a nonvoting technical advisor. The director shall appoint two voting members to represent the public interest, one from the west side and one from the east side of the state. The director shall also appoint three nonvoting members representing scientific disciplines relating to weed control. The term of office for all members of the board is ~~((three))~~ four years from the date of election or appointment.

The board, by rule, shall establish a position number for each elected position of the board and shall designate which county noxious weed control board members are eligible to vote for each elected position. The elected members serve staggered terms. Elections for the elected members of the board shall be held thirty days prior to the expiration date of their respective terms. Nominations and elections shall be by mail and conducted by the board.

The board shall conduct its first meeting within thirty days after all its members have been elected. The board shall elect from its members a chair and other officers as may be necessary. A majority of the voting members of the board constitutes a quorum for the transaction of business and is necessary for any action taken by the board. The members of the board serve without salary, but shall be reimbursed for travel expenses incurred in the performance of their duties under this chapter in accordance with RCW 43.03.050 and 43.03.060.

**Sec. 3.** RCW 17.10.050 and 1997 c 353 s 6 are each amended to read as follows:

(1) Each activated county noxious weed control board consists of five voting members appointed by the county legislative authority in the manner prescribed in this section. In appointing the voting members, the county legislative authority shall divide the county into five geographical areas that best represent the county's interests, and appoint a voting member from each geographical area. At least ~~((four))~~ three of the voting members shall be engaged in the primary production of agricultural products. There is one nonvoting member on the board who is the ~~((chair))~~ director of the county extension office or an extension agent appointed by the ~~((chair))~~ director of the county extension

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

office. Each voting member of the board serves a term of four years, except that the county legislative authority shall, when a board is first activated under this chapter, designate two voting members to serve terms of two years. The board members shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(2)(a) The voting members of the board serve until their replacements are appointed. New members of the board shall be appointed at least thirty days prior to the expiration of any board member's term of office.

(b) Notice of expiration of a term of office shall be published at least twice in a weekly or daily newspaper of general circulation in the ~~((section [geographical area]))~~ geographical area with last publication occurring at least ten days prior to the nomination. All persons interested in appointment to the board and residing in the geographical area with a pending nomination shall make a written application that includes the signatures of at least ten registered voters residing in the geographical area supporting the nomination to the county noxious weed control board. After nominations close, the county noxious weed control board shall, after a hearing, send the applications to the county legislative authority recommending the names of the most qualified candidates, and post the names of those nominees in the county courthouse or county website and publish in at least one newspaper of general circulation in the county. The county legislative authority, within ~~((ten))~~ 60 days of receiving the list of nominees, shall appoint one of those nominees to the county noxious weed control board to represent that geographical area during that term of office. If the county legislative authority fails to appoint a nominee within the 60-day period and a quorum of the board is not seated, the county noxious weed control board shall appoint a nominee only to meet a quorum, who shall serve in that capacity until the county legislative authority appoints a nominee to fill the vacant position in the manner prescribed in this section. Not more than three board members may be appointed in this manner.

(3) Within thirty days after all the members have been appointed, the board shall conduct its first meeting. A majority of the voting members of the board constitutes a quorum for the transaction of business and is necessary for any action taken by the board. The board shall elect from its members a chair and other officers as may be necessary.

(4) ~~In case of a vacancy ((occurring in any voting position on a county noxious weed control board, the county legislative authority of the county in which the board is located shall appoint a qualified person to fill the vacancy for the unexpired term)), the position must be filled in the manner prescribed in this section.~~

**Sec. 4.** RCW 17.10.060 and 1997 c 353 s 7 are each amended to read as follows:

(1) Each activated county noxious weed control board ~~((shall))~~ must employ or otherwise provide a weed coordinator whose duties are fixed by the board but which shall include inspecting land to determine the presence of noxious weeds, offering technical assistance and education, and developing a program to achieve compliance with the weed law. The weed coordinator may be employed full time, part time, or seasonally by the county noxious weed control board. County weed board employment practices shall comply with county personnel policies. Within sixty days from initial employment, the weed coordinator ~~((shall obtain a pest control consultant license, a pesticide operator license))~~ must obtain licensure consistent with Washington state department of agriculture pesticide license rules, and the necessary endorsements on the licenses as required by law. Each board may purchase, rent, or lease equipment, facilities, or

products and may hire additional persons as it deems necessary for the administration of the county's noxious weed control program.

(2) Each activated county noxious weed control board has the power to adopt rules and regulations, subject to notice and hearing as provided in ~~((chapters))~~ chapter 42.30 ~~((and 42.32))~~ RCW, as are necessary for an effective county weed control or eradication program.

(3) Each activated county noxious weed control board shall meet with a quorum at least quarterly.

**Sec. 5.** RCW 17.10.070 and 1998 c 245 s 3 are each amended to read as follows:

(1) In addition to the powers conferred on the state noxious weed control board under other provisions of this chapter, it has the power to:

(a) Employ a state noxious weed control board executive secretary and educational specialist, and additional persons as it deems necessary, to disseminate information relating to noxious weeds to county noxious weed control boards and weed districts, to coordinate the educational and weed control efforts of the various county and regional noxious weed control boards and weed districts, and to assist the board in carrying out its responsibilities;

(b) Adopt, amend, or repeal rules, pursuant to the administrative procedure act, chapter 34.05 RCW, as may be necessary to carry out the duties and authorities assigned to the board by this chapter.

(2) The state noxious weed control board ~~((shall))~~ must provide a written report before January 1st of each odd-numbered year to the county noxious weed control boards and the weed districts showing the expenditure of state funds on noxious weed control; specifically how the funds were spent; the status of the state, county, and district programs; and recommendations for the continued best use of state funds for noxious weed control. The report ~~((shall))~~ must include recommendations as to the long-term needs regarding weed control.

**Sec. 6.** RCW 17.10.074 and 1997 c 353 s 9 are each amended to read as follows:

(1) In addition to the powers conferred on the director under other provisions of this chapter, the director, with the advice of the state noxious weed control board, has power to:

(a) Require the county legislative authority or the noxious weed control board of any county or any weed district to report to it concerning the presence, absence, or estimated amount of noxious weeds and measures, if any, taken or planned for the control thereof;

(b) Employ staff as may be necessary in the administration of this chapter;

(c) Adopt, amend, or repeal rules, pursuant to the administrative procedure act, chapter 34.05 RCW, as may be necessary to carry out this chapter;

(d) Do such things as may be necessary and incidental to the administration of its functions pursuant to this chapter including but not limited to surveying for and detecting noxious weed infestations~~((; (e)))~~.

(2) In addition to the powers conferred on the director under the provisions of this chapter, the director, with the advice of the state noxious weed control board, must:

(a) Upon receipt of a complaint signed by a majority of the members of an adjacent county noxious weed control board or weed district, or by one hundred registered voters that are land owners within the county, require the county legislative authority or noxious weed control board of the county or weed district that is the subject of the complaint to respond to the complaint within

forty-five days with a plan for the control of the noxious weeds cited in the complaint;

~~((#))~~ (b) If the complaint in ~~((#))~~ (a) of this subsection involves a class A or class B noxious weed, order the county legislative authority, noxious weed control board, or weed district to take immediate action to eradicate or control the noxious weed infestation. If the county or the weed district does not take action to control the noxious weed infestation in accordance with the order, the director may control it or cause it to be controlled. The county or weed district is liable for payment of the expense of the control work including necessary costs and expenses for attorneys' fees incurred by the director in securing payment from the county or weed district. The director may bring a civil action in a court of competent jurisdiction to collect the expenses of the control work, costs, and attorneys' fees;

~~((#))~~ (c) In counties without an activated noxious weed control board, enter upon any property as provided for in RCW 17.10.160, issue or cause to be issued notices and citations and take the necessary action to control noxious weeds as provided in RCW 17.10.170, hold hearings on any charge or cost of control action taken as provided for in RCW 17.10.180, issue a notice of civil infraction as provided for in RCW 17.10.230 ~~((and))~~, 17.10.310 ~~((through land))~~, and 17.10.350, and place a lien on any property pursuant to RCW 17.10.280, 17.10.290, and 17.10.300 with the same authorities and responsibilities imposed by these sections on county noxious weed control boards;

~~((#))~~ (d) Adopt a list of noxious weed seeds and toxic weeds which shall be controlled in designated articles, products, or feed stuffs as provided for in RCW 17.10.235.

~~((#))~~ (3) The moneys appropriated for noxious weed control to the department shall be used for administration of the state noxious weed control board, the administration of the director's powers under this chapter, the purchase of materials for controlling, containing, or eradicating noxious weeds, the purchase or collection of biological control agents for controlling noxious weeds, and the contracting for services to carry out the purposes of this chapter. In a county with an activated noxious weed control board, the director shall make every effort to contract with that board for the needed services.

~~((#))~~ (4) If the director determines the need to reallocate funds previously designated for county use, the director shall convene a meeting of the state noxious weed control board to seek its advice concerning any reallocation.

**Sec. 7.** RCW 17.10.100 and 1997 c 353 s 12 are each amended to read as follows:

Where any of the following occur, the state noxious weed control board ~~((may, following))~~ must hold a hearing, then may order any county noxious weed control board or weed district to include a noxious weed from the state board's list in the county's noxious weed list:

(1) Where the state noxious weed control board receives a petition from at least one hundred registered voters within the county requesting that the weed be listed.

(2) Where the state noxious weed control board receives a request for inclusion from an adjacent county's noxious weed control board or weed district, which the adjacent board or district has included that weed in its county or district list, and the adjacent board or weed district ~~((alleges))~~ documents that its noxious weed control program is being hampered by the failure to include the weed on the county's noxious weed list.

**Sec. 8.** RCW 17.10.140 and 1997 c 353 s 17 are each amended to read as follows:

(1) Except as is provided under subsection (2) of this section, every owner ~~((shall))~~ must perform or cause to be performed those acts as may be necessary to:

(a) Eradicate all class A noxious weeds;

(b) Control and prevent the spread of all class B noxious weeds designated for control in that region within and from the owner's property; and

(c) Control and prevent the spread of all class B and class C noxious weeds listed on the county weed list as locally mandated control priorities within and from the owner's property.

~~((Forestlands))~~ Every owner of forestlands classified under RCW 17.10.240(2), or meeting the definition of forestlands contained in RCW 17.10.240, ~~((are subject to the requirements of subsection (1)(a) and (b) of this section at all times. Forestlands are subject to the requirements of subsection (1)(c) of this section only within a one thousand foot buffer strip of adjacent land uses. In addition, forestlands are subject to subsection (1)(c) of this section for))~~ must perform or cause to be performed those acts as may be necessary to:

(a) Eradicate all class A noxious weeds;

(b) Control and prevent the spread of all class B noxious weeds designated for control in that region within and from the owner's property; and

(c) Control and prevent the spread of all class B and class C noxious weeds listed on the county weed list as locally mandated control priorities within and from the owner's property only when encountered in any of the following enumerated circumstances:

(i) Within 1,000 feet of adjacent land uses;

(ii) Within 25 feet of all privately owned roads unless properly abandoned as defined under WAC 222-24-052 as that section existed as of January 1, 2020;

(iii) Within 200 feet of navigable rivers, gravel pits, log yards, and staging areas, except when not allowed under other state or federal laws or regulations; and

(iv) For a single five-year period within harvested areas following the harvesting of trees for ~~((lumber))~~ products.

**Sec. 9.** RCW 17.10.145 and 2019 c 353 s 4 are each amended to read as follows:

(1) All state agencies shall control noxious weeds on lands they own, lease, or otherwise control through integrated pest management practices. Agencies shall develop plans in cooperation with county noxious weed control boards to control noxious weeds in accordance with standards in this chapter. Agencies shall appoint a liaison whose duties include serving as a common point of contact for all weed boards and developing and implementing noxious weed control plans.

(2) All state agencies' lands must comply with this chapter, regardless of noxious weed control efforts on adjacent lands.

(3) While conducting planned projects to ensure compliance with this chapter, all agencies must give preference, when deemed appropriate by the acting agency for the project and targeted resource management goals, to replacing noxious weeds with native forage plants that are pollen-rich or nectar-rich and beneficial for all pollinators, including honey bees.

**Sec. 10.** RCW 17.10.205 and 1997 c 353 s 24 are each amended to read as follows:

Open areas subject to the spread of noxious weeds, including but not limited to subdivisions, school grounds, playgrounds, parks, and rights-of-way shall be subject to regulation ~~((by activated county noxious weed control boards))~~ in the same manner and to the same extent as is provided for all terrestrial and aquatic lands of the state.

**Sec. 11.** RCW 17.10.235 and 1997 c 353 s 26 are each amended to read as follows:

(1) The director of agriculture shall adopt, with the advice of the state noxious weed control board, rules designating noxious weed seeds which shall be controlled in products, screenings, or articles to prevent the spread of noxious weeds. The rules shall identify the products, screenings, and articles in which the seeds must be controlled and the maximum amount of the seed to be

EIGHTY EIGHTH DAY, APRIL 8, 2021

2021 REGULAR SESSION

permitted in the product, screenings, or article to avoid a hazard of spreading the noxious weed by seed from the product, screenings, or article. The director shall also adopt, with the advice of the state board, rules designating toxic weeds which shall be controlled in feed stuffs and screenings to prevent injury to the animal that consumes the feed. The rules shall identify the feed stuffs and screenings in which the toxic weeds must be controlled and the maximum amount of the toxic weed to be permitted in the feed. Rules developed under this section shall identify ways that products, screenings, articles, or feed stuffs containing noxious weed seeds or toxic weeds can be made available for beneficial uses.

(2) Any person who knowingly or negligently sells or otherwise distributes a product, article, screenings, or feed stuff designated by rule containing noxious weed seeds or toxic weeds designated for control by rule and in an amount greater than the amount established by the director for the seed or weed by rule is guilty of a misdemeanor.

(3) The department of agriculture shall, upon request of the buyer, county weed board, or weed district, inspect products, screenings, articles, or feed stuffs designated by rule and charge fees, in accordance with chapter 22.09 RCW, to determine the presence of designated noxious weed seeds or toxic weeds.

**Sec. 12.** RCW 17.10.240 and 1997 c 353 s 27 are each amended to read as follows:

(1)(a) The activated county noxious weed control board of each county shall annually submit a budget to the county legislative authority for the operating cost of the county's weed program for the ensuing fiscal year: PROVIDED, That if the board finds the budget approved by the legislative authority is insufficient for an effective county noxious weed control program (~~it shall petition the county legislative authority to hold a hearing as provided in RCW 17.10.890. Control of weeds is a benefit to the lands within any such section~~), the board may submit a budget amendment to the county legislative authority after which the county legislative authority must hold a hearing as provided in chapter 36.40 RCW. Activities and programs to limit economic loss and adverse effects due to the presence and spread of noxious weeds on all terrestrial and aquatic areas in the state are declared to be of special benefit, including to lands owned or held by the state, and may be used as the basis upon which special assessments are imposed by the county legislative authority.

(b) Representatives from the department of transportation government relations, real estate services, and maintenance operations offices, the Washington state association of county treasurers, the Washington state association of county assessors, and the state noxious weed control board shall meet to develop a system by which parcels owned or held by the department of transportation that have been declared to receive special benefit from the county noxious weed control board must be identified and all assessments may be effectively billed for payment according to the process in chapter 79.44 RCW. The parties shall update the appropriate legislative committees regarding progress towards implementation of a system before January 1, 2022. By January 1, 2023, the group shall report to the appropriate legislative committees in compliance with RCW 43.01.036 regarding the system developed, what steps are being taken to implement the system, and what, if any, further legislative action is needed.

(c) Funding for the budget is derived from any or all of the following:

~~((a))~~ (i) The county legislative authority may, in lieu of a tax, levy an assessment against the land for this purpose. Whenever there is included within the jurisdiction of any county noxious weed control board lands owned or held by the state, the county

legislative authority shall determine the amount of the assessment for which the land would be liable if the land were in private ownership. Prior to the levying of an assessment the county noxious weed control board shall hold a public hearing at which it will gather information to serve as a basis for classification and then classify the lands into suitable classifications, including but not limited to dry lands, range lands, irrigated lands, nonuse lands, forestlands, or federal lands. The board shall develop and forward to the county legislative authority, as a proposed level of assessment for each class, an amount as seems just. The assessment rate shall be either uniform per acre in its respective class or a flat rate per parcel rate plus a uniform rate per acre or, for rights-of-way, a rate based on centerline miles: PROVIDED, That if no benefits are found to accrue to a class of land, a zero assessment may be levied. The assessment shall not be levied on lands owned or held by the state, unless the assessment is levied on other parcels or classes of parcels. The county legislative authority, upon receipt of the proposed levels of assessment from the board, after a hearing, shall accept or modify by resolution, or refer back to the board for its reconsideration all or any portion of the proposed levels of assessment. The amount of the assessment constitutes a lien against the property. The county legislative authority may by resolution or ordinance require that notice of the lien be sent to each owner of property for which the assessment has not been paid by the date it was due and that each lien created be collected by the treasurer in the same manner as delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes bear interest at the rate of twelve percent per annum and the interest accrues as of the date notice of the lien is sent to the owner: PROVIDED FURTHER, That any collections for the lien shall not be considered as tax; or

~~((b))~~ (ii) The county legislative authority may appropriate money from the county general fund necessary for the administration of the county noxious weed control program. In addition the county legislative authority may make emergency appropriations as it deems necessary for the implementation of this chapter.

(2) Forestlands used solely for the planting, growing, or harvesting of trees and which are typified, except during a single period of five years following clear-cut logging, by canopies so dense as to prohibit growth of an understory may be subject to an annual noxious weed assessment levied by a county legislative authority that does not exceed one-tenth of the weighted average per acre noxious weed assessment levied on all other lands in unincorporated areas within the county that are subject to the weed assessment. This assessment shall be computed in accordance with the formula in subsection (3) of this section.

(3) The calculation of the "weighted average per acre noxious weed assessment" is a ratio expressed as follows:

(a) The numerator is the total amount of funds estimated to be collected from the per acre assessment on all lands except (i) forestlands as identified in subsection (2) of this section, (ii) lands exempt from the noxious weed assessment, and (iii) lands located in an incorporated area.

(b) The denominator is the total acreage from which funds in (a) of this subsection are collected. For lands of less than one acre in size, the denominator calculation may be based on the following assumptions: (i) Unimproved lands are calculated as being one-half acre in size on the average, and (ii) improved lands are calculated as being one-third acre in size on the average. The county legislative authority may choose to calculate the

denominator for lands of less than one acre in size using other assumptions about average parcel size based on local information.

(4) For those counties that levy a per parcel assessment to help fund noxious weed control programs, the per parcel assessment on forestlands as defined in subsection (2) of this section shall not exceed one-tenth of the per parcel assessment on nonforestlands.

**Sec. 13.** RCW 17.10.890 and 1997 c 353 s 32 are each amended to read as follows:

~~((The following procedures shall be followed to deactivate a county noxious weed control board))~~ A county noxious weed control board may be deactivated only if there are neither any class A noxious weeds nor any class B noxious weeds in the county. Upon receiving documentation of the absence in the county of both class A noxious weeds and class B noxious weeds, the county legislative authority may initiate the following procedures:

(1) The county legislative authority holds a hearing to determine whether there continues to be a need for an activated county noxious weed control board if:

(a) A petition is filed by one hundred registered voters within the county;

(b) A petition is filed by a county noxious weed control board as provided in RCW 17.10.240; or

(c) The county legislative authority passes a motion to hold such a hearing.

(2) Except as provided in subsection (4) of this section, the hearing shall be held within sixty days of final action taken under subsection (1) of this section.

(3) If, after a hearing, the county legislative authority determines that no need exists for a county noxious weed control board, due to the absence of class A or class B noxious weeds designated for control in the region, the county legislative authority shall deactivate the board.

(4) The county legislative authority shall not convene a hearing as provided for in subsection (1) of this section more frequently than once a year.

**Sec. 14.** RCW 17.04.240 and 1957 c 13 s 2 are each amended to read as follows:

(1) The directors shall annually determine the amount of money necessary to carry on the operations of the district and shall classify the property therein in proportion to the benefits to be derived from the operations of the district and in accordance with such classification shall prorate the cost so determined and shall levy assessments to be collected with the general taxes of the county. In the event that any bonded or warrant indebtedness pledging tax revenue of the district shall be outstanding on April 1, 1951, the directors may, for the sole purpose of retiring such indebtedness, continue to levy a tax upon all taxable property in the district until such bonded or warrant indebtedness shall have been retired.

(2) Activities and programs to limit economic loss and adverse effects due to the presence and spread of noxious weeds on all terrestrial and aquatic areas in the state are declared to be of special benefit, including to lands owned or held by the state, and may be used as the basis upon which special assessments are imposed by the county legislative authority, including upon lands owned or held by the state.

**Sec. 15.** RCW 79.44.003 and 1999 c 153 s 68 are each amended to read as follows:

As used in this chapter "assessing district" means:

- (1) Incorporated cities and towns;
- (2) Diking districts;
- (3) Drainage districts;
- (4) Port districts;
- (5) Irrigation districts;
- (6) Water-sewer districts;

(7) Counties; ~~((and))~~

(8) Weed boards and weed districts; and

(9) Any municipal corporation or public agency having power to levy local improvement or other assessments, rates, or charges which by statute are expressly made applicable to lands of the state.

**Sec. 16.** RCW 17.04.180 and 1991 c 245 s 1 are each amended to read as follows:

Whenever any lands belonging to the county are included within a weed district, the county legislative authority shall determine the amount of the ~~((taxes))~~ assessment for which the lands would be liable if they were in private ownership, and the county legislative authority shall appropriate from the current expense fund of the county sufficient money to pay such amounts. Whenever any state lands are within any weed district, the county treasurer shall certify annually and forward to the appropriate state agency for payment a statement showing the amount of the ~~((tax))~~ assessment to which the lands would be liable if they were in private ownership, separately describing each lot or parcel and, if delinquent, with interest and penalties consistent with RCW 84.56.020.

**Sec. 17.** RCW 17.15.020 and 2015 c 225 s 16 are each amended to read as follows:

Each of the following state agencies or institutions shall implement integrated pest management practices when carrying out the agency's or institution's duties related to pest control:

- (1) The department of agriculture;
- (2) The state noxious weed control board;
- (3) The department of ecology;
- (4) The department of fish and wildlife;
- (5) The department of transportation;
- (6) The parks and recreation commission;
- (7) The department of natural resources;
- (8) The department of corrections;
- (9) The department of enterprise services; ~~((and))~~
- (10) Each state institution of higher education, for the institution's own building and grounds maintenance;
- (11) Each county noxious weed control board; and
- (12) Each weed district."

On page 1, line 1 of the title, after "weeds;" strike the remainder of the title and insert "and amending RCW 17.10.010, 17.10.030, 17.10.050, 17.10.060, 17.10.070, 17.10.074, 17.10.100, 17.10.140, 17.10.145, 17.10.205, 17.10.235, 17.10.240, 17.10.890, 17.04.240, 79.44.003, 17.04.180, and 17.15.020."

## MOTION

Senator Warnick moved that the following floor amendment no. 653 by Senator Warnick be adopted:

On page 12, line 6, after "The" strike "parties" and insert "state noxious weed control board"

On page 12, line 8, after "the" strike "group" and insert "state noxious weed control board"

On page 16, line 12, after "institutions" insert "or county agencies"

Senator Warnick spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 653 by Senator Warnick on page 12, line 6 to the committee striking amendment.

The motion by Senator Warnick carried and floor amendment no. 653 was adopted by voice vote.

EIGHTY EIGHTH DAY, APRIL 8, 2021

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Substitute House Bill No. 1355.

The motion by Senator Warnick carried and the committee striking amendment as amended was adopted by voice vote.

## MOTION

On motion of Senator Warnick, the rules were suspended, Substitute House Bill No. 1355, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1355 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1355, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Honeyford and McCune

SUBSTITUTE HOUSE BILL NO. 1355, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 10:42 p.m., on motion of Senator Liias, the Senate adjourned until 11:00 o'clock a.m. Friday, April 9, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

**EIGHTY NINTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Friday, April 9, 2021

The Senate was called to order at 11:03 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Marcus and Miss Ariana Weber led the Senate in the Pledge of Allegiance. The Webers are the children of Ms. Nichole Weber, Session Aide to Senator Brown.

The prayer was offered by Senator Phil Fortunato, 31<sup>st</sup> Legislative District, Auburn.

**MOTIONS**

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Liias, the Senate advanced to the eighth order of business.

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

**MOTION**

On motion of Senator Liias, Senate Emergency Rule K was suspended for the rest of the day.

EDITOR'S NOTE: Senate Emergency Rule K establishes rules for the consideration of bills and amendments.

**MOTION TO LIMIT DEBATE**

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

**MOTION**

At 11:11 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

**AFTERNOON SESSION**

The Senate was called to order at 12:02 p.m. by President Heck.

**SIGNED BY THE PRESIDENT**

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE BILL NO. 1001,  
HOUSE BILL NO. 1009,  
HOUSE BILL NO. 1023,  
HOUSE BILL NO. 1031,  
HOUSE BILL NO. 1063,  
HOUSE BILL NO. 1072,  
HOUSE BILL NO. 1087,  
HOUSE BILL NO. 1096,

SECOND SUBSTITUTE HOUSE BILL NO. 1148,  
ENGROSSED HOUSE BILL NO. 1192,  
SUBSTITUTE HOUSE BILL NO. 1209,  
SUBSTITUTE HOUSE BILL NO. 1221,  
SUBSTITUTE HOUSE BILL NO. 1276,  
SUBSTITUTE HOUSE BILL NO. 1331,  
ENGROSSED HOUSE BILL NO. 1342,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1372,  
SUBSTITUTE HOUSE BILL NO. 1424,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426,  
SUBSTITUTE HOUSE BILL NO. 1445,  
SUBSTITUTE HOUSE BILL NO. 1446,  
HOUSE BILL NO. 1469,

SUBSTITUTE HOUSE BILL NO. 1493,  
and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1521.

**MOTION**

Senator Robinson moved adoption of the following resolution:

**SENATE RESOLUTION  
8623**

By Senators Robinson

WHEREAS, John McCoy was first elected to the Washington State House of Representatives in 2003 and was elected to the State Senate in 2013; and

WHEREAS, John McCoy was a dedicated public servant, faithfully and tirelessly representing the people of the 38th legislative district for 17 years before retiring in 2020; and

WHEREAS, John McCoy began his honorable service with a 20-year career in the Air Force, gaining experience that would inform his deep dedication to serving the good of the people; and

WHEREAS, John McCoy was a leader in the community through his work to diversify the economy of the Tulalip Tribes by establishing and managing Quil Ceda Village; and, was a leader in the Senate as Chair of the Senate Democratic Caucus, never wavering in his inclusive and supportive approach to leadership; and

WHEREAS, John McCoy worked on a wide breadth of issues, including advocating for disenfranchised communities, lifting the voices of sovereign tribes, and expanding access to quality education and health care, as well as internet access for every Washingtonian; and

WHEREAS, John McCoy was an unrelenting force for those with the least financial resources and political power in the state, giving a voice to those who did not have one in our political process; and

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

WHEREAS John McCoy championed the passage of the Native American Voting Rights Act that expanded voting rights access in tribal communities; and

WHEREAS, John McCoy passed legislation that ensured Native American history, culture, and government would be taught in all school districts; and

WHEREAS, John McCoy worked persistently for 12 years to pass legislation that would allow dental therapists to provide care on reservations; and

WHEREAS, John McCoy was a strong advocate for the environment, pushing for tougher rules on oil transportation and water quality, as well as expanding production of alternative energy; and

WHEREAS, John McCoy faced challenges that seemed insurmountable with tenacity and perseverance, offering the advice of "It's okay to make a mistake as long as you learn from it... and are sure not to make the same mistake again!"; and

WHEREAS, John McCoy will be missed for his steady leadership, strong moral compass, and his ability to find the perfect bolo tie for every occasion; and

WHEREAS, John McCoy is a loving husband to his wife Jeannie, a father to three daughters, and a grandfather of 10 grandchildren and two great grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Senator John McCoy and the contributions he made to the state and the people during his 17 years of service in the legislature.

Senators Robinson, Billig, Braun, Wellman, Rivers, Hasegawa, Warnick, Saldaña, Rolfes, Hunt, Darneille, Carlyle and Conway spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8623.

The motion by Senator Robinson carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Heck: "Senator McCoy, it is an honor to be recognized for your considerable contribution and service through resolution by this esteemed body. It is a particular honor that you be able to address it while no longer an active member of this chamber. But, as we have heard repeatedly, when John McCoy speaks, people listen. So perhaps the greatest honor is the President introducing you and giving you the floor for some remarks, Senator McCoy."

REMARKS BY FORMER SENATOR MCCOY

Former Senator McCoy: "Thank you Mr. President. Mr. President you and I have worked together a lot in the past before you went to Congress. And you've given me a lot of food for thought and in how to behave as a legislator. And as for all my friends in the legislature, I want to thank you for your kind words. I miss you all. And I was I was really sorry I had to leave so abruptly, but I was having some health challenges that I kept going in and out of the hospital and so consequently I couldn't do my work to the legislature in the manner that I felt it should be accomplished. So, so, I felt it necessary to resign. I'm feeling a lot better right now. I still have some challenges but I'm working through them. A number of you made remarks about what happened yesterday. I didn't, I didn't see what happened yesterday, so I need to find out what happened. It's great to hear all your remarks. You brought back a lot of memories. I thought Judy would have brought up the first day, her first day in the

Legislature when she remarked that she was going to change water law and she happened to look in my direction on the other side of the room and I had a big smile on my face. And she wondered what that was all about. Now she knows. But anyway, it was great working with you all. You know we were all right that we had different points of view and we just figured out a way to work together no matter what side of the aisle we were on. So that's, a couple of you mentioned, that's the function of the legislature. Is that you have numerous ideas and you work them out. And a couple of you mentioned that my mode is to listen and then figure out a path to work on that. So, I want you all to keep up the good work. You're down there for that. And for the staff up there on the dais, thank you for all the help you've given me over the years. You did a great job. Well you're still doing a great job. Then with that Mr. President, thank you very much."

MOTION

On motion of Senator Liias, members were given 24 hours to sign on to Senate Resolution No. 8623.

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216, by House Committee on Appropriations (originally sponsored by Ramos, Callan, Lekanoff, Fitzgibbon, Kloba, Ortiz-Self, Ormsby, Hackney and Ramel)

Concerning urban and community forestry.

The measure was read the second time.

MOTION

Senator Van De Wege moved that the following committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that preservation and enhancement of city trees and urban forests contributes multiple benefits, including stormwater management, carbon sequestration, local air and water quality enhancements, and fish and wildlife habitat, and is a cost-effective way to meet these objectives. The legislature further finds that climate change is impacting our state in numerous ways, including summer heat waves, heavier winter rains, and lower air quality, all of which can be improved by increased tree canopy. The legislature further finds that modern and well-crafted urban forestry programs can have significant additional benefits related to human health, especially when delivered in highly impacted communities with higher health disparities and that also have lower existing tree canopy. Significant research exists demonstrating health benefits of trees and green spaces, including air and water quality improvements, positive emotional responses to being in nature, physical activity, and social cohesion through interacting in public green spaces. Furthermore, the legislature finds that Washington state faces continued urgency in adequately protecting essential salmon habitat, which is necessary to promote salmon recovery and thus help protect our endangered southern

resident killer whale population. It is the intent of the legislature to enhance urban forestry programs that maximize cobenefits related to human health and salmon recovery.

(2) The legislature further recognizes that the existing evergreen communities act, in chapter 76.15 RCW and related programs in state law, established a successful framework for supporting urban forestry in Washington state. That act established the need for tools including canopy assessment and regional tree canopy analysis, and targeted technical assistance to support cities and counties seeking to deliver impactful urban forestry programs. The legislature intends to modernize and add capacity to the evergreen communities act by utilizing information and analysis around environmental health disparities and salmon recovery plans, and increasing capacity for the delivery of an urban forestry program in order to strengthen and enhance the impacts of this act and to expand participation to include federally recognized tribes and other community-based organizations.

**Sec. 2.** RCW 76.15.005 and 1991 c 179 s 1 are each amended to read as follows:

(1) Trees and other woody vegetation are a necessary and important part of community (~~and urban~~) environments. (~~Community and urban~~) Urban and community forests have many values and uses including conserving energy, reducing air and water pollution and soil erosion, contributing to property values, attracting business, reducing glare and noise, providing aesthetic and historical values, providing wood products, and affording comfort and protection for humans and wildlife.

~~(2) (As urban and community areas in Washington state grow, the need to plan for and protect community and urban forests increases. Cities and communities benefit from assistance in developing and maintaining community and urban forestry programs that also address future growth.~~

~~(3) Assistance and encouragement in establishment, retention, and enhancement of these forests and trees by local governments, citizens, organizations, and professionals are in the interest of the state based on the contributions these forests make in preserving and enhancing the quality of life of Washington's municipalities and counties while providing opportunities for economic development.)~~ As urban and community areas in Washington state grow, the need to plan for, promote, and manage urban and community forests increases. Cities and communities benefit from assistance in developing and maintaining urban and community forestry programs that also address future growth.

(3) Assistance and encouragement in the establishment, retention, and enhancement of these forests and trees by local governments, residents, organizations, and professionals are in the interest of the state based on the contributions these forests make in preserving and enhancing the quality of life of Washington's cities, counties, and tribal lands while providing opportunities for economic development.

(4) Well-maintained urban forests deliver local air and water quality benefits that can have positive impacts on human health.

(5) Increased tree canopy in urban areas can positively impact salmon populations through stormwater management and reduction of stream temperatures, thereby improving critical salmon habitat.

**Sec. 3.** RCW 76.15.007 and 1991 c 179 s 2 are each amended to read as follows:

The purpose of this chapter is to:

(1) Encourage (~~planting and maintenance and management of trees in the state's municipalities and counties and maximize the potential of tree and vegetative cover in improving the quality of the environment.~~

(2) Encourage the coordination of state and local agency activities and maximize citizen participation in the development

~~and implementation of community and urban forestry related programs.~~

~~(3) Foster healthy economic activity for the state's community and urban forestry related businesses through cooperative and supportive contracts with the private business sector.~~

~~(4) Facilitate the creation of employment opportunities related to community and urban forestry activities including opportunities for inner city youth to learn teamwork, resource conservation, environmental appreciation, and job skills.~~

~~(5) Provide meaningful voluntary opportunities for the state's citizens and organizations interested in community and urban forestry activities))~~ planning for, planting, maintaining, and managing of trees in the state's cities, counties, and tribal lands and maximize the potential of tree and vegetative cover in improving the quality of the environment;

(2) Encourage the coordination of activities by state, local agency, and federally recognized tribes, and maximize resident participation in the development and implementation of urban and community forestry-related programs, including through capacity building to facilitate participation from new partners;

~~(3) Foster healthy economic activity for the state's urban and community forestry-related businesses through cooperative and supportive contracts with the private business sector;~~

~~(4) Facilitate the creation of employment opportunities related to urban and community forestry activities, including opportunities for youth, especially in urban areas, to learn teamwork, resource conservation, environmental appreciation, and job skills;~~

~~(5) Provide meaningful voluntary opportunities for the state's residents and organizations interested in urban and community forestry activities;~~

~~(6) Contribute to improved human health through targeted delivery of programs and activities in highly impacted communities with greater health disparities;~~

~~(7) Contribute to salmon and orca recovery through targeted delivery of programs and activities in regions that include important salmon habitat identified by regional salmon recovery plans.~~

**Sec. 4.** RCW 76.15.010 and 2008 c 299 s 23 are each amended to read as follows:

~~((Unless the context clearly requires otherwise, the))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~(1) ("Community and urban forest" is that land in and around human settlements ranging from small communities to metropolitan areas, occupied or potentially occupied by trees and associated vegetation. Community and urban forestland may be planted or unplanted, used or unused, and includes public and private lands, lands along transportation and utility corridors, and forested watershed lands within populated areas.~~

~~(2) "Community and urban forest assessment" has the same meaning as defined in RCW 35.105.010.~~

~~(3) "Community and urban forest inventory" has the same meaning as defined in RCW 35.105.010.~~

~~(4) "Community and urban forestry" means the planning, establishment, protection, care, and management of trees and associated plants individually, in small groups, or under forest conditions within municipalities and counties.~~

~~(5))~~ "Department" means the department of natural resources.

~~((6))~~ "Municipality" means a city, town, port district, public school district, community college district, irrigation district, weed control district, park district, or other political subdivision of the state.

~~(7)~~ "Person" means an individual, partnership, private or public municipal corporation, Indian tribe, state entity, county or local

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

governmental entity, or association of individuals of whatever nature.)

(2) "Evergreen community" means a city, town, or county designated as such under RCW 76.15.090.

(3) "Highly impacted community" has the same meaning as defined in RCW 19.405.020 or an equivalent cumulative impacts analysis that identifies the environmental health conditions of communities as a factor of both environmental health hazards and vulnerable populations as defined in RCW 19.405.020.

(4) "Management plan" means an urban forest management plan developed pursuant to this chapter.

(5) "Tree canopy" means the layer of leaves, branches, and stems of trees that cover the ground when viewed from above and that can be measured as a percentage of a land area shaded by trees.

(6) "Tribes" means any federally recognized Indian tribes whose traditional lands and territories include parts of the state.

(7) "Urban and community forest" or "urban forest" is that land in and around human settlements ranging from small communities to metropolitan areas, occupied or potentially occupied by trees and associated vegetation. Urban and community forestland may be planted or unplanted, used or unused, and includes public and private lands, lands along transportation and utility corridors, and forested watershed lands within populated areas. Nothing in this chapter may be construed to apply to lands subject to or designated under chapter 76.09, 79.70, 79.71, 84.33, or 84.34 RCW.

(8) "Urban and community forest assessment" or "urban forest assessment" means an analysis of the urban and community forest inventory to: Establish the scope and scale of forest-related benefits and services; determine the economic valuation of such benefits, highlight trends, and issues of concern; identify high priority areas to be addressed; outline strategies for addressing the critical issues and urban landscapes; and identify opportunities for retaining trees, expanding forest canopy, and planting additional trees to sustain Washington's urban and community forests.

(9) "Urban and community forest inventory" or "urban forest inventory" means a management tool designed to gauge the condition, management status, health, and diversity of an urban and community forest. An inventory may evaluate individual trees or groups of trees or canopy cover within urban and community forests, and will be periodically updated by the department.

(10) "Urban and community forestry" or "urban forestry" means the planning, establishment, protection, care, and management of trees and associated plants individually, in small groups, or under more naturally forested conditions within cities, counties, and tribal lands.

(11) "Urban and community forestry ordinance" or "urban forestry ordinance" is an ordinance developed by a city, county, or tribe that promotes urban forestry management and care of trees.

(12) "Vulnerable populations" has the same meaning as defined in RCW 19.405.020.

Sec. 5. RCW 76.15.020 and 2008 c 299 s 3 are each amended to read as follows:

(1) The department may establish and maintain a program in ~~((community and urban forestry to accomplish the purpose stated in RCW 76.15.007. The department may assist municipalities and counties in establishing and maintaining community and urban forestry programs and encourage persons to engage in appropriate and improved tree management and care.~~

(2) ~~The department may advise, encourage, and assist municipalities, counties, and other public and private entities in~~

~~the development and coordination of policies, programs, and activities for the promotion of community and urban forestry.~~

~~(3) The department may appoint a committee or council, in addition to the technical advisory committee created in RCW 76.15.080 to advise the department in establishing and carrying out a program in community and urban forestry.~~

~~(4) The department may assist municipal and county tree maintenance programs by making surplus equipment available on loan where feasible for community and urban)) urban and community forestry to accomplish the purpose stated in RCW 76.15.007. The department may assist cities, counties, and federally recognized tribes in establishing and maintaining urban and community forestry programs and encourage appropriate and improved tree management and care.~~

~~(2) The department may advise, encourage, and assist cities, counties, tribes, and other public and private entities in the development and coordination of policies, programs, and activities for the promotion of urban and community forestry.~~

~~(3) The department may appoint a committee or council to advise the department in establishing and carrying out a program in urban and community forestry.~~

~~(4) The department may assist municipal and county tree maintenance programs by making surplus equipment available on loan where feasible for urban and community forestry programs and cooperative projects.~~

~~(5) An owner of private property may opt out of a voluntary urban and community forestry program established by a city, county, or federally recognized tribe pursuant to this chapter. The property owner opting out must provide notice to the city, county, or federally recognized tribe in either written or electronic form.~~

Sec. 6. RCW 76.15.030 and 1991 c 179 s 5 are each amended to read as follows:

The department may:

(1) Receive and disburse any and all moneys contributed, allotted, or paid by the United States under authority of any act of congress for the purposes of this chapter.

(2) Receive such gifts, grants, bequests, and endowments and donations of labor, material, seedlings, and equipment from public or private sources as may be made for the purpose of carrying out the provisions of this chapter, and may spend the gifts, grants, bequests, endowments, and donations as well as other moneys from public or private sources.

(3) Charge fees for attendance at workshops and conferences, and for various publications and other materials that the department may prepare.

(4) Enter into agreements and contracts with ~~((persons having community and urban)) cities, counties, tribes, nonprofit organizations, and others having urban and community forestry-related responsibilities.~~

Sec. 7. RCW 76.15.050 and 1993 c 204 s 10 are each amended to read as follows:

The department may enter into agreements with one or more nonprofit organizations whose primary purpose is urban tree planting. ~~The agreements ((shall be to further public education about and support for urban tree planting, and for obtaining voluntary activities by the local community organizations in tree planting programs. The agreements shall ensure that such programs are consistent with the purposes of the community and urban)) must be directed at furthering public education about and support for urban tree planning, planting, establishment, care, and long-term maintenance, and for obtaining voluntary activities by the local community organizations in tree planting programs. The agreements must ensure these programs are consistent with the purposes of the urban and community forestry program under this chapter.~~

**Sec. 8.** RCW 76.15.060 and 1993 c 204 s 11 are each amended to read as follows:

The department (~~shall encourage urban planting of tree varieties that are site appropriate and provide the best combination of energy and water conservation, fire safety and other safety, wildlife habitat~~) must encourage urban planting and care through establishment and long-term management of trees, encouraging varieties that are site-appropriate and provide the best combination of energy and water conservation, fire safety and other safety, wildlife habitat, stormwater management, and aesthetic value. The department may provide technical assistance in developing programs in tree planting for energy conservation in areas of the state where such programs are most cost-effective. The department must conduct analyses and prioritize target regions for delivery of programs, policies, and activities that include criteria related to human health and salmon recovery data as provided in section 9 of this act.

**NEW SECTION. Sec. 9.** A new section is added to chapter 76.15 RCW to read as follows:

(1) The department must conduct analyses of the needs and opportunities related to urban forestry in Washington by assessing tree canopy cover and urban forestry inventory data.

(a) The department must utilize existing recent tree canopy study and inventory data when available.

(b) The department may add additional canopy analysis in regions where adequate data is not available through internal analysis and the use of research consultants as needed.

(c) In collaboration with local governments, the department may conduct prioritized inventories of urban forests where adequate data is not available.

(2) The department must identify priority regions for the implementation of urban forestry programs. Priority must be determined through the use and review of analyses and tools including, but not limited to, the following:

(a) Canopy analysis and inventory of urban and community forestry data as determined in subsection (1)(a) of this section;

(b) Health disparity mapping tools that identify highly impacted communities such as the department of health's Washington tracking network. Communities should be identified at the census tract level;

(c) Salmon and orca recovery data including, but not limited to, the Puget Sound partnership action agenda and other regional and statewide salmon and orca recovery plans and efforts, to target program delivery in areas where there are significant opportunities related to salmon and orca habitat and health; and

(d) The department's 20-year forest health strategic plan.

(3) The department may consult with external experts as part of the review and analysis that will determine priority regions for the purposes of this chapter. Consultation may be conducted with experts such as: Other state agencies; a statewide organization representing urban and community forestry programs; health experts; salmon recovery experts; and other technical experts as needed.

(4) The department must consult with the appropriate tribes in watersheds where urban forestry work is taking place.

(5) The department shall, through its analysis and consultation, seek to identify areas where urban forestry will generate the greatest confluence of benefits in relation to canopy needs, health disparities, and salmon habitat.

(6) The department must ensure a minimum of 50 percent of the resources used in delivering the policies, programs, and activities of this chapter are benefiting vulnerable populations and are delivered in or within one-quarter mile of highly impacted communities as identified by the tools described in subsection (2)(b) of this section, and scale these resources so the most resources are allocated to the highest impacted communities

within these areas. This includes resources for establishing and maintaining new trees as well as maintenance of existing tree canopy.

(7) The department shall conduct a statewide inventory of urban and community forests using urban forest inventory and assessment protocols established by the United States forest service to produce statistically relevant estimates of the quantity, health, composition, and benefits of urban trees and forests. Inventory data must be maintained and periodically updated.

**NEW SECTION. Sec. 10.** A new section is added to chapter 76.15 RCW to read as follows:

(1) The department must provide technical assistance and capacity building resources and opportunities to cities, counties, federally recognized tribes, and other public and private entities in the development and coordination of policies, programs, and activities for the promotion of urban and community forestry.

(2) The department may use existing urban and community forestry inventory tools or develop additional tools to assist cities, counties, federally recognized tribes, and other public and private entities to collect urban and community forest tree data that informs urban and community forestry management, planning, and policy development.

(3) The department shall strive to enable Washington cities' urban forest managers to access carbon markets by working to ensure tools developed under this section are compatible with existing and developing urban forest carbon market reporting protocols.

(4) The department may use existing tools to assist communities to develop urban forestry management plans. Management plans may include, but not be limited to, the following elements:

(a) Inventory and assessment of the jurisdiction's urban and community forests utilized as a dynamic management tool to set goals, implement programs, and monitor outcomes that may be adjusted over time;

(b) Canopy cover goals;

(c) Reforestation and tree canopy expansion goals within the city's, town's, and county's boundaries;

(d) Restoration of public forests;

(e) Achieving forest stand and diversity goals;

(f) Maximizing vegetated stormwater management with trees and other vegetation that reduces runoff, increases soil infiltration, and reduces stormwater pollution;

(g) Environmental health goals specific to air quality, habitat for wildlife, and energy conservation;

(h) Vegetation management practices and programs to prevent vegetation from interfering with or damaging utilities and public facilities;

(i) Prioritizing planting sites;

(j) Standards for tree selection, siting, planting, and pruning;

(k) Scheduling maintenance and stewardship for new and established trees;

(l) Staff and volunteer training requirements emphasizing appropriate expertise and professionalism;

(m) Guidelines for protecting existing trees from construction-related damage and damage related to preserving territorial views;

(n) Integrating disease and pest management;

(o) Wood waste utilization;

(p) Community outreach, participation, education programs, and partnerships with nongovernment organizations;

(q) Time frames for achieving plan goals, objectives, and tasks;

(r) Monitoring and measuring progress toward those benchmarks and goals;

(s) Consistency with the urban wildland interface codes developed by the state building code council;

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

(t) Emphasizing landscape and revegetation plans in residential and commercial development areas where tree retention objectives are challenging to achieve; and

(u) Maximizing building heating and cooling energy efficiency through appropriate siting of trees for summer shading, passive solar heating in winter, and for wind breaks.

(5) The department may use existing tools to assist communities to develop urban forestry ordinances. Ordinances may include, but not be limited to, the following elements:

(a) Tree canopy cover, density, and spacing;

(b) Tree conservation and retention;

(c) Vegetated stormwater runoff management using native trees and appropriate nonnative, nonnaturalized vegetation;

(d) Clearing, grading, protection of soils, reductions in soil compaction, and use of appropriate soils with low runoff potential and high infiltration rates;

(e) Appropriate tree siting and maintenance for vegetation management practices and programs to prevent vegetation from interfering with or damaging utilities and public facilities;

(f) Native species and nonnative, nonnaturalized species diversity selection to reduce disease and pests in urban forests;

(g) Tree maintenance;

(h) Street tree installation and maintenance;

(i) Tree and vegetation buffers for riparian areas, critical areas, transportation and utility corridors, and commercial and residential areas;

(j) Tree assessments for new construction permitting;

(k) Recommended forest conditions for different land use types;

(l) Variances for hardship and safety;

(m) Variances to avoid conflicts with renewable solar energy infrastructure, passive solar building design, and locally grown produce; and

(n) Permits and appeals.

(6) The department may consult with the department of commerce in the process of providing technical assistance, on issues including, but not limited to, intersections between urban forestry programs and growth management act planning.

(7) The department may use existing and develop additional innovative tools to facilitate successful implementation of urban forestry programs including, but not limited to, comprehensive tool kit packages (tree kits) that can easily be shared, locally adapted, and used by cities, counties, tribes, and community stakeholders.

(8) The department must encourage communities to include participation and input by vulnerable populations through community organizations and members of the public for urban and community forestry plans in the regions where they are based.

(9) Delivery of resources must be targeted based on the analysis and prioritization provided in section 9 of this act.

**Sec. 11.** RCW 76.15.090 and 2008 c 299 s 8 are each amended to read as follows:

(1) The department shall manage the application and evaluation of candidates for evergreen community designation ((under RCW 35.105.030, and forward its recommendations to the department of community, trade, and economic development)).

(2) The department shall develop the criteria for an evergreen community designation program. Under this program, the state may recognize as an evergreen community a city, county, or area of tribal land that has developed an excellent urban forest management program.

(3) Designation as an evergreen community must include no fewer than two graduated steps. The department may require additional graduated steps and establish the minimum requirements for each recognized step.

(a) The first graduated step of designation as an evergreen community includes satisfaction of the following requirements:

(i) The development and implementation of a tree board or tree department;

(ii) The development of a tree care ordinance;

(iii) The implementation of an urban forestry program with an annual budget of at least \$2.00 for every city resident;

(iv) Official recognition of arbor day; and

(v) The completion of or update to an existing urban forest inventory for the city, county, or tribal land, or the formal adoption of an inventory developed for the city, county, or tribe by the department.

(b) The second graduated step of designation as an evergreen community includes the adoption of an urban forestry management plan. The management plan must:

(i) Exceed the minimum standards determined by the department; and

(ii) Incorporate meaningful community engagement from vulnerable populations located in the area so needs and priorities of these communities inform implementation of the plan.

(4) The department shall develop gateway signage and logos for an evergreen community.

(5) The department may consult with the department of commerce in carrying out the requirements of this section.

**Sec. 12.** RCW 35.92.390 and 2008 c 299 s 19 are each amended to read as follows:

(1) Municipal utilities under this chapter are encouraged to provide information to their customers regarding landscaping that includes tree planting for energy conservation.

(2)(a) Municipal utilities under this chapter are encouraged to request voluntary donations from their customers for the purposes of urban forestry. The request may be in the form of a check-off on the billing statement or other form of request for a voluntary donation.

(b) Voluntary donations collected by municipal utilities under this section may be used by the municipal utility to:

(i) Support the development and implementation of ~~((evergreen community))~~ urban forestry ordinances, as that term is defined in RCW ~~((35.105.010))~~ 76.15.010, for cities, towns, or counties within their service areas; or

(ii) Complete projects consistent with the ~~((model evergreen community))~~ urban forestry management plans and ordinances developed under RCW ~~((35.105.050))~~ 76.15.090.

(c) Donations received under this section do not contribute to the gross income of a light and power business or gas distribution business under chapter 82.16 RCW.

**Sec. 13.** RCW 35A.80.040 and 2008 c 299 s 20 are each amended to read as follows:

(1) Code cities providing utility services under this chapter are encouraged to provide information to their customers regarding landscaping that includes tree planting for energy conservation.

(2)(a) Code cities providing utility services under this chapter are encouraged to request voluntary donations from their customers for the purposes of urban forestry. The request may be in the form of a check-off on the billing statement or other form of a request for a voluntary donation.

(b) Voluntary donations collected by code cities under this section may be used by the code city to:

(i) Support the development and implementation of ~~((evergreen community))~~ urban forestry ordinances, as that term is defined in RCW ~~((35.105.010))~~ 76.15.010, for cities, towns, or counties within their service areas; or

(ii) Complete projects consistent with the ~~((model evergreen community))~~ urban forestry management plans and ordinances developed under RCW ~~((35.105.050))~~ 76.15.090.

(c) Donations received under this section do not contribute to the gross income of a light and power business or gas distribution business under chapter 82.16 RCW.

**Sec. 14.** RCW 80.28.300 and 2008 c 299 s 21 are each amended to read as follows:

(1) Gas companies and electrical companies under this chapter are encouraged to provide information to their customers regarding landscaping that includes tree planting for energy conservation.

(2)(a) Gas companies and electrical companies under this chapter may request voluntary donations from their customers for the purposes of urban forestry. The request may be in the form of a check-off on the billing statement or other form of a request for a voluntary donation.

(b) Voluntary donations collected by gas companies and electrical companies under this section may be used by the gas companies and electrical companies to:

(i) Support the development and implementation of ~~((evergreen community))~~ urban forestry ordinances, as that term is defined in RCW ~~((35.105.010))~~ 76.15.010, for cities, towns, or counties within their service areas; or

(ii) Complete projects consistent with the ~~((model evergreen community))~~ urban forestry management plans and ordinances developed under RCW ~~((35.105.050))~~ 76.15.090.

(c) Donations received under this section do not contribute to the gross income of a light and power business or gas distribution business under chapter 82.16 RCW.

**Sec. 15.** RCW 89.08.520 and 2008 c 299 s 27 are each amended to read as follows:

(1) In administering grant programs to improve water quality and protect habitat, the commission shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) In its grant prioritization and selection process, consider:

(i) The statement of environmental benefits;

(ii) Whether, except as conditioned by RCW 89.08.580, the applicant is a Puget Sound partner, as defined in RCW 90.71.010, and except as otherwise provided in RCW 89.08.590, and effective one calendar year following the development and statewide availability of ~~((model evergreen community))~~ urban forestry management plans and ordinances under RCW ~~((35.105.050))~~ 76.15.090, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community ~~((recognition))~~ designation program created in RCW ~~((35.105.030))~~ 76.15.090; and

(iii) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310; and

(c) Not provide funding, after January 1, 2010, for projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(2)(a) The commission shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grant program.

(b) The commission shall work with the districts to develop uniform performance measures across participating districts and, to the extent possible, the commission should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The commission shall consult with affected interest groups in implementing this section.

**Sec. 16.** RCW 79.105.150 and 2019 c 415 s 986 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned

aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2017-2019 and 2019-2021 fiscal biennia, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, hatcheries, the Puget Sound toxic sampling program and steelhead mortality research at the department of fish and wildlife, the knotweed program at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification, the Puget SoundCorps program, and support of the marine resource advisory council and the Washington coastal marine advisory council. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture. During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the aquatic lands enhancement account to the marine resources stewardship trust account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of ~~((model evergreen community))~~ urban forestry management plans and ordinances under RCW ~~((35.105.050))~~ 76.15.090, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community ~~((recognition))~~ designation program created in RCW ~~((35.105.030))~~ 76.15.090 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) Any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**Sec. 17.** RCW 43.155.120 and 2008 c 299 s 30 are each amended to read as follows:

When administering funds under this chapter, the board shall give preference only to an evergreen community recognized under RCW ~~((35.105.030))~~ 76.15.090 in comparison to other entities that are eligible to receive evergreen community designation. Entities not eligible for designation as an evergreen community shall not be given less preferential treatment than an evergreen community.

**Sec. 18.** RCW 70A.135.070 and 2020 c 20 s 1380 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

- (a) The protection of water quality and public health;
- (b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;
- (c) Actions required under federal and state permits and compliance orders;
- (d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;
- (e) Except as otherwise conditioned by RCW 70A.135.110, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;
- (f) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;
- (g) Except as otherwise provided in RCW 70A.135.120, and effective one calendar year following the development and statewide availability of ~~((model evergreen community))~~ urban forestry management plans and ordinances under RCW ~~((35.105.050))~~ 76.15.090, whether the project is sponsored by an entity that has been recognized, and what gradation of recognition was received, in the evergreen community ~~((recognition))~~ designation program created in RCW ~~((35.105.030))~~ 76.15.090;
- (h) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and
- (i) The recommendations of the Puget Sound partnership, created in RCW 90.71.210, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. A county, city, or town that has adopted a comprehensive plan and development regulations as provided in RCW 36.70A.040 may request a grant or loan for water pollution control facilities. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 that has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before the department executes a contractual agreement for the grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) After January 1, 2010, any project designed to address the effects of water pollution on Puget Sound may be funded under this chapter only if the project is not in conflict with the action

agenda developed by the Puget Sound partnership under RCW 90.71.310.

**Sec. 19.** RCW 79A.15.040 and 2016 c 149 s 4 are each amended to read as follows:

(1) Moneys appropriated for this chapter prior to July 1, 2016, to the habitat conservation account shall be distributed in the following way:

- (a) Not less than forty percent through June 30, 2011, at which time the amount shall become forty-five percent, for the acquisition and development of critical habitat;
- (b) Not less than thirty percent for the acquisition and development of natural areas;
- (c) Not less than twenty percent for the acquisition and development of urban wildlife habitat; and
- (d) Not less than ten percent through June 30, 2011, at which time the amount shall become five percent, shall be used by the board to fund restoration and enhancement projects on state lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on existing habitat and natural area lands.

(2) Moneys appropriated beginning July 1, 2016, for this chapter to the habitat conservation account shall be distributed in the following way:

- (a) Not less than thirty-five percent for the acquisition and development of critical habitat;
- (b) Not less than twenty-five percent for the acquisition and development of natural areas;
- (c) Not less than fifteen percent for the acquisition or enhancement or restoration of riparian habitat;
- (d) Not less than fifteen percent for the acquisition and development of urban wildlife habitat; and
- (e) Not less than ten percent or three million dollars, whichever is less, for the board to fund restoration and enhancement projects on state lands. Any amount above three million dollars must be distributed for the purposes of (c) of this subsection.

(3)(a) In distributing these funds, the board retains discretion to meet the most pressing needs for critical habitat, natural areas, riparian protection, and urban wildlife habitat, and is not required to meet the percentages described in subsections (1) and (2) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the habitat conservation account to meet the percentages described in subsections (1) and (2) of this section in any biennium, the board retains discretion to distribute any remaining funds to the other categories within the account.

(4) State agencies and nonprofit nature conservancies may apply for acquisition and development funds for natural areas projects under subsection (1)(b) of this section.

(5) State and local agencies and nonprofit nature conservancies may apply for acquisition and development funds for critical habitat, urban wildlife habitat, and riparian protection projects under this section. Other state agencies not defined in RCW 79A.15.010, such as the department of transportation and the department of corrections, may enter into interagency agreements with state agencies to apply in partnership for riparian protection funds under this section.

(6) The department of natural resources, the department of fish and wildlife, and the state parks and recreation commission may apply for restoration and enhancement funds to be used on existing state-owned lands.

(7)(a) Any lands that have been acquired with grants under this section by the department of fish and wildlife are subject to an amount in lieu of real property taxes and an additional amount for control of noxious weeds as determined by RCW 77.12.203.

(b) Any lands that have been acquired with grants under this section by the department of natural resources are subject to payments in the amounts required under the provisions of RCW 79.70.130 and 79.71.130.

(8) Except as otherwise conditioned by RCW 79A.15.140 or 79A.15.150, the board in its evaluating process shall consider the following in determining distribution priority:

(a) Whether the entity applying for funding is a Puget Sound partner, as defined in RCW 90.71.010;

(b) Effective one calendar year following the development and statewide availability of ~~((model evergreen community))~~ urban forestry management plans and ordinances under RCW ~~((35.105.050))~~ 76.15.090, whether the entity receiving assistance has been recognized, and what gradation of recognition was received, in the evergreen community ~~((recognition))~~ designation program created in RCW ~~((35.105.030))~~ 76.15.090; and

(c) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(9) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**Sec. 20.** RCW 36.01.260 and 2008 c 299 s 15 are each amended to read as follows:

(1) Any county may adopt ~~((evergreen community))~~ urban forestry ordinances, as that term is defined in RCW ~~((35.105.010))~~ 76.15.010, which the county must apply to new building or land development in the unincorporated portions of the county's urban growth areas, as that term is defined in RCW 36.70A.030, and may apply to other areas of the county as deemed appropriate by the county.

(2) As an alternative to subsection (1) of this section, a city or town may request that the county in which it is located apply to any new building or land development permit in the unincorporated portions of the urban growth areas, as defined in RCW 36.70A.030, the ~~((evergreen community))~~ urban forestry ordinances standards adopted under RCW ~~((35.105.090))~~ 76.15.090 by the city or town in the county located closest to the proposed building or development.

**Sec. 21.** RCW 54.16.400 and 2008 c 299 s 22 are each amended to read as follows:

(1) Public utility districts may request voluntary donations from their customers for the purposes of urban forestry. The request may be in the form of a check-off on the billing statement or other form of a request for a voluntary donation.

(2) Voluntary donations collected by public utility districts under this section may be used by the public utility district to:

(a) Support the development and implementation of ~~((evergreen community))~~ urban forestry ordinances, as that term is defined in RCW ~~((35.105.010))~~ 76.15.010, for cities, towns, or counties within their service areas; or

(b) Complete projects consistent with the ~~((model evergreen community))~~ urban forestry management plans and ordinances developed under RCW ~~((35.105.050))~~ 76.15.090.

(3) Donations received under this section do not contribute to the gross income of a light and power business or gas distribution business under chapter 82.16 RCW.

**Sec. 22.** RCW 89.08.590 and 2008 c 299 s 32 are each amended to read as follows:

When administering funds under this chapter, the commission shall give preference only to an evergreen community recognized under RCW ~~((35.105.030))~~ 76.15.090 in comparison to other entities that are eligible to receive evergreen community designation. Entities not eligible for designation as an evergreen community shall not be given less preferential treatment than an evergreen community.

**Sec. 23.** RCW 79.105.630 and 2008 c 299 s 33 are each amended to read as follows:

When administering funds under this chapter, the recreation and conservation funding board shall give preference only to an evergreen community recognized under RCW ~~((35.105.030))~~ 76.15.090 in comparison to other entities that are eligible to receive evergreen community designation. Entities not eligible for designation as an evergreen community shall not be given less preferential treatment than an evergreen community.

**Sec. 24.** RCW 79A.15.150 and 2008 c 299 s 34 are each amended to read as follows:

When administering funds under this chapter, the recreation and conservation funding board shall give preference only to an evergreen community recognized under RCW ~~((35.105.030))~~ 76.15.090 in comparison to other entities that are eligible to receive evergreen community designation. Entities not eligible for designation as an evergreen community shall not be given less preferential treatment than an evergreen community.

**NEW SECTION. Sec. 25.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 26.** The following acts or parts of acts are each repealed:

(1)RCW 35.105.010 (Definitions) and 2009 c 565 s 21 & 2008 c 299 s 2;

(2)RCW 35.105.020 (Coordination with department of natural resources) and 2008 c 299 s 6;

(3)RCW 35.105.030 (Evergreen community recognition program) and 2008 c 299 s 7;

(4)RCW 35.105.040 (Evergreen community grant and competitive awards program) and 2008 c 299 s 9;

(5)RCW 35.105.050 (Development of model evergreen community management plans and ordinances) and 2008 c 299 s 10;

(6)RCW 35.105.060 (Report to the legislature) and 2008 c 299 s 11;

(7)RCW 35.105.070 (Model evergreen community management plans—Elements to consider) and 2008 c 299 s 12;

(8)RCW 35.105.080 (Model evergreen community ordinances—Elements to consider) and 2008 c 299 s 13;

(9)RCW 35.105.090 (Evergreen community management plans and ordinances—Local jurisdictions may adopt) and 2008 c 299 s 14;

(10)RCW 35.105.100 (Submission and review of management plans and evergreen community ordinances) and 2008 c 299 s 16;

(11)RCW 35.105.110 (Evergreen communities partnership task force) and 2008 c 299 s 17;

(12)RCW 35.105.120 (Limitations of chapter) and 2008 c 299 s 18;

(13)RCW 76.15.070 (Prioritized statewide inventory of community and urban forests—Community and urban forest assessment—Criteria and implementation plan) and 2008 c 299 s 4; and

(14)RCW 76.15.080 (Technical advisory committee) and 2008 c 299 s 5."

On page 1, line 1 of the title, after "forestry;" strike the remainder of the title and insert "amending RCW 76.15.005, 76.15.007, 76.15.010, 76.15.020, 76.15.030, 76.15.050, 76.15.060, 76.15.090, 35.92.390, 35A.80.040, 80.28.300, 89.08.520, 79.105.150, 43.155.120, 70A.135.070, 79A.15.040, 36.01.260, 54.16.400, 89.08.590, 79.105.630, and 79A.15.150; adding new sections to chapter 76.15 RCW; creating new sections; and repealing RCW 35.105.010, 35.105.020, 35.105.030, 35.105.040, 35.105.050, 35.105.060, 35.105.070,

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

35.105.080, 35.105.090, 35.105.100, 35.105.110, 35.105.120, 76.15.070, and 76.15.080."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks to Engrossed Second Substitute House Bill No. 1213.

The motion by Senator Van De Wege carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Second Substitute House Bill No. 1216, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Warnick, Short and Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1216 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1216, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Honeyford, Padden and Wilson, J.  
Absent: Senator Sheldon

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Wagoner, Senator Sheldon was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1016, by House Committee on Appropriations (originally sponsored by Morgan, Lovick, Ryu, Wicks, Ortiz-Self, Berry, Leavitt, J. Johnson, Kloba, Shewmake, Simmons, Bateman, Lekanoff, Duerr, Fitzgibbon, Chopp, Slatter, Ramos, Ramel, Peterson, Gregerson, Valdez, Callan, Young, Hackney, Cody, Ormsby, Riccelli, Rude, Stonier, Fey, Frame, Santos, Macri, Taylor, Davis, Pollet, Bergquist and Harris-Talley)

Making Juneteenth a legal holiday.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 1016 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Nobles and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1016.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1016 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Padden  
Excused: Senator Sheldon

SUBSTITUTE HOUSE BILL NO. 1016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1251, by Representatives Orcutt, Dent, Eslick and Robertson

Concerning the authorization of wheeled all-terrain vehicles on state highways.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed House Bill No. 1251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs, King and McCune spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1251.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1251 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Darneille, Hasegawa and Liias

ENGROSSED HOUSE BILL NO. 1251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5478, by Senators Keiser, Mullet, Billig, Cleveland, Conway, Das, Hunt, King, Kuderer, Liias, Lovelett, Nguyen, Randall, Rolfes, Saldaña, Stanford, Van De Wege, and Wilson, C.

Concerning unemployment insurance relief for certain employers.

#### MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5478 was substituted for Senate Bill No. 5478 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Keiser moved that the following floor amendment no. 716 by Senator Keiser be adopted:

On page 3, line 12, after ""512,"" insert ""561,""

On page 3, line 12, after ""722,"" strike "and"

On page 3, line 12, after ""812" strike ";" and insert "," and "814;"

On page 3, line 18, after "(c)" insert

""Amount available for approved category 1 employers" means 50 percent of the total amount of money in the unemployment insurance relief account.

(d)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 3, beginning on line 20, after "dividing" strike all material through "account" on line 21 and insert "the amount available for approved category 1 employers"

On page 4, line 24, after "(c)" insert ""Amount available for approved category 2 employers" means:

(i) Fifty percent of the total amount of money in the unemployment insurance relief account; and

(ii) The difference between the amount available for approved category 1 employers and the forgiven benefits for approved category 1 employers, as defined in section 3 of this act.

(d)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 4, beginning on line 26, after "dividing" strike all material through "account" on line 27 and insert "the amount available for approved category 2 employers"

Senators Keiser and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 716 by Senator Keiser on page 3, line 12 to Substitute Senate Bill No. 5478.

The motion by Senator Keiser carried and floor amendment no. 716 was adopted by voice vote.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5478 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, King, Mullet and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5478.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5478 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5478, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 1:28 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

----

The Senate was called to order at 3:23 p.m. by President Heck.

#### SECOND READING

HOUSE BILL NO. 1119, by Representatives Jacobsen, Simmons, Young, Graham, Pollet, Leavitt, Dolan and Rule

Notifying students of courses with low-cost instructional materials and open educational resources at the four-year institutions of higher education.

The measure was read the second time.

#### MOTION

Senator Randall moved that the following committee striking amendment by the Committee on Higher Education & Workforce Development be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.10.590 and 2009 c 241 s 1 are each amended to read as follows:

(1) The boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, and the boards of trustees of each community and technical college district, in collaboration with affiliated

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

bookstores and student and faculty representatives, shall adopt rules requiring that:

(a) Affiliated bookstores:

(i) Provide students the option of purchasing materials that are unbundled when possible, disclose to faculty and staff the costs to students of purchasing materials, and disclose publicly how new editions vary from previous editions;

(ii) Actively promote and publicize book buy-back programs;

(iii) Disclose retail costs for course materials on a per course basis to faculty and staff and make this information publicly available; and

(iv) Disclose information to students on required course materials including but not limited to title, authors, edition, price, and International Standard Book Number (ISBN) at least four weeks before the start of the class for which the materials are required. The chief academic officer may waive the disclosure requirement provided in this subsection (1)(a)(iv), on a case-by-case basis, if students may reasonably expect that nearly all information regarding course materials is available four weeks before the start of the class for which the materials are required. The requirement provided in this subsection (1)(a)(iv) does not apply if the faculty member using the course material is hired four weeks or less before the start of class; and

(b) Faculty and staff members consider the least costly practices in assigning course materials, such as adopting the least expensive edition available, adopting free, open textbooks when available, and working with college librarians to put together collections of free online web and library resources, when educational content is comparable as determined by the faculty.

(2) The state universities, the regional universities, and The Evergreen State College shall each designate in their online course descriptions used by students for registration purposes whether a course uses open educational resources or low-cost required instructional materials. If a course's required textbooks and course materials are not determined prior to registration due to an unassigned faculty member, the textbooks' and course materials' low-cost or open educational resource designation must be provided as soon as feasible after a faculty member is assigned.

(3) As used in this section:

(a) "Materials" means any supplies or texts required or recommended by faculty or staff for a given course.

(b) "Bundled" means a group of objects joined together by packaging or required to be purchased as an indivisible unit.

(c) "Low-cost" means the entire course's required instructional materials equal \$50 or less in 2021 dollars. The institutions of higher education shall adjust the dollar value of low-cost course materials at least once every five years to reflect the percentage change in the consumer price index over the preceding five years."

On page 1, line 3 of the title, after "education;" strike the remainder of the title and insert "and amending RCW 28B.10.590."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education & Workforce Development to House Bill No. 1119.

The motion by Senator Randall carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Randall, the rules were suspended, House Bill No. 1119, as amended by the Senate, was advanced to

third reading, the second reading considered the third and the bill was placed on final passage.

Senators Randall and Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1119 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1119, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Absent: Senator Ericksen

HOUSE BILL NO. 1119, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1208, by House Committee on Education (originally sponsored by Santos, Steele, Lekanoff, Paul, Callan, Ortiz-Self, Bergquist and Harris-Talley)

Modifying the learning assistance program.

The measure was read the second time.

MOTION

On motion of Senator Wagoner, Senator Ericksen was excused.

PERSONAL PRIVILEGE

Senator Wagoner: "Thank you Mr. President. I have been bothered for the last couple of weeks on an issue and I thought that it would be best to address it here before our friends and colleagues to clear the air. And my intent is that this be done in a very instructional and reconciliatory manner and I trust that you will keep me within those boundaries. Mr. President, yesterday we recognized the people in the country of Taiwan, and I did not mention my family and my wife. And the reason I didn't is I was self-censoring, and the reason I was self-censoring was because of a tweet that went out a few weeks ago that called into question whether or not members on my side of the aisle ought to be referencing their Asian relatives specifically Asian wives during floor debate on certain issues. And that left a bit of a, it stung, it left a bit of a mark on this side of the aisle. Many of us have Asian relatives and we often mention them when we feel it's appropriate. But I thought back to I went through a lot of emotions. I was frustrated, a little angry, insulted and then I thought back to some very appropriate words that you started this session with Mr. President, to treat each other with grace and patience. So I gave myself some time and I reached out to the member who authored that tweet, my good friend Senator Nguyen, and Senator Nguyen, to his great credit, graciously spent time with me in a one on one

conversation so that we could understand each other's perspectives. And I want to thank him for that. It was very valuable. He got to share his perspectives. I got to share my perspectives. While we may not have convinced each other, I thought that's how we do it here in the Senate when these types of issues come up. Because we have to discuss issues that are complicated and controversial. And it would have ended there if it had just been a remark in the hallway or in an office that was confined to a few people. But because it went out as a text, I felt there was this pall of uncertainty over the next person who mentioned that on the floor that they had relatives because we often do. Many of us do on this side. So, I thought it would be instructional to the rest of the body to explain why I think it's not only appropriate but beneficial, done properly. And there's basically three reasons Mr. President. First of all, we're all proud of and love our families. We like to talk about them. But that's kind of a giveaway because that's everybody on this floor. But that's the first reason. And the second reason and probably the most important is it brings context to what we consider and how we consider legislation and it's part of our backstory. Our families are inextricably woven into our own life experiences and the things we consider, and I think about all the members on this side of the floor who, I'm aware of, and there may be more. Senator Brown's lovely daughters; Senator Warnick's wonderful grandson; Senator Jeff Wilson's charming wife; and Senator Padden's new in-laws and family; and my own family. When we stand up on the floor, we look like we look, we can't help that. If we tell our back story in the things that we consider you get, Mr. President, a more in-depth idea of who we are, what we stand for, and what we are considering. The context is very important and I'm reminded in particular, Senator Warnick's grandson, since bullying has been a topic that we've dealt with down here, who has experienced that and those types of thoughts go through our heads and affect our votes in the things we say down here. A love for our family number one, context number two, and thirdly it's an open door to people who might not approach me or other members if we didn't mention that. It's an open door. I mentioned yesterday that I was on or to be invited to help Secretary Wyman accept the gift of tens of thousands of masks from the government of Taiwan. I wouldn't have been part of that had they not known my background and my family's background. And it's been effective. Asian Americans come to me when they want bill sponsored, when they have questions about amendments, when they just want to talk because we have that in common. I mean I don't want to trivialize it but it's a conversation starter and it makes me a friendly face that they can come to. So, for those three reasons I think it's most appropriate and very beneficial that people know our back story and I just wanted to get that out there so that the next time one of us stood up and mentioned our families, who we all care so much about, that there's not a trap out there in Twitterland. I don't know how many people saw that, waiting for us to say 'Aha, there they go again'. So, I hope Mr. President, I'm going to close now, that that is a satisfactory explanation of how we feel on this side and I don't pretend to represent the entire caucus but I think that's a pretty fair representation of how we feel about our families and why we talk about them. Thank you, Mr. President."

#### PERSONAL PRIVILEGE

Senator Nguyen: "Thank you, Mr. President. If you don't mind, I'd like to read a short passage from President Obama's most recent book *A Promised Land*.

President Heck: "Please proceed."

Senator Nguyen: "We were all accustomed to running the obstacle course necessary to be effective inside of a predominantly white institution. We've grown skilled at suppressing our reactions to minor slights, ever ready to give white colleagues the benefit of the doubt, remaining mindful that all but the most careful discussions of race risked triggering in them a mild panic.' Mr. President, this is how he felt while being the President of the United States. Arguably one of the most powerful people in the world and this is how many of us feel here in the legislature as well, not nearly as powerful but the experiences are similar. And we've had some tough debates this year, Mr. President, on issues around racial equity, but these are important conversations and oftentimes uncomfortable conversations and despite coming to different conclusions on some areas, I am thankful for the good senator from the 39<sup>th</sup> and others that I've had the opportunity to speak with because I feel I believe it is this dialogue that will bring us forward and if this had been the other Washington we may not have had the positive and constructive dialogue that we were able to have and I hope that this actually does inspire more dialogue and opportunities for us to learn more about each other in our experiences that we bring to the Legislature so that we can better serve the people of Washington state. So, thank you Mr. President for the opportunity and thank you to the members on the other side for the opportunity to speak with them as well."

#### REMARKS BY THE PRESIDENT

President Heck: "The President would like to observe that the issue and difficulty of discussing race is as old as this republic. There is a reason why it is called the Great Stain. We struggle with this mightily. Today is not the beginning nor the end of this conversation but I trust that both of these gentlemen have advanced that conversation forward and I thank them both."

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Wellman and without objection, striking floor amendment no. 538 by Senator Wellman to Substitute House Bill No. 1208 was withdrawn.

#### MOTION

Senator Billig moved that the following striking floor amendment no. 738 by Senator Billig be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature acknowledges that the learning assistance program was developed to provide supplemental instruction and services for public school students who are not meeting academic standards. Initially, school districts were allowed to use learning assistance program funds in a flexible manner to support students participating in the program. Over time, the legislature restricted, and established priorities for, the use of learning assistance program funds. The legislature finds that it is time to restore flexibility to the use of learning assistance program funds; however, local control must be balanced with accountability for improvement in the academic achievement of students participating in the program.

(2)(a) The legislature expects that the learning assistance program will continue to be used to fund supplemental instruction and service to eligible students who are not meeting academic standards.

(b) However, the legislature intends to immediately remove restrictions on the use of learning assistance program funds so that

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

school districts can flexibly use these funds to identify and address the academic and nonacademic needs of students resulting from and exacerbated by the COVID-19 pandemic. Removal of the restrictions does not mean that learning assistance programs cannot continue to use the best practices and strategies included on the state menus or the services and activities listed in RCW 28A.165.035, as repealed by this act.

(3)(a) Beginning September 1, 2025, or following the end of the state of emergency declared by the governor due to COVID-19, whichever is later, the legislature intends to continue the flexible use of learning assistance program funds but require that budgeting and expenditure of these funds occur through the framework of the Washington integrated student supports protocol, established by the legislature in 2016.

(b) To ease the transition, the legislature recommends that school district boards of directors begin budgeting and expending learning assistance program funds using the Washington integrated student supports protocol as soon as possible.

(c) Under the protocol, before engaging in the process of budgeting and expending learning assistance program funds, the legislature expects school district boards of directors to perform needs assessments and use data to map the resources of the school district, each school, and the community. School boards are expected to identify gaps in the coordination and integration of academic and nonacademic supports and to engage community partners in strategic planning that prioritizes the needs of students. Each school in the district is also expected to use needs assessments and data to determine how to best engage community partners to address the academic and nonacademic needs of its students in an integrated and coordinated manner. Finally, the legislature expects that schools and school districts will use data in an iterative process to drive decisions about how learning assistance program funds continue to be used, and to determine whether decisions about the use of program funds resulted in improvement in students' academic achievement.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.165 RCW to be codified between RCW 28A.165.005 and 28A.165.065 to read as follows:

(1) Immediately upon the effective date of this section and through the later of: (a) The expiration or termination of Proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19; or (b) September 1, 2025, school districts must budget and expend the appropriations for the learning assistance program, under RCW 28A.165.005 through 28A.165.065, to identify and address the academic and nonacademic needs of students resulting from and exacerbated by the COVID-19 pandemic.

(2) During the time period described in subsection (1) of this section, school districts are encouraged to budget and expend the appropriations for the learning assistance program, under RCW 28A.165.005 through 28A.165.065, using the framework of the Washington integrated student supports protocol, established under RCW 28A.300.139.

(3) If a school district elects to budget and expend learning assistance program funds using the framework of the Washington integrated student supports protocol, a district may use up to 15 percent of the district's learning assistance program allocation to deliver academic, nonacademic, and social-emotional supports and services to students through partnerships with community-based or other out-of-school organizations in accordance with RCW 28A.300.139. Any agreement entered into by a school district and a community partner in accordance with RCW 28A.300.139 must:

(a) Specify that learning assistance program funds may be used only to provide direct supports and services to students;

(b) Clearly identify the academic, nonacademic, or social-emotional supports and services that will be made available to students by the community partner and how those supports and services align to the needs of the students as identified in the student-level needs assessment required by RCW 28A.300.139; and

(c) Identify the in-school supports that will be reinforced by the supports and services provided by the community partner to promote student progress towards meeting academic standards.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.165 RCW to be codified between RCW 28A.165.005 and 28A.165.065 to read as follows:

(1) While the state allocations for the learning assistance program under this chapter are intended to be flexible dollars within the control of the public school and school district, this local control must be balanced with local accountability for improvement in student achievement.

(2) School district boards of directors must budget and expend the appropriations for the learning assistance program, under RCW 28A.165.005 through 28A.165.065, using the framework of the Washington integrated student supports protocol, established under RCW 28A.300.139.

(3) A district may use up to 15 percent of the district's learning assistance program allocation to deliver academic, nonacademic, and social-emotional supports and services to students through partnerships with community-based or other out-of-school organizations in accordance with RCW 28A.300.139. Any agreement entered into by a school district and a community partner in accordance with RCW 28A.300.139 must:

(a) Specify that learning assistance program funds may be used only to provide direct supports and services to students;

(b) Clearly identify the academic, nonacademic, or social-emotional supports and services that will be made available to students by the community partner and how those supports and services align to the needs of the students as identified in the student-level needs assessment required by RCW 28A.300.139; and

(c) Identify the in-school supports that will be reinforced by the supports and services provided by the community partner to promote student progress towards meeting academic standards.

**Sec. 4.** RCW 28A.300.139 and 2016 c 72 s 801 are each amended to read as follows:

(1) ~~((Subject to the availability of amounts appropriated for this specific purpose, the))~~ The Washington integrated student supports protocol is established. The protocol shall be developed by the center for the improvement of student learning, established in RCW 28A.300.130, based on the framework described in this section. The purposes of the protocol include:

(a) Supporting a school-based approach to promoting the success of all students by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment;

(b) Fulfilling a vision of public education where educators focus on education, students focus on learning, and auxiliary supports enable teaching and learning to occur unimpeded;

(c) Encouraging the creation, expansion, and quality improvement of community-based supports that can be integrated into the academic environment of schools and school districts;

(d) Increasing public awareness of the evidence showing that academic outcomes are a result of both academic and nonacademic factors; and

(e) Supporting statewide and local organizations in their efforts to provide leadership, coordination, technical assistance,

professional development, and advocacy to implement high-quality, evidence-based, student-centered, coordinated approaches throughout the state.

(2)(a) The Washington integrated student supports protocol must be sufficiently flexible to adapt to the unique needs of schools and districts across the state, yet sufficiently structured to provide all students with the individual support they need for academic success.

(b) The essential framework of the Washington integrated student supports protocol includes:

(i) Needs assessments: A system-level needs assessment with resource mapping must be conducted in order to identify academic and nonacademic supports that are currently available or lacking in schools, school districts, and the community. A student-level needs assessment must be conducted for all at-risk students in order to develop or identify the needed academic and nonacademic supports within the students' school and community. These supports must be coordinated to provide students with a package of mutually reinforcing supports designed to meet the individual needs of each student.

(ii) Integration and coordination: The school and district leadership and staff must ~~((develop close relationships))~~ establish clear, cooperative policies and procedures with community-based and other out-of-school providers of academic and nonacademic supports to enhance the effectiveness of the protocol.

(iii) Community partnerships: Community partners must be engaged to provide academic, nonacademic, and social-emotional supports to reduce barriers to students' academic success, including supports to students' families.

(iv) Data driven: Students' needs and outcomes must be tracked over time to determine student progress and evolving needs.

(c) The framework must facilitate the ability of any academic or nonacademic provider to support the needs of at-risk students, including, but not limited to: Out-of-school providers, social workers, mental health counselors, physicians, dentists, speech therapists, and audiologists.

**Sec. 5.** RCW 28A.165.005 and 2017 3rd sp.s. c 13 s 403 are each amended to read as follows:

~~((4))~~ This chapter is designed to: ~~((a))~~ (1) Promote the use of data when developing programs to assist students who are not meeting academic standards ~~((and reduce disruptive behaviors in the classroom))~~; and ~~((b))~~ (2) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist students who are not meeting academic standards ~~((and reduce disruptive behaviors in the classroom))~~.

~~((2) School districts implementing a learning assistance program shall focus first on addressing the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy.)~~

**Sec. 6.** RCW 28A.165.015 and 2017 3rd sp.s. c 13 s 404 are each amended to read as follows:

Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(2) ~~((("Participating student" means a student in kindergarten through grade twelve who scores below standard for his or her grade level using multiple measures of performance, including on the statewide student assessments or other assessments and performance measurement tools administered by the school or district and who is identified by the district to receive services.~~

(3)) "Statewide student assessments" means one or more of the assessments administered by school districts as required under RCW 28A.655.070.

~~((4))~~ (3) "Students who are not meeting academic standards" means students with the greatest academic deficits in basic skills as identified by statewide, school, or district assessments or other performance measurement tools.

**Sec. 7.** RCW 28A.165.065 and 2013 2nd sp.s. c 18 s 206 are each amended to read as follows:

To ensure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall monitor learning assistance programs using, at minimum, data reported as required under RCW 28A.165.100, no less than once every four years. The primary purpose of program monitoring is to evaluate the effectiveness of a school district's allocation and expenditure of resources and monitor school district fidelity in implementing best practices using the framework of the Washington integrated student supports protocol, established under RCW 28A.300.139. The office of the superintendent of public instruction may provide technical assistance to school districts to improve the effectiveness of a learning assistance program.

**Sec. 8.** RCW 28A.165.100 and 2019 c 208 s 1 are each amended to read as follows:

(1) School districts shall record in the statewide individual student data system annual entrance and exit performance data for each student participating in the learning assistance program according to specifications established by the office of the superintendent of public instruction.

(2) ~~((By August 1, 2014, and each))~~ Annually September 30th ~~((thereafter))~~, school districts shall report to the office of the superintendent of public instruction, using a common format prepared by the office:

(a) The amount of academic growth gained by students participating in the learning assistance program;

(b) The number of students who gain at least one year of academic growth;

(c) The specific practices, activities, and programs used by each school building that received learning assistance program funding; ~~((and))~~

(d) The percentage of learning assistance program funding used to engage community partners, the number of students receiving direct supports and services from those community partners, and the types of supports and services; and

(e) Other data if required by the office of the superintendent of public instruction to demonstrate the efficacy of the learning assistance program expenditures to show student academic growth gains including indicators aligned with the accountability framework for schools receiving support under RCW 28A.657.110.

(3) By January 1, 2020, and each January 1st thereafter, the office of the superintendent of public instruction shall compile the school district data reported as required by subsection (2) of this section, and report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature with the annual and longitudinal gains for the specific practices, activities, and programs used by the school districts and schools to show which are the most effective. The data must be disaggregated by student subgroups as described in RCW 28A.300.042(1) for student-level data.

**Sec. 9.** RCW 28A.300.130 and 2016 c 72 s 804 are each amended to read as follows:

Provisions in subsections (1) through (5) of this section are subject to the availability of amounts appropriated for these specific purposes.

(1) To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction ~~((, subject to the availability of amounts appropriated for this specific purpose,))~~ shall establish the center for the improvement of student learning. The center shall work in

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

conjunction with parents, educational service districts, institutions of higher education, and education, parent, community, and business organizations.

(2) The center, (~~(subject to the availability of amounts appropriated for this specific purpose, and)~~) in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) Serve as a clearinghouse for information regarding successful educational improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational improvement initiatives in Washington schools and districts;

(b) Provide best practices research that can be used to help schools develop and implement: Programs and practices to improve instruction; systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the needs of students with disabilities; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

(c) Periodically review the efficacy of programs and practices designed to meet the needs of students who are not meeting academic standards as defined in RCW 28A.165.015, starting with the best practices and strategies included on the state menus developed under RCW 28A.165.035, as repealed by this act, and RCW 28A.655.235, and the services and activities listed in RCW 28A.165.035, as repealed by this act;

(d) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

~~((4))~~ (e) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available and the broadened school board powers under RCW 28A.320.015;

~~((5))~~ (f) Provide training and consultation services, including conducting regional summer institutes;

~~((6))~~ (g) Identify strategies for improving the success rates of ethnic and racial student groups and students with disabilities, with disproportionate academic achievement;

~~((7))~~ (h) Work with parents, teachers, and school districts in establishing a model absentee notification procedure that will properly notify parents when their student has not attended a class or has missed a school day. The office of the superintendent of public instruction shall consider various types of communication with parents including, but not limited to, email, phone, and postal mail; ~~and~~

~~((8))~~ (i) By December 1, 2026, and by December 1st annually thereafter: (i) Review the learning assistance program information submitted as required by RCW 28A.165.100; and (ii) report to the appropriate committees of the legislature with a summary of the innovations made by school districts to reduce barriers to the academic achievement of students participating in the learning assistance program; and

(j) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The office of the superintendent of public instruction shall report to the legislature by September 1, 2007, and thereafter biennially, regarding the effectiveness of the center for the improvement of student learning, how the services provided by the center for the improvement of student learning have been used and by whom, and recommendations to improve the accessibility and application of knowledge and information that leads to improved student learning and greater family and community involvement in the public education system.

**Sec. 10.** RCW 28A.305.130 and 2019 c 252 s 112 are each amended to read as follows:

The purpose of the state board of education is to provide advocacy and strategic oversight of public education; implement a standards-based accountability framework that creates a unified system of increasing levels of support for schools in order to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business;

(2) Form committees as necessary to effectively and efficiently conduct the work of the board;

(3) Seek advice from the public and interested parties regarding the work of the board;

(4) For purposes of statewide accountability:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students ~~((from disproportionately academically underachieving racial and ethnic backgrounds))~~ who are not meeting academic standards as defined in RCW 28A.165.015, disaggregated as described in RCW 28A.300.042(1) for student-level data. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit

the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b)(i)(A) Identify the scores students must achieve in order to meet the standard on the statewide student assessment, and the SAT or the ACT if used to demonstrate career and college readiness under RCW 28A.655.250. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose;

(B) To permit the legislature to take any statutory action it deems warranted before modified or newly established scores are implemented, the board shall notify the education committees of the house of representatives and the senate of any scores that are modified or established under (b)(i)(A) of this subsection on or after July 28, 2019. The notifications required by this subsection (4)(b)(i)(B) must be provided by November 30th of the year proceeding the beginning of the school year in which the modified or established scores will take effect;

(ii) The legislature intends to continue the implementation of chapter 22, Laws of 2013 2nd sp. sess. when the legislature expressed the intent for the state board of education to identify the student performance standard that demonstrates a student's career and college readiness for the eleventh grade consortium-developed assessments. Therefore, by December 1, 2018, the state board of education, in consultation with the superintendent of public instruction, must identify and report to the governor and the education policy and fiscal committees of the legislature on the equivalent student performance standard that a tenth grade student would need to achieve on the state assessments to be on track to be career and college ready at the end of the student's high school experience;

(iii) The legislature shall be advised of the initial performance standards and any changes made to the elementary, middle, and high school level performance standards. The board must provide an explanation of and rationale for all initial performance standards and any changes, for all grade levels of the statewide student assessment. If the board changes the performance standards for any grade level or subject, the superintendent of public instruction must recalculate the results from the previous ten years of administering that assessment regarding students below, meeting, and beyond the state standard, to the extent that this data is available, and post a comparison of the original and recalculated results on the superintendent's web site;

(c) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system; and

(d) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board;

(5) Accredited, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve. However, no private school may be approved that operates a kindergarten program only and no private school shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials;

(6) Articulate with the institutions of higher education, workforce representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system;

(7) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The board may delegate to the executive director by resolution such duties as deemed necessary to efficiently carry on the business of the board including, but not limited to, the authority to employ necessary personnel and the authority to enter into, amend, and terminate contracts on behalf of the board. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW; and

(8) Adopt a seal that shall be kept in the office of the superintendent of public instruction.

**Sec. 11.** RCW 28A.320.190 and 2019 c 252 s 113 are each amended to read as follows:

(1) The extended learning opportunities program is created for eligible (~~eleventh and~~) ninth through twelfth grade students who are not on track to meet local or state graduation requirements as well as eighth grade students who need additional assistance in order to have the opportunity for a successful entry into high school. The program shall provide early notification of graduation status and information on education opportunities including preapprenticeship programs that are available.

(2) Under the extended learning opportunities program and to the extent funds are available for that purpose, districts shall make available to students in grade twelve who have failed to meet one or more local or state graduation requirements the option of continuing enrollment in the school district in accordance with RCW 28A.225.160. Districts are authorized to use basic education program funding to provide instruction to eligible students under RCW 28A.150.220(5).

(3) Under the extended learning opportunities program, instructional services for eligible students can occur during the regular school day, evenings, on weekends, or at a time and location deemed appropriate by the school district, including the educational service district, in order to meet the needs of these students. Instructional services provided under this section do not include services offered at private schools. Instructional services can include, but are not limited to, the following:

(a) Individual or small group instruction;

(b) Attendance in a public high school or public alternative school classes or at a skill center;

(c) Inclusion in remediation programs, including summer school;

(d) Language development instruction for English language learners;

(e) Online curriculum and instructional support, including programs for credit retrieval and statewide student assessment preparatory classes; and

(f) Reading improvement specialists available at the educational service districts to serve eighth(~~eleventh, and~~) through twelfth grade educators through professional development in accordance with RCW 28A.415.350. The reading improvement specialist may also provide direct services to eligible students and those students electing to continue a fifth year in a high school program who are still struggling with basic reading skills.

**Sec. 12.** RCW 28A.710.280 and 2018 c 266 s 403 are each amended to read as follows:

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

(1) The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount calculated as provided in this section and based on the statewide average salaries set forth in RCW 28A.150.410 for certificated instructional staff adjusted by the regionalization factor that applies to the school district in which the charter school is geographically located, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection.

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys appropriated for general apportionment under the same ratios as in RCW 28A.150.260.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through (v) of this subsection (2) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for ~~(underachieving)~~ students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(ii) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(iii) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020;

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030; and

(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(3) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements.

**NEW SECTION. Sec. 13.** RCW 28A.165.035 (Program activities—Partnerships with local entities—Development and use of state menus of best practices and strategies) and 2018 c 75 s 7, 2016 c 72 s 803, 2013 2nd sp.s. c 18 s 203, 2008 c 321 s 4, & 2004 c 20 s 4 are each repealed.

**NEW SECTION. Sec. 14.** Section 2 of this act expires at the later of either: (1) The expiration or termination of Proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19; or (2) September 1, 2025.

**NEW SECTION. Sec. 15.** Section 3 of this act takes effect at the later of either: (1) The expiration or termination of Proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19; or (2) September 1, 2025.

**NEW SECTION. Sec. 16.** The office of the governor must provide written notice of the expiration date of section 2 of this

act and the effective date of section 3 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office of the governor.

**NEW SECTION. Sec. 17.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 7 of the title, after "protocol;" strike the remainder of the title and insert "amending RCW 28A.300.139, 28A.165.005, 28A.165.015, 28A.165.065, 28A.165.100, 28A.300.130, 28A.305.130, 28A.320.190, and 28A.710.280; adding new sections to chapter 28A.165 RCW; creating new sections; repealing RCW 28A.165.035; providing a contingent effective date; providing a contingent expiration date; and declaring an emergency."

Senators Billig and Hawkins spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 738 by Senator Billig to Substitute House Bill No. 1208.

The motion by Senator Billig carried and striking floor amendment no. 738 was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1208, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

Senators Hawkins, Rivers and Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1208 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1208, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Ericksen

SUBSTITUTE HOUSE BILL NO. 1208, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1044, by House Committee on Appropriations (originally sponsored by Leavitt,

Simmons, J. Johnson, Eslick, Lovick, Kloba, Lekanoff, Wylie, Bateman, Senn, Goodman, Bronoske, Valdez, Callan, Ramos, Hackney, Morgan, Ormsby, Fey, Frame, Santos, Davis, Pollet and Bergquist)

Creating prison to postsecondary education pathways.

The measure was read the second time.

#### MOTION

Senator Darnelle moved that the following committee striking amendment by the Committee on Human Services, Reentry & Rehabilitation be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2019 c 397 s 1 (uncodified) is amended to read as follows:

(1) The legislature finds that incarceration is both a rural and urban issue in the state. According to one recent report, the highest rates of prison admissions are in rural counties. In addition, since 1980, the number of women in prison has increased more than eight hundred percent. Additionally, people of color are overrepresented in the prison system. The legislature finds that studies clearly and consistently demonstrate that postsecondary education in prisons improves safety in facilities, and incarcerated adults who obtain postsecondary education and training are more likely to be employed following release, which leads to a ((dramatic)) significant reduction in recidivism rates, ((significant)) improvements in public safety, and a major return on investment. The legislature finds that reducing recidivism ((would)) decrease the financial burden to taxpayers and the emotional burden of victims.

(2) The legislature finds that research indicates that postsecondary education and training is an effective evidence-based practice for reducing recidivism. An analysis commissioned by the United States department of justice determined that adults who received ((such)) an education while incarcerated were forty-three percent less likely to recidivate.

(3) Ninety-five percent of incarcerated adults ultimately return to their communities to obtain employment and contribute to society. The legislature finds that according to the bureau of labor statistics, unemployment rates for people with only a high school education are twice that of those with an associate degree. Research has shown that adults who participated in ((such)) education programs while incarcerated were thirteen percent more likely to be employed.

(4) The legislature further finds that correctional education is cost-effective. A 2014 study by the Washington state institute for public policy estimated that ((the state received)), based on a review of national research literature and cost-benefit analysis, there is a return on investment of twenty dollars for every dollar invested in correctional education.

(5) It is the intent of the legislature to enhance public safety, including the safety of prison workers as findings show that violence rates are reduced in institutions where there are educational programs, to reduce crime, and to increase employment rates in a cost-effective manner by exploring benefits and costs associated with providing postsecondary education degree opportunities and training to incarcerated adults through expanded partnerships between ((the community and technical colleges)) postsecondary institutions, nonprofit entities and community-based postsecondary education programs, and the department of corrections.

(6) It is the intent of the legislature to support exploring the use of secure internet connections expressly for the purposes of furthering postsecondary education degree opportunities and training of incarcerated adults, including providing assistance to incarcerated adults with completing financial aid materials. The legislature intends for the department to be able to provide complete assurance that all ((offender-used)) internet connections used by incarcerated individuals are secure.

(7) It is the intent of the legislature to support expanded access and opportunities to postsecondary degree and certificate education programs for persons of color by setting goals and partnering with nonprofit entities and community-based postsecondary education programs with historical evidence of providing education programs for people of color.

(8) It is also the intent of the legislature, by requiring the study under section 2 of this act, to examine the effects of providing postsecondary education while incarcerated on enrollment in the postsecondary education system postrelease.

NEW SECTION. Sec. 2. (1)(a) Subject to the availability of amounts appropriated for this specific purpose, the Washington state institute for public policy shall study enrollment, completion, and recidivism rates of incarcerated individuals in the postsecondary education system postrelease.

(b) The goal of the study is to understand whether participation in postsecondary education while incarcerated contributes to greater enrollment and completion of postsecondary education and reduced recidivism postrelease. The scope of the study shall focus on postrelease enrollment and completion trends in the community and technical college sector for formerly incarcerated individuals of all ages. The timeline of the study may include data from 2015 to the present, to the extent possible. The study's findings shall be divided into a preliminary and final report. The reports shall complement similar studies conducted at the University of Washington or elsewhere. To the extent that it is not duplicative of other studies, the Washington state institute for public policy shall study the following:

(i) For the preliminary report, which is due October 1, 2024:

(A) Patterns and any effects on postrelease enrollment and participation in the community and technical college system by individuals who, while incarcerated, participated in postsecondary education programs, including those individuals that completed some coursework but did not earn a degree or certificate; and

(B) Differential outcomes for individuals participating in different types of postsecondary education courses, certificate programs, and degree programs.

(ii) For the final report, which is due October 1, 2027, a continuation of the preliminary report in addition to:

(A) Changes in enrollment and completion of postsecondary education courses, certificate programs, and degree programs due to the changes and expansion of educational programming in this act, to the extent possible; and

(B) Recidivism outcomes beyond incarceration for those incarcerated individuals that participated in postsecondary certificate and degree programs while incarcerated, including arrests, charges, and convictions.

(iii) The preliminary and final reports shall be submitted to the appropriate committees of the legislature and in accordance with RCW 43.01.036.

(iv) The department of corrections, the student achievement council, the state board for community and technical colleges, and the education research and data center shall provide data necessary to conduct the study.

(2) This section expires January 1, 2029.

**Sec. 3.** RCW 72.09.270 and 2008 c 231 s 48 are each amended to read as follows:

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every ~~((offender))~~ incarcerated individual who is committed to the jurisdiction of the department except:

(a) ~~((Offenders))~~ incarcerated individuals who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) ~~((Offenders))~~ incarcerated individuals who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all ~~((offenders))~~ incarcerated individuals using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each ~~((offender))~~ incarcerated individual. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the ~~((offender))~~ incarcerated individual, including any learning disabilities, substance abuse or mental health issues, and social or behavior ~~((deficits))~~ challenges.

(4)(a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than forty-five days of being sentenced to the jurisdiction of the department of corrections.

(b) The ~~((offender's))~~ incarcerated individual's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than sixty days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the ~~((inmate's))~~ incarcerated individual's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the ~~((offender's))~~ incarcerated individual's children and family;

(b) An individualized portfolio for each ~~((offender))~~ incarcerated individual that includes the ~~((offender's))~~ incarcerated individual's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the ~~((offender))~~ incarcerated individual during the period of incarceration through reentry into the community that addresses the needs of the ~~((offender))~~ incarcerated individual including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(6)(a) Prior to discharge of any ~~((offender))~~ incarcerated individual, the department shall:

(i) Evaluate the ~~((offender's))~~ incarcerated individual's needs and, to the extent possible, connect the ~~((offender))~~ incarcerated individual with existing services and resources that meet those needs; and

(ii) Connect the ~~((offender))~~ incarcerated individual with a community justice center and/or community transition coordination network in the area in which the ~~((offender))~~ incarcerated individual will be residing once released from the correctional system if one exists.

(b) If the department recommends partial confinement in an ~~((offender's))~~ incarcerated individual's individual reentry plan, the department shall maximize the period of partial confinement for the ~~((offender))~~ incarcerated individual as allowed pursuant to

RCW 9.94A.728 to facilitate the ~~((offender's))~~ incarcerated individual's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the ~~((offender's))~~ incarcerated individual's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8)(a) In determining the county of discharge for an ~~((offender))~~ incarcerated individual released to community custody, the department may ~~((not))~~ approve a residence location that is not in the ~~((offender's))~~ incarcerated individual's county of origin ~~((unless it is determined by))~~ if the department determines that the ~~((offender's return to his or her county of origin would be inappropriate—considering))~~ residence location would be appropriate based on any court-ordered condition of the ~~((offender's))~~ incarcerated individual's sentence, victim safety concerns, ~~((negative influences on the offender in the community, or the))~~ and factors that increase opportunities for successful reentry and long-term support including, but not limited to, location of family or other sponsoring persons or organizations that will support the ~~((offender))~~ incarcerated individual, ability to complete an educational program that the incarcerated individual is enrolled in, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences on the person in the community.

(b) In implementing the provisions of this subsection, the department shall approve residence locations in a manner that will not cause any one county to be disproportionately impacted.

(c) If the ~~((offender))~~ incarcerated individual is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the ~~((offender))~~ incarcerated individual residence at the time of the incarcerated individual's is placed with a written explanation.

~~((e))~~ (d)(i) For purposes of this section, except as provided in (d)(ii) of this subsection, the ~~((offender's))~~ incarcerated individual's county of origin means the county of the ~~((offender's))~~ incarcerated individual's residence at the time of the incarcerated individual's first felony conviction in Washington state.

(ii) If the incarcerated individual is a homeless person as defined in RCW 43.185C.010, or the incarcerated individual's residence is unknown, then the incarcerated individual's county of origin means the county of the incarcerated individual's first felony conviction in Washington state.

(9) Nothing in this section creates a vested right in programming, education, or other services.

**Sec. 4.** RCW 72.09.460 and 2017 c 120 s 3 are each amended to read as follows:

(1) Recognizing that there is a positive correlation between education opportunities and reduced recidivism, it is the intent of the legislature to offer appropriate ~~((associate))~~ postsecondary degree or certificate opportunities to ~~((inmates designed to prepare the inmate to enter the workforce))~~ incarcerated individuals.

(2) The legislature intends that all ~~((inmates))~~ incarcerated individuals be required to participate in department-approved education programs, work programs, or both, unless exempted as specifically provided in this section. Eligible ~~((inmates))~~ incarcerated individuals who refuse to participate in available education or work programs available at no charge to the ~~((inmates))~~ incarcerated individuals shall lose privileges according to the system established under RCW 72.09.130. Eligible ~~((inmates))~~ incarcerated individuals who are required to contribute financially to an education or work program and refuse

to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges.

(3) The legislature recognizes more ~~((inmates))~~ incarcerated individuals may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing ~~((inmates))~~ incarcerated individuals in available and appropriate education and work programs.

(4)(a) The department shall, to the extent possible and considering all available funds, prioritize its resources to meet the following goals for ~~((inmates))~~ incarcerated individuals in the order listed:

(i) Achievement of basic academic skills through obtaining a high school diploma or a high school equivalency certificate as provided in RCW 28B.50.536, including achievement by those incarcerated individuals eligible for special education services pursuant to state or federal law;

(ii) Achievement of vocational skills necessary for purposes of work programs and for an ~~((inmate))~~ incarcerated individual to qualify for work upon release;

(iii) Additional work and education programs necessary for compliance with an ~~((offender's))~~ incarcerated individual's individual reentry plan under RCW 72.09.270, including special education services and postsecondary degree or certificate education programs; and

(iv) Other appropriate vocational, work, or education programs that are not necessary for compliance with an ~~((offender's))~~ incarcerated individual's individual reentry plan under RCW 72.09.270 including ~~((associate))~~ postsecondary degree or certificate education programs.

(b) If programming is provided pursuant to (a)(i) through (iii) of this subsection, the department shall pay the cost of such programming, including but not limited to books, materials, and supplies.

(c) If programming is provided pursuant to (a)(iv) of this subsection, ~~((inmates))~~ incarcerated individuals shall be required to pay all or a portion of the costs, including books, fees, and tuition, for participation in any vocational, work, or education program as provided in department policies. Department policies shall include a formula for determining how much an ~~((offender))~~ incarcerated individual shall be required to pay. The formula shall include steps which correlate to an ~~((offender))~~ incarcerated individual's average monthly income or average available balance in a personal ~~((inmate))~~ savings account and which are correlated to a prorated portion or percent of the per credit fee for tuition, books, or other ancillary educational costs. The formula shall be reviewed every two years. A third party, including but not limited to nonprofit entities or community-based postsecondary education programs, may pay directly to the department all or a portion of costs and tuition for any programming provided pursuant to (a)(iv) of this subsection on behalf of an ~~((inmate))~~ incarcerated individual. Such payments shall not be subject to any of the deductions as provided in this chapter.

(d) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services from any third party, including but not limited to nonprofit entities and community-based postsecondary education programs, and may receive, utilize, and dispose of same to complete the purposes of this section.

(e) Any funds collected by the department under (c) and (d) of this subsection and subsections ~~((9) and (10))~~ (11) and (12) of this section shall be used solely for the creation, maintenance, or expansion of ~~((inmate))~~ incarcerated individual educational and vocational programs.

(5) The department shall provide access to a program of education to all ~~((offenders))~~ incarcerated individuals who are

under the age of eighteen and who have not met high school graduation requirements or requirements to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with chapter 28A.193 RCW. The program of education established by the department and education provider under RCW 28A.193.020 for ~~((offenders))~~ incarcerated individuals under the age of eighteen must provide each ~~((offender))~~ incarcerated individual a choice of curriculum that will assist the ~~((inmate))~~ incarcerated individual in achieving a high school diploma or high school equivalency certificate. The program of education may include but not be limited to basic education, prevocational training, work ethic skills, conflict resolution counseling, substance abuse intervention, and anger management counseling. The curriculum may balance these and other rehabilitation, work, and training components.

(6)(a) In addition to the policies set forth in this section, the department shall consider the following factors in establishing criteria for assessing the inclusion of education and work programs in an ~~((inmate's))~~ incarcerated individual's individual reentry plan and in placing ~~((inmates))~~ incarcerated individuals in education and work programs:

(i) An ~~((inmate's))~~ incarcerated individual's release date and custody level. An ~~((inmate))~~ incarcerated individual shall not be precluded from participating in an education or work program solely on the basis of his or her release date, except that ~~((inmates))~~ incarcerated individuals with a release date of more than one hundred twenty months in the future shall not comprise more than ten percent of ~~((inmates))~~ incarcerated individuals participating in a new class I correctional industry not in existence on June 10, 2004;

(ii) An ~~((inmate's))~~ incarcerated individual's education history and basic academic skills;

(iii) An ~~((inmate's))~~ incarcerated individual's work history and vocational or work skills;

(iv) An ~~((inmate's))~~ incarcerated individual's economic circumstances, including but not limited to an ~~((inmate's))~~ incarcerated individual's family support obligations; and

(v) Where applicable, an ~~((inmate's))~~ incarcerated individual's prior performance in department-approved education or work programs;

(b) The department shall establish, and periodically review, ~~((inmate))~~ incarcerated individual behavior standards and program ~~((goals))~~ outcomes for all education and work programs. ~~((Inmates))~~ incarcerated individuals shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or ~~((goals))~~ outcomes.

(7) Eligible ~~((inmates))~~ incarcerated individuals who refuse to participate in available education or work programs available at no charge to the ~~((inmates))~~ incarcerated individuals shall lose privileges according to the system established under RCW 72.09.130. Eligible ~~((inmates))~~ incarcerated individuals who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges.

(8) The department shall establish, by rule, a process for identifying and assessing incarcerated individuals with learning disabilities, traumatic brain injuries, and other cognitive impairments to determine whether the person requires accommodations in order to effectively participate in educational programming, including general educational development tests and postsecondary education. The department shall establish a process to provide such accommodations to eligible incarcerated individuals.

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

(9) The department shall establish, and periodically review, goals for expanding access to postsecondary degree and certificate education programs and program completion for all incarcerated individuals, including persons of color. The department may contract and partner with any accredited educational program sponsored by a nonprofit entity, community-based postsecondary education program, or institution with historical evidence of providing education programs to people of color.

(10) The department shall establish, by rule, objective medical standards to determine when an ~~((inmate))~~ incarcerated individual is physically or mentally unable to participate in available education or work programs. When the department determines an ~~((inmate))~~ incarcerated individual is permanently unable to participate in any available education or work program due to a health condition, the ~~((inmate))~~ incarcerated individual is exempt from the requirement under subsection (2) of this section. When the department determines an ~~((inmate))~~ incarcerated individual is temporarily unable to participate in an education or work program due to a medical condition, the ~~((inmate))~~ incarcerated individual is exempt from the requirement of subsection (2) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all ~~((inmates))~~ incarcerated individuals with temporary disabilities to ensure the earliest possible entry or reentry by ~~((inmates))~~ incarcerated individuals into available programming.

~~((9))~~ (11) The department shall establish policies requiring an ~~((offender))~~ incarcerated individual to pay all or a portion of the costs and tuition for any vocational training or postsecondary education program if the ~~((offender))~~ incarcerated individual previously abandoned coursework related to ~~((associate))~~ postsecondary degree or certificate education or vocational training without excuse as defined in rule by the department. Department policies shall include a formula for determining how much an ~~((offender))~~ incarcerated individual shall be required to pay. The formula shall include steps which correlate to an ~~((offender))~~ incarcerated individual's average monthly income or average available balance in a personal ~~((inmate))~~ savings account and which are correlated to a prorated portion or percent of the per credit fee for tuition, books, or other ancillary costs. The formula shall be reviewed every two years. A third party may pay directly to the department all or a portion of costs and tuition for any program on behalf of an ~~((inmate))~~ incarcerated individual under this subsection. Such payments shall not be subject to any of the deductions as provided in this chapter.

~~((10))~~ (12) Notwithstanding any other provision in this section, an ~~((inmate sentenced to life without the possibility of release,))~~ incarcerated individual sentenced to death under chapter 10.95 RCW~~((;))~~ or subject to the provisions of 8 U.S.C. Sec. 1227:

(a) Shall not be required to participate in education programming except as may be necessary for the maintenance of discipline and security;

(b) May not participate in ~~((an associate))~~ a postsecondary degree education program offered by the department or its contracted providers, unless the incarcerated individual's participation in the program is paid for by a third party;

(c) May participate in prevocational or vocational training that may be necessary to participate in a work program;

(d) Shall be subject to the applicable provisions of this chapter relating to ~~((inmate))~~ incarcerated individual financial responsibility for programming.

(13) If an incarcerated individual has participated in postsecondary education programs, the department shall provide

the incarcerated individual with a copy of the incarcerated individual's unofficial transcripts, at no cost to the individual, upon the incarcerated individual's release or transfer to a different facility. Upon the incarcerated individual's completion of a postsecondary education program, the department shall provide to the incarcerated individual, at no cost to the individual, a copy of the incarcerated individual's unofficial transcripts. This requirement applies regardless of whether the incarcerated individual became ineligible to participate in or abandoned a postsecondary education program.

(14) For the purposes of this section, "third party" includes a nonprofit entity or community-based postsecondary education program that partners with the department to provide accredited postsecondary education degree and certificate programs at state correctional facilities.

Sec. 5. RCW 72.09.465 and 2017 c 120 s 4 are each amended to read as follows:

(1)(a) The department may implement ~~((associate))~~ postsecondary degree or certificate education programs at state correctional institutions. ~~((During the 2015-2017 fiscal biennium, the department may implement postsecondary degree programs within state institutions, including the state correctional institution with the largest population of females, within its existing funds and under the limitations in this section, to include any funding provided under subsection (3) of this section.))~~

(b) The department may consider for inclusion in any ~~((associate))~~ postsecondary degree or certificate education program, any education program from an accredited community or technical college, college, or university that is ~~((part of an associate workforce degree program designed to prepare the inmate to enter the workforce))~~ limited to no more than a bachelor's degree. Washington state-recognized preapprenticeship programs may also be included as appropriate postsecondary education programs.

(2) ~~((Inmates))~~ Incarcerated individuals not meeting the department's priority criteria for the state-funded ~~((associate))~~ postsecondary degree education program shall be required to pay the costs for participation in a postsecondary education degree program if he or she elects to participate through self-pay, including costs of books, fees, tuition, or any other appropriate ancillary costs, by one or more of the following means:

(a) The ~~((inmate))~~ incarcerated individual who is participating in the postsecondary education degree program may, during confinement, provide the required payment or payments to the department; or

(b) A third party shall provide the required payment or payments directly to the department on behalf of an ~~((inmate))~~ incarcerated individual, and such payments shall not be subject to any of the deductions as provided in this chapter.

(3) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services from any third party, including but not limited to nonprofit entities, and may receive, utilize, and dispose of same to provide postsecondary education to ~~((inmates))~~ incarcerated individuals.

(4) An ~~((inmate))~~ incarcerated individual may be selected to participate in a state-funded ~~((associate))~~ postsecondary degree or certificate education program, based on priority criteria determined by the department, in which the following conditions may be considered:

(a) Priority should be given to ~~((inmates within five years or less of release;~~

~~((b) The inmate does))~~ incarcerated individuals who do not already possess a postsecondary education degree; and

~~((e) The inmate's))~~ (b) Incarcerated individuals with individual reentry ~~((plan includes))~~ plans that include

participation in ~~((an associate))~~ a postsecondary degree or certificate education program that is:

(i) Offered at the ~~((inmate's))~~ incarcerated individual's state correctional institution;

(ii) Approved by the department as an eligible and effective postsecondary education degree program; and

(iii) Limited to ~~((an associate workforce))~~ a postsecondary degree or certificate program.

~~(5) ((During the 2015-2017 fiscal biennium, an inmate may be selected to participate in a state-funded postsecondary education degree program, based on priority criteria determined by the department, in which the following conditions may be considered:~~

~~(a) Priority should be given to inmates within five years of release;~~

~~(b) The inmate does not already possess a postsecondary education degree; and~~

~~(c) The inmate's individual reentry plan includes participation in a postsecondary education degree program that is:~~

~~(i) Offered at the inmate's state correctional institution; and~~

~~(ii) Approved by the department as an eligible and effective postsecondary education degree program.)) The department shall work with the college board as defined in RCW 28B.50.030 to develop a plan to assist incarcerated individuals selected to participate in postsecondary degree or certificate programs with filing a free application for federal student aid or the Washington application for state financial aid.~~

~~(6) Any funds collected by the department under this section shall be used solely for the creation, maintenance, or expansion of ((inmate)) postsecondary education degree programs for incarcerated individuals.~~

NEW SECTION. Sec. 6. A new section is added to chapter 72.68 RCW to read as follows:

(1) In determining whether to transfer an incarcerated individual to a different facility in the state, the department shall consider whether the incarcerated individual is enrolled in a vocational or educational program, including those operated by approved outside providers, which cannot be continued at the receiving facility. The department shall work with the incarcerated individual's case manager, counselor, education navigator, or other appropriate person to attempt to meet the needs of the department and the incarcerated individual regarding transfer.

(2) Nothing in this section creates a vested right in programming, education, or other services.

Sec. 7. RCW 72.68.010 and 2020 c 318 s 4 are each amended to read as follows:

(1) Whenever in its judgment the best interests of the state or the welfare of any ~~((prisoner))~~ incarcerated individual confined in any penal institution will be better served by his or her transfer to another institution or to a foreign country of which the ~~((prisoner))~~ incarcerated individual is a citizen or national, the secretary may effect such transfer consistent with applicable federal laws and treaties. The secretary has the authority to transfer ~~((offenders))~~ incarcerated individuals between in-state correctional facilities or to out-of-state governmental institutions if the secretary determines that transfer is in the best interest of the state or the ~~((offender))~~ incarcerated individual. The determination of what is in the best interest of the state or ~~((offender))~~ incarcerated individual may include but is not limited to considerations of overcrowding, emergency conditions, or hardship to the ~~((offender))~~ incarcerated individual. In determining whether the transfer will impose a hardship on the ~~((offender))~~ incarcerated individual, the secretary shall consider: (a) The location of the ~~((offender's))~~ incarcerated individual's family and whether the ~~((offender))~~ incarcerated individual has

maintained contact with members of his or her family; (b) whether, if the ~~((offender))~~ incarcerated individual has maintained contact, the contact will be significantly disrupted by the transfer due to the family's inability to maintain the contact as a result of the transfer; and (c) whether the ~~((offender))~~ incarcerated individual is enrolled in a vocational or educational program that cannot reasonably be resumed or completed if the ~~((offender))~~ incarcerated individual is transferred to another correctional institution or returned to the state.

(2)(a) The secretary has the authority to transfer ~~((offenders))~~ incarcerated individuals to an out-of-state private correctional entity only if:

(i) The governor finds that an emergency exists such that the population of a state correctional facility exceeds its reasonable, maximum capacity, resulting in safety and security concerns;

(ii) The governor has considered all other legal options to address capacity, including those pursuant to RCW 9.94A.870;

(iii) The secretary determines that transfer is in the best interest of the state or the ~~((offender))~~ incarcerated individual; and

(iv) The contract with the out-of-state private correctional entity includes requirements for access to public records to the same extent as if the facility were operated by the department, ~~((inmate))~~ incarcerated individual access to the office of the corrections ombuds, and inspections and visits without notice.

(b) Should any of these requirements in this subsection not be met, the contract with the private correctional entity shall be terminated.

(3) If directed by the governor, the secretary shall, in carrying out this section and RCW 43.06.350, adopt rules under chapter 34.05 RCW to effect the transfer of ~~((prisoners))~~ incarcerated individuals requesting transfer to foreign countries.

NEW SECTION. Sec. 8. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department, the state board for community and technical colleges, the student achievement council, and the Washington statewide reentry council, in collaboration with an organization representing the presidents of the public four-year institutions of higher education, shall submit a combined report, pursuant to RCW 43.01.036, by December 1, 2021, and annually thereafter, to the appropriate committees of the legislature having oversight over higher education issues and correctional matters. The state agencies shall consult and engage with nonprofit and community-based postsecondary education providers during the development of the annual report.

(2) At a minimum, the combined report must include:

(a) The number of incarcerated individuals served in the department's postsecondary education system, the number of individuals not served, the number of individuals leaving the department's custody without a high school equivalency who were in the department's custody longer than one year, and the number of individuals released without any postsecondary education, each disaggregated by demographics;

(b) A review of the department's identification and assessment of incarcerated individuals with learning disabilities, traumatic brain injuries, and other cognitive impairments or disabilities that may limit their ability to participate in educational programming, including general educational development testing and postsecondary education. The report shall identify barriers to the identification and assessment of these individuals and include recommendations that will further facilitate access to educational programming for these individuals;

(c) An identification of issues related to ensuring that credits earned in credit-bearing courses are transferable. The report must also include the number of transferable credits awarded and the number of credits awarded that are not transferable;

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

(d) A review of policies on transfer, in order to create recommendations to institutions and the legislature that to ensure postsecondary education credits earned while incarcerated transfer seamlessly upon postrelease enrollment in a postsecondary education institution. The review must identify barriers or challenges on transferring credits experienced by individuals and the number of credits earned while incarcerated that transferred to the receiving colleges postrelease;

(e) The number of individuals participating in correspondence courses and completion rates of correspondence courses, disaggregated by demographics;

(f) An examination of the collaboration between correctional facilities, the educational programs, nonprofit and community-based postsecondary education providers, and the institutions, with the goal of ensuring that roles and responsibilities are clearly defined, including the roles and responsibilities of each entity in relation to ensuring incarcerated individual access to, and accommodations in, educational programming; and

(g) A review of the partnerships with nonprofit and community-based postsecondary education organizations at state correctional facilities that provide accredited certificate and degree-granting programs and those that provide reentry services in support of educational programs and goals, including a list of the programs and services offered and recommendations to improve program delivery and access.

(3) The report shall strive to include, where possible, the voices and experiences of current or formerly incarcerated individuals.

**Sec. 9.** RCW 28B.15.067 and 2020 c 114 s 4 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Tuition operating fees for resident undergraduates at institutions of higher education as defined in RCW 28B.10.016, excluding applied baccalaureate degrees as defined in RCW 28B.50.030, may increase by no more than the average annual percentage growth rate in the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.

(3) The governing boards of the state universities, regional universities, and The Evergreen State College; and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including nonresident students, summer school students, and students in other self-supporting degree programs. Percentage increases in full-time tuition may exceed the fiscal growth factor. Except during the 2013-2015 fiscal biennium, the state board for community and technical colleges may pilot or institute differential tuition models. The board may define scale, scope, and rationale for the models.

(4) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(5)(a) The tuition fees established under this chapter shall not apply to eligible students enrolling in a dropout reengagement program through an interlocal agreement between a school district and a community or technical college under RCW 28A.175.100 through 28A.175.110.

(b) The tuition fees established under this chapter shall not apply to students incarcerated with the department of corrections who are participating in credit-eligible postsecondary education courses and degree programs when the program expenses are funded by nontuition resources such as, but not limited to, grants, contracts, and donations.

(6) As a result of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess., the governing boards of the state universities, the regional universities, and The Evergreen State College shall not reduce resident undergraduate enrollment below the 2014-15 academic year levels.

NEW SECTION. **Sec. 10.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "pathways;" strike the remainder of the title and insert "amending RCW 72.09.270, 72.09.460, 72.09.465, 72.68.010, and 28B.15.067; amending 2019 c 397 s 1 (uncodified); adding a new section to chapter 72.68 RCW; adding a new section to chapter 72.09 RCW; creating new sections; and providing an expiration date."

MOTION

Senator Darneille moved that the following floor amendment no. 646 by Senator Darneille be adopted:

On page 6, beginning on line 14, after "individual" strike all material through "individuals" on line 15

On page 11, line 25, after "party" insert "or by the individual"

Senator Darneille spoke in favor of adoption of the amendment to the striking amendment.

Senator Gildon spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 646 by Senator Darneille on page 6, line 14 to the committee striking amendment.

The motion by Senator Darneille carried and floor amendment no. 646 was adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 705 by Senator Padden be adopted:

On page 7, line 28, after "and" strike "postsecondary" and insert "associate"

On page 12, beginning on line 27, after "state-funded" strike "(associate) postsecondary" and insert "associate"

On page 13, line 9, after "state-funded" strike "(associate) postsecondary" and insert "associate"

On page 13, beginning on line 18, after "in" strike "(an associate) a postsecondary" and insert "an associate"

On page 13, line 25, after "to" strike all material through "postsecondary" and insert "an associate (workforce)"

Senator Padden spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Darneille spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 705 by Senator Padden on page 7, line 28 to the committee striking amendment.

The motion by Senator Padden failed and floor amendment no. 705 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 718 by Senator Rivers be adopted:

On page 7, line 38, after "supplies." insert "Costs associated with postsecondary degree education programs beyond an associate degree must be paid from the postsecondary degree education account created in section 6 of this act."

On page 8, line 20, after "entities" strike all material through "section" on line 22 and insert "~~((and may receive, utilize, and dispose of same to complete the purposes of this section))~~ and community-based postsecondary education programs. The department must deposit all donations and grants of money received into the postsecondary degree education account created in section 6 of this act"

On page 13, line 5, after "entities" strike all material through "individuals" on line 7 and insert "~~((and may receive, utilize, and dispose of same to provide postsecondary education to inmates))~~. The department must deposit all donations and grants of money received into the postsecondary degree education account created in section 6 of this act"

On page 14, after line 8, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 72.09 RCW to read as follows:

(1) The postsecondary degree education account is created in the state treasury. Moneys in the account may be spent only after appropriation.

(2) Moneys in this account may be expended solely for costs of books, fees, tuition, and other ancillary costs associated with postsecondary degree education programs that would result in a bachelor's degree.

(3) If the account balance in the postsecondary degree education account is less than \$10,000,000 on June 30th, the treasurer shall transfer an amount equal to the amount of grants and donations deposited into the account for that year from the general fund in the following fiscal year."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 18, beginning on line 30, after "72.68 RCW;" strike "adding a new section" and insert "adding new sections"

Senator Rivers spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Darneille spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 718 by Senator Rivers on page 7, line 38 to the committee striking amendment.

The motion by Senator Rivers failed and floor amendment no. 718 was not adopted by voice vote.

#### MOTION

Senator Rivers moved that the following floor amendment no. 719 by Senator Rivers be adopted:

On page 12, line 3, after "(14)" insert "If an incarcerated individual participates in any vocational, work, or educational program while incarcerated, the victim of the incarcerated individual shall be entitled to the same number of education program credits or the same vocational, work, or educational program that the incarcerated individual received or participated in. The program credits or vocational, work, or educational programming shall be provided to the victim by the state, at no cost to the victim. If education program credits are not transferable, the victim of the incarcerated individual is entitled to a tuition amount no less than the cost of the incarcerated individual's programming or credits.

(15)"

On page 14, after line 8, insert the following:

"(7) If an incarcerated individual participates in any vocational, work, or educational program while incarcerated, the victim of the incarcerated individual shall be entitled to the same number of education program credits or the same vocational, work, or educational program that the incarcerated individual received or participated in. The program credits or vocational, work, or educational programming shall be provided to the victim by the state, at no cost to the victim. If education program credits are not transferable, the victim of the incarcerated individual is entitled to a tuition amount no less than the cost of the incarcerated individual's programming or credits."

Senators Rivers and Wagoner spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Darneille spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 719 by Senator Rivers on page 12, line 3 to the committee striking amendment.

The motion by Senator Rivers failed and floor amendment no. 719 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 714 by Senator Wagoner be adopted:

On page 12, line 3, after "section," strike ""third" and insert "the following terms have the following meanings:

(a) "High demand career field" means a career field where demand from business exceeds output by institutions of higher education by 10 percent.

(b) "Postsecondary education program" includes associate workforce degree and certificate education programs. "Postsecondary education programs" does not include a bachelor's degree unless the bachelor's degree program is in a high demand career field.

(c) "Third"

On page 12, line 23, after "~~workforce~~)" insert "designed to prepare the individual to enter the workforce and"

On page 12, line 23, after "degree" insert "in a high demand career field"

On page 14, after line 8, insert the following:

"(7) For the purposes of this section, the following terms have the following meanings:

(a) "High demand career field" means a career field where demand from business exceeds output by institutions of higher education by 10 percent.

(b) "Postsecondary degree or certificate education program" includes associate workforce degree programs and certificate education programs. "Postsecondary degree or certificate education programs" does not include a bachelor's degree unless the program is in a high demand career field."

Senator Wagoner spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 714 by Senator Wagoner on page 12, line 3 to the committee striking amendment.

The motion by Senator Wagoner failed and floor amendment no. 714 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

on Human Services, Reentry & Rehabilitation as amended to Second Substitute House Bill No. 1044.

The motion by Senator Darneille carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Second Substitute House Bill No. 1044, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Darneille spoke in favor of passage of the bill.

Senators Gildon, Wagoner and Holy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1044 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1044, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Ericksen

SECOND SUBSTITUTE HOUSE BILL NO. 1044, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1168, by House Committee on Appropriations (originally sponsored by Springer, Kretz, Fitzgibbon, Griffey, Riccelli, Lekanoff, Ramos, Callan, Harris-Talley, Dent and Klicker)

Concerning long-term forest health and the reduction of wildfire dangers.

The measure was read the second time.

MOTION

Senator Van De Wege moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. FINDINGS AND DETERMINATIONS.** (1) Over the last decade, forestland and rangeland wildfires have grown larger and increased in intensity and destructiveness throughout Washington state. The annual

acres burned in our state illustrates this alarming trend. In the 1990s, an average of 86,000 acres burned annually. In the 2000s, the average annual acres burned increased to 189,000. In the last five years, the annual average grew to more than 488,000 acres burned. This trajectory of escalation continued last year, with wildfires burning more than 812,000 acres.

(2) Recent wildfires have devastated state, federal, tribal, and private lands, destroyed homes and property, and taken lives. These fires have also released greenhouse gases, destroyed critical fish and wildlife habitat, filled our skies with harmful smoke, polluted our waters, damaged our economy, increased the risk of flooding and landslides, created a critical need for reforestation, and threatened the natural resources needed for essential industries and rural economies.

(3) Catastrophic wildfires have significant negative impacts on fish and wildlife habitat, including the loss and degradation of places to shelter and feed, water quality and quantity, and soil nutrients. Washington's fish and wildlife are part of a fire-adapted landscape, but catastrophic wildfires threaten their health and recovery.

(4) The increase in these uncharacteristic wildfires are the result of a combination of climate change-driven drought, hotter temperature, and windstorms; human development patterns and land use planning and activities; and where uncharacteristic fires occur in forests, by past fire suppression and departures from native ecosystem structure and function. Uncharacteristic wildfire risk is addressed through scientifically informed landscape-level treatments designed to restore forest ecosystem and watershed resilience.

(5) Wildfires result in significant greenhouse gas emissions. Wildfires have become one of the largest sources of black carbon in the last five years. From 2014-2018, wildfires in Washington state generated 39.2 million metric tons of carbon, the equivalent of more than 8.5 million cars on the road a year. In 2015, when 1.13 million acres burned in Washington, wildfires were the second largest source of greenhouse gas emissions, second only to transportation.

(6) The legislature has recognized our forests, as well as the manufacturing and utilization of wood products, as a natural carbon solution and critical component of our state's carbon reduction strategy pursuant to chapter 120, Laws of 2020. Uncharacteristic wildfires threaten the ability of our forests to sequester carbon, and they threaten the stability and long-term viability of our forest products industry.

(7) The Washington state department of natural resources' 20-year forest health strategic plan and climate risk assessment finds that carbon emissions from wildfires are anticipated to increase if there is no change in forest management practices. Unless the state significantly increases active forest management across land ownerships to reduce the risk and intensity of wildfires, wildfire emissions will erode efforts to achieve our state's greenhouse gas emissions reduction goals. In addition to reducing fuel loads, many effective forest health treatments retain and restore older, large fire-resilient trees across the landscape that play an important role in carbon sequestration, enhancing climate resilience and ecosystem services, and mitigating climate change.

(8) Wildfires inflict huge costs to the state budget, the budgets of partner agencies, and our economy. From 2014-2019, agencies in Washington annually spent nearly \$150 million fighting wildfires. In 2015, firefighting costs were more than \$342 million. In 2019, firefighting costs were more than \$172 million. And suppression costs are only a small portion of the full economic impact. According to a 2018 report by the nonprofit headwater's economics, suppression costs account for only nine percent of the total cost of wildfires when factoring in disaster recovery, lost

business, lost infrastructure, and timber damage, and public health impacts.

(9) Over one-half of Washington is forested, providing significant environmental and economic value. Over \$4,900,000,000 in wages and \$200,000,000 in taxes are paid by the forest products' sector each year. Opportunities exist to boost our rural economies through wildfire preparation and preparedness that maintain and attract private sector investments and employment in rural communities.

(10) Wildfires are significant threats to life and property. Over the last five years, wildfires in Washington have taken five lives, including four firefighters and the life of a one-year old boy. In 2020 alone, 298 homes were destroyed by wildfires in our state. More than 1,100 homes have been destroyed this decade. Communities in every corner of Washington have felt the impact and devastation of flames and smoke. In 2020, the town of Malden, Washington was forever scarred by rangeland wildfire. Approximately 80 percent of the town's structures burned down in the Babb Road fire, including the city hall, post office, and fire station.

(11) Wildfire smoke has significant negative impacts on public health. For the second time in the last three years, Washington state had the worst air quality in the world due to wildfires. Communities in every corner of the state felt the impact. Exposure to particulate matter in wildfire smoke has been associated with a wide range of damaging health effects. The particulates in this smoke make those breathing the air wheeze, cough, shorten their breath, and experience sore eyes and throats, diminishing health and quality of life. Other adverse health outcomes are more severe, including increases in asthma-related hospitalizations, chronic and acute respiratory and cardiovascular health problems, and premature death.

(12) Historical forest management, legacy wildfire suppression responses, and a rapidly changing climate have increased the risk of catastrophic wildfires throughout the state. It is the policy of the state to encourage prudent and responsible forest resource management to maintain the health of forests and ecosystems in Washington state. Increasing the pace and scale of forest restoration through fuel reduction, thinning, and the use of prescribed fire on federal, state, tribal, and private lands pursuant to the 20-year forest health strategic plan, the wildland fire protection 10-year strategic plan, and RCW 79.10.520 will reduce the risk of catastrophic wildfires.

(13) In 2020, more than 1,300,000 acres of national forest system land in eastern Washington were considered in need of treatments to restore forest health and reduce the risk of wildfire hazard potential. Many of these lands are adjacent to populated communities, private lands, and state trust lands.

(14) In 2020, 166,000 acres of department of natural resources' land and 74,000 acres of other state-owned lands in eastern Washington were in need of forest health treatment. These forestlands provide critical fish and wildlife habitat, natural and cultural resources, recreation, raw materials for the forest industry, and funding for counties and schools. From 2011-2020, 102,700 forested acres of department of natural resources' managed trust lands have burned.

(15) Tribal lands and communities have been significantly impacted by wildfires and unhealthy forests. Approximately 494,000 acres of tribal lands in eastern Washington need forest health treatments. These forestlands provide critical fish and wildlife habitat, natural and cultural resources, and economic opportunities.

(16) Washington state has nearly eight million acres of private forestlands. Forested acres are declining statewide with a loss of 394,000 acres between 2007 and 2019. Small forestland owners account for 15 percent of total forest acres. Small forestland

owner forested acres declined 3.7 percent from 2,990,000 acres in 2007 to 2,880,000 million acres in 2019. The number of small forestland owners increased 8.5 percent from 201,000 in 2007 to 218,000 in 2019. The number of small forestland owner parcels increased 2.1 percent from 256,500 to 261,800. This rapid land use change creates significant challenges for implementing forest health and wildfire response actions in the wildland urban interface. In eastern Washington alone, approximately 288,000 acres owned by small forestland owners are in need of immediate forest health treatment. These forestlands provide critical raw materials for the forest industry, rural economic opportunities, fish and wildlife habitat, cultural resources, and recreation. A coordinated interagency response is needed to address the multifaceted challenge posed by increasing parcelization, forest fragmentation, loss of economic viability, and changes in landowner assistance needs.

(17) The legislature finds that increasing the pace and scale of science-based forest health activities to reduce hazardous fuels and restore fire resilient forests, including through mechanical thinning and prescribed burning, on federal, state, tribal, and private lands, will reduce the risk and severity of wildfires, protect cultural and archaeological resources, improve fish and wildlife habitat, expand recreational opportunities, protect air and water quality, create rural economic opportunities, provide critical wood products, and increase long-term carbon sequestration on our natural resource lands.

(18) Increased development in the wildland urban interface has also increased the number of people living in areas that are at risk of wildfire. In Washington, over 2,000,000 homes are currently at risk of wildfire. Communities and homeowners can take actions that reduce the risk of loss in the event of wildfire including, but not limited to, home hardening, creating defensible space, and building potential control lines or strategic fuel breaks.

(19) Long-term, sustainable investment in wildfire response, forest restoration, and community resilience is of utmost importance to the health and safety of our environment, our economy, our communities, and the well-being of every resident.

(20) It is the intent of the legislature to take immediate action to fully fund the wildland fire protection 10-year strategic plan. Strategies to accomplish these goals include, but are not limited to:

(a) Upgrading our capability to attack wildfires with critical air and ground resources;

(b) Providing needed wildfire resources to state wildfire response and local fire service districts;

(c) Working with each state utility, local publicly owned electric utility, and electrical cooperative to reduce wildfire risk and develop consistent approaches and shared data related to fire prevention, safety, vegetation management, and energy distribution systems; and

(d) Improving wildfire detection in areas at risk of wildfire through new technologies and equipment.

(21) Furthermore, it is the intent of the legislature to take immediate action to increase the pace and scale of forest management across different land ownerships and fully fund the 20-year forest health strategic plan and activities developed to facilitate implementation of the Washington state forest action plan. Strategies to accomplish these goals include, but are not limited to:

(a) Restoring to health a minimum of 1,250,000 acres of forestland in need of immediate action to become more resilient and improve watershed health;

(b) Increasing prescribed fire and other fuel reduction projects through proven forestry practices and the operation of prescribed fire crews;

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

(c) Establishing potential control lines and strategic fuel breaks around communities with high wildfire risk;

(d) Increasing funding for the small forestland owner office for technical assistance and support for small forestland owners and funding an integrated small forestland owner forest health program in support of extending management and control of wildfire from homes through the wildland urban interface to small forestland owner holdings; and

(e) Monitoring forest health conditions and effectiveness of treatments throughout the state, including ecological function and reducing catastrophic wildfires.

(22) Furthermore, it is the intent of the legislature to take immediate action to help communities become more resilient to wildfire. Strategies to accomplish these goals include, but are not limited to:

(a) Increasing funding for cost share programs for home hardening, fuels reduction, and community resilience programs in communities at risk of wildfire;

(b) Reducing wildfire risk to wildland urban interfaces; and

(c) Ensuring our state's most vulnerable populations are not disproportionately burdened by the impact and consequences of wildfire.

(23) The legislature intends to provide \$125,000,000 per biennium over the next four biennia for a total of \$500,000,000 and that these investments will help protect the state's people, environment, and economy.

**NEW SECTION. Sec. 2. WILDFIRE RESPONSE, FOREST RESTORATION, AND COMMUNITY RESILIENCE ACCOUNT.** (1) The wildfire response, forest restoration, and community resilience account is created in the state treasury. All receipts from moneys directed to the account must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for carrying out the purposes of this act and for no other purposes.

(2) Expenditures from the account may be made to state agencies, federally recognized tribes, local governments, fire and conservation districts, nonprofit organizations, forest collaboratives, and small forestland owners, consistent with the 20-year forest health strategic plan, the wildland fire protection 10-year strategic plan, and the Washington state forest action plan.

(3) The wildfire response, forest restoration, and community resilience account may only be used to monitor, track, and implement the following purposes:

(a) Fire preparedness activities consistent with the goals contained in the state's wildland fire protection 10-year strategic plan including, but not limited to, funding for firefighting capacity and investments in ground and aerial firefighting resources, equipment, and technology, and the development and implementation of a wildland fire aviation support plan in order to expand and improve the effectiveness and cost-efficiency of the department's wildland fire aviation program;

(b) Fire prevention activities to restore and improve forest health and reduce vulnerability to drought, insect infestation, disease, and other threats to healthy forests including, but not limited to, silvicultural treatments, seedling development, thinning and prescribed fire, and postfire recovery activities to stabilize and prevent unacceptable degradation to natural and cultural resources and minimize threats to life and property resulting from the effects of a wildfire. Funding priority under this subsection must be given to programs, activities, or projects aligned with the 20-year forest health strategic plan, the wildland fire protection 10-year strategic plan, and the Washington state forest action plan across any combination of local, state, federal, tribal, and private ownerships;

(c) Fire protection activities for homes, properties, communities, and values at risk including, but not limited to: Potential control lines or strategic fuel breaks in forests and rangelands near communities; improved warning and communications systems to prepare for wildfires; increased engagement with non-English speaking communities in their home language for community preparedness; and the national fire protection association's fire wise USA and the fire-adapted communities network programs to help communities take action before wildfires.

(4) Appropriations for forest health activities funded by the wildfire response, forest restoration, and community resilience account shall not be less than 25 percent of the biennial appropriated funding.

(5) Appropriations for community resilience activities funded by the wildfire response, forest restoration, and community resilience account shall not be less than 15 percent of the biennial appropriated funding.

(6) Funding may not be used for emergency fire costs or suppression costs as defined in RCW 76.04.005.

(7) To the maximum extent possible, workforce development investments from the wildfire response, forest restoration, and community resilience account should prioritize historically marginalized, underrepresented, rural, and low-income communities.

(8) Any expenditures from the wildfire response, forest restoration, and community resilience account for forest health treatments on federal lands must be additive to the baseline accomplishments and outputs already funded through the federal government and outlined in the annual work plans of the United States forest service, bureau of land management, the national park service, and/or the United States fish and wildlife service.

(9) The department may solicit the forest health advisory committee established in RCW 76.06.200 and wildland fire advisory committee established in RCW 76.04.179 to provide recommendations for investments under this section. In assessing investments and developing recommendations for communities that will be impacted based on ecological, public infrastructure, and life safety needs as set forth in the 20-year forest health strategic plan and the wildland fire protection 10-year strategic plan, the forest health advisory committee and wildland fire advisory committee must use environmental justice or equity focused tools, such as the Washington tracking network's environmental health disparities tool to identify highly impacted communities. This identification must be used as a factor in determining recommendations for investments under this section. "Highly impacted communities" has the same meaning as defined in RCW 19.405.020.

(10) To the maximum extent practicable and where consistent with the 20-year forest health strategic plan, the wildland fire protection 10-year strategic plan, or the Washington state forest action plan and landowner objectives, forest health treatments funded through the wildfire response, forest restoration, and community resilience account shall seek to utilize the value of any merchantable materials to help offset treatment costs.

**NEW SECTION. Sec. 3. TRANSPARENCY AND ACCOUNTABILITY.** (1) By December 1st of each even-numbered year, and in compliance with RCW 43.01.036, the department must report to the governor and legislature on the following:

(a) The type and amount of the expenditures made, by fiscal year, and for what purpose, from the wildfire response, forest restoration, and community resilience account created in section 2 of this act;

(b) The amount of unexpended and unobligated funds in the wildfire response, forest restoration, and community resilience account and recommendations for the disbursement to local districts;

(c) Progress on implementation of the wildland fire protection 10-year strategic plan including, but not limited to, how investments are reducing human-caused wildfire starts, lowering the size and scale and geography of catastrophic wildfires, reducing the communities, landscapes, and population at risk, and creating resilient landscapes and communities;

(d) Progress on implementation of the 20-year forest health strategic plan as established through the forest health assessment and treatment framework pursuant to RCW 76.06.200 including, but not limited to: Assessment of fire prone lands and communities that are in need of forest health treatments; forest health treatments prioritized and conducted by landowner type, geography, and risk level; estimated value of any merchantable materials from forest health treatments; and number of acres treated by treatment type, including the use of prescribed fire;

(e) Progress on developing markets for forest residuals and biomass generated from forest health treatments.

(2) The department must include recommendations on any adjustments that may be necessary or advisable to the mechanism of funding dispensation as created under this act.

(3) The report required in this section should support existing department assessments pursuant to RCW 79.10.530 and 76.06.200.

**Sec. 4.** RCW 76.06.200 and 2019 c 305 s 1 are each amended to read as follows:

(1) The department must establish a forest health assessment and treatment framework designed to proactively and systematically address the forest health issues facing the state. Specifically, the framework must endeavor to achieve an initial goal of assessing and treating one million acres of land by 2033.

(2) The department must utilize the framework to assess and treat acreage in an incremental fashion each biennium. The framework consists of three elements: Assessment; treatment; and progress review and reporting.

(a) Assessment. Each biennium, the department must identify and assess two hundred thousand acres of fire prone lands and communities that are in need of forest health treatment, including the use of prescribed fire or mechanical treatment(~~(, such as thinning)~~).

(i) The scope of the assessment must include lands protected by the department as well as lands outside of the department's fire protection responsibilities that could pose a high risk to department protected lands during a fire.

(ii) The assessment must identify areas in need of treatment, the type or types of treatment recommended, spatial optimization of forest treatments across landscapes, data and planning needs to carry out recommended treatment, and the estimated cost of recommended treatment.

(iii) The department shall develop a mapping tool to identify small forestland owners within wildfire risk areas and use this tool to evaluate and optimize forest health work at a landscape scale to move high risk wildfire areas to lower risk and to leverage funding and the small forestland owner forest health program and landowner assistance program in section 7 of this act with the greatest impact for wildfire prevention, preparedness, and response.

(b) Treatment. Each biennium, the department must review previously completed assessments and prioritize and conduct as many identified treatments as possible using appropriations provided for that specific purpose.

(c) Progress review and reporting. By December 1st of each even-numbered year, the department must provide the appropriate

committees of the legislature and the office of financial management with:

(i) A request for appropriations designed to implement the framework in the following biennium, including assessment work and conducting treatments identified in previously completed assessments;

(ii) A prioritized list and brief summary of treatments planned to be conducted under the framework with the requested appropriations, including relevant information from the assessment; and

(iii) A list and brief summary of treatments carried out under the framework in the preceding biennium, including total funding available, costs for completed treatment, and treatment outcomes. The summary must include any barriers to framework implementation and legislative or administrative recommendations to address those barriers.

(3) In developing and implementing the framework, the department must:

(a) Utilize and build on the forest health strategic planning initiated under section 308(11), chapter 36, Laws of 2016 sp. sess., to the maximum extent practicable, to promote the efficient use of resources;

(b) Prioritize, to the maximum extent practicable consistent with this section, forest health treatments that are strategically planned to serve the dual benefits of forest health maximization while providing geographically planned tools for wildfire response; (~~and~~)

(c) Where possible, partner with federally recognized tribes to expand use of the tribal forest protection act on federal lands managed by the United States forest service and the bureau of land management;

(d) When entering into good neighbor agreements, as that term is defined in RCW 79.02.010, prioritize, to the maximum extent practicable consistent with this section, forest health treatments adjacent to or nearby state lands so as to increase the speed, efficiency, and impact on the landscape; and

(e) Establish a forest health advisory committee to assist in developing and implementing the framework. The committee may: (i) Include representation from large and small forestland owners, wildland fire response organizations, milling and log transportation industries, forest collaboratives that may exist in the affected areas, highly affected communities and community preparedness organizations, conservation groups, and other interested parties deemed appropriate by the commissioner; and (ii) consult with relevant local, state, and federal agencies, and tribes.

(4) In implementing subsection (3)(b) of this section, the department shall attempt to locate and design forest health treatments in such a way as to provide wildfire response personnel with strategically located treated areas to assist with managing fire response. These areas must attempt to maximize the firefighting benefits of natural and artificial geographic features and be located in areas that prioritize the protection of commercially managed lands from fires originating on public land.

(5) The department must establish and implement the forest health assessment and treatment framework within the appropriations specifically provided for this purpose.

(6) The department must explore opportunities and developing markets for the utilization of woody biomass residuals from forest treatments, including biochar. When exploring opportunities and developing markets, the department must consult with the department of commerce, relevant federal agencies, representatives of the forest products sector, environmental organizations, and other stakeholders with a working knowledge of woody biomass technology.

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

**NEW SECTION. Sec. 5. WORKFORCE DEVELOPMENT.**

(1) The legislature finds that satisfying the goals identified in section 1 of this act to increase the pace and scale of forest health treatments and improve wildfire prevention and response requires increasing the workforce that is needed to perform this critical work. This need creates an opportunity to develop employment and career pathways across the state, including in rural communities throughout Washington. Investments to support and further develop the forest sector workforce are recommended in both the department's 2019 "plan for climate resilience" and the department of commerce's 2020 report "Washington's green economy."

(2) The department and the department of commerce shall jointly develop and implement, as appropriate and in consultation with centers of excellence, higher education, secondary education, and workforce development centers, initiatives to develop a forest health workforce necessary to implement the goals of this section. Initiatives may include, but are not limited to:

(a) Creating a new or making an existing grant program available to nonprofits, labor organizations, state agencies, community and technical colleges, institutions of higher education, private sector employers, skills centers, or other training and education institutions that have qualifications and experience in the development of training programs, such as secondary and postsecondary courses, relevant to the workforce needs of the forest sector. Grants must be awarded on a competitive basis with priority funding for programs that meet urgent forest health and wildfire suppression skills gaps and demonstrate a lack of available workforce in underserved communities. Grants awarded may be used for activities such as internships, Washington state registered apprenticeship programs, recognized preapprenticeships, career launch, and other relevant career connect Washington activities, and postsecondary bridge programs for forest sector or skill relevant trades that provide:

- (i) On the job training;
- (ii) Hard and soft skills development;
- (iii) Test preparation for trade apprenticeship;
- (iv) Advanced training in the forest sector relating to jobs such as: Hand crews; wildland firefighters; fire safety; equipment operators; timber operators; mill workers; mill or forestry technicians; mechanics; loggers; timber fallers; commercial truck drivers; foresters; ecologists; biologists; or other workforce needs in support of forest restoration and wildfire response;

(b) Developing education programs for elementary, secondary, and higher education students that: (i) Inform people about the role of forestry, fire, vegetation management, and ecological restoration; (ii) increase the awareness of opportunities for careers in the forest sector and exposure of students to those careers through various work-based learning opportunities inside and outside the classroom; (iii) connect students in pathways to careers in the forest sector; and (iv) incorporate opportunities for secondary students to earn industry recognized credentials and dual credit in career and technical education courses;

(c) Developing regional education, industry, and workforce development collaborations, including recruiting and building industry awareness and coordinating candidate development particularly in areas that are traditionally underrepresented in natural resource industries and specifically in forestry;

(d) Building additional statewide response. The department shall develop a recruiting and outreach program across the state to encourage people to volunteer with their local fire departments. The department shall expand existing training programs to meet

increased interest and need in wildfire response and forest health work; and

(e) Developing a program to train local building and construction trade members and contractors to be deployed during periods requiring surge capacity for wildland fire suppression including:

(i) As wildland firefighters who meet the requirements of being utilized by the department; and

(ii) As heavy equipment operators who meet the requirements to be utilized by the department as required by RCW 76.04.181.

(3) The commissioner and the director of the department of commerce must direct their staff to develop a plan for tracking, maintaining, and publicly reporting on the following:

(a) A working definition of the forest sector workforce, including the job skills, certifications, and experience required;

(b) Recommendations for the training, recruitment, and retention of the current and anticipated forest sector workforce necessary to implement the goals of this act;

(c) The identification of gaps and barriers to a full forest sector workforce pool, including:

(i) Estimates of forest sector workforce jobs created and retained as well as any reductions in the forest sector workforce;

(ii) An estimate of the number of needed private contractors to implement the goals of this act, an inventory of local and regional private contractors trained to carry out wildfire response and forest health work, and a list of local private contractors utilized annually for wildfire response and forest health work; and

(iii) An inventory of existing training facilities and programs that support ongoing and anticipated forest sector, or related sectors, as identified in subsection (2)(a)(iv) of this section;

(d) Recommendations for addressing identified barriers or other needs to otherwise continue the development of a forest workforce necessary to implement the goals of this act.

(4) The department and the department of corrections shall jointly develop opportunities to expand existing programs to provide the additional wildfire, forest health, and silvicultural capacity necessary to implement the goals of this act, including a postrelease program that helps formerly incarcerated individuals who served on state fire response crews obtain employment in wildfire suppression and forest management.

(5) The department shall utilize existing programs such as the Washington conservation corps, Washington veterans corps, Washington service corps, customized and on-the-job training, or similar programs to expand opportunities and promote family wage careers in the forest sector workforce.

(6) To the maximum extent possible, workforce development programs and policies should prioritize historically marginalized, underrepresented, rural, and low-income communities.

(7) The department and the department of commerce, working with the forest health advisory committee, must assist forestland owners and forest products companies grow existing and develop new market opportunities for the utilization of material produced as a result of forest health treatments funded through the wildfire response, forest restoration, and community resilience account to improve the economic benefit of the treatments while increasing the speed, efficiency, and impact of forest restoration on the landscape.

**Sec. 6.** RCW 76.06.150 and 2009 c 163 s 5 are each amended to read as follows:

(1) The commissioner (~~(of public lands)~~) is designated as the state of Washington's lead for all forest health issues.

(2) The commissioner (~~(of public lands)~~) shall strive to promote communications between the state, tribes, and the federal government regarding forestland management decisions that potentially affect the health of forests in Washington and will

allow the state to have an influence on the management of federally owned land in Washington. Such government-to-government cooperation is vital if the condition of the state's public and private forestlands are to be protected. These activities may include, when deemed by the commissioner to be in the best interest of the state:

(a) Representing the state's interest before all appropriate local, state, and federal agencies and tribes;

(b) Assuming the lead state role for developing formal comments on federal forest management plans that may have an impact on the health of forests in Washington;

(c) Pursuing in an expedited manner any available and appropriate cooperative agreements, including cooperating agency status designation, with the United States forest service and the United States bureau of land management that allow for meaningful participation in any federal land management plans that could affect the department's strategic plan for healthy forests and effective fire prevention and suppression, including the pursuit of any options available for giving effect to the cooperative philosophy contained within the national environmental policy act of 1969 (42 U.S.C. Sec. 4331)(~~and~~ (d) Pursuing).

(3) The commissioner shall regularly meet and coordinate with the regional leadership of the United States forest service, in order to:

(a) Identify strategies to improve the delivery and increase the pace and scale of forest health and resiliency, and fuels mitigation treatments, on federal lands;

(b) Document the resources needed to increase the capacity available to the United States forest service, on national forests in Washington;

(c) Identify supplemental planning and implementation support to the United States forest service, through the use of cooperative agreements and good neighbor agreements, as that term is defined in RCW 79.02.010;

(d) Maximize the utilization of available efficiencies for compliance with the national environmental policy act, as it applies to actions of the United States forest service in Washington, such as tools to increase the pace and scale of forest health treatments including, but not limited to, categorical exclusions, shared stewardship, and tribal forest protection act for forest health, fuels mitigation, and restoration activities;

(e) Accelerate national environmental policy act completion for forest health and resiliency projects, including through increased staffing and the use of partners, contractors, and department expertise to complete national environmental policy act requirements analysis; and

(f) Pursue agreements with federal agencies in the service of forest biomass energy partnerships and cooperatives authorized under RCW 43.30.835 through 43.30.840.

~~((3) The)~~ (4) Every two years, the commissioner ((of public lands)) shall report to the ((chairs of the appropriate standing committees of the)) legislature ((every year)) on progress under this section, including ((the)):

(a) The identification, if deemed appropriate by the commissioner, of any needed state or federal statutory changes, policy issues, or funding needs; and

(b) An estimate of the acres of at-risk forests on each national forest and the number of acres treated.

NEW SECTION. Sec. 7. A new section is added to chapter 76.13 RCW to read as follows:

SMALL FORESTLAND OWNER FOREST HEALTH PROGRAM.

(1) There is established an integrated small forestland owner forest health program that promotes the coordination and delivery of services with federal, state, and local agencies, including local

fire districts, conservation districts, and community wildfire resilience coalitions, forest landowner associations, colleges and universities, landowner assistance organizations, consultants, forest resource-related industries, and environmental organizations to nonindustrial forests and woodland owners, hereafter referred to as small forestland owners.

(2) Under the state forester's direction, the program must:

(a) Integrate existing landowner assistance forest health programs consistent with the recommendations of "Washington's Small Forest Landowners in 2020, Status, Trends and Recommendations after 20 years of Forests & Fish, January 2021" (the report required by chapter 457, Laws of 2019), to more efficiently and effectively reach the diversity of small forestland owner audiences to take forest health action;

(b) Identify and remove barriers to technical assistance, funding, and forest health management planning;

(c) Increase education and outreach to small forestland owners; and

(d) Distribute funding effectively to move high wildfire risk areas to lower risk.

(3) Priority areas for forest health treatment under the Washington state forest action plan, the 10-year forest health strategic plan, and the wildland fire protection 10-year strategic plan may not prohibit technical support or stewardship plan support for small forestland owner lands outside the designated emphasis areas.

NEW SECTION. Sec. 8. WILDFIRE AVIATION RESPONSE. The department must develop and implement a wildland fire aviation support plan, as recommended by the wildland fire protection 10-year strategic plan, in order to expand and improve the effectiveness and cost-efficiency of the department's wildland fire aviation program. The wildland fire aviation support plan must include:

(1) Recommendations for the addition of air assets in order for the department to increase its initial attack capability and maintain and improve on the department's ability to manage fires to meet 10-year wildland fire protection and 20-year forest health strategic plan goals;

(2) Development of a next-generation rotor wing platform strategy to ensure the availability and use of the latest firefighting aviation technology and provide a path for either the upgrade or replacement, or both, of the department's legacy aircraft;

(3) Evaluation of opportunities to increase the use of contract air assets;

(4) Evaluation of costs and benefits to increase dedicated air resources during peak fire season when there may be limited available supply due to wildfire activity in other states; and

(5) Strategies to upgrade retardant loading and processing infrastructure to improve tanker turnaround time, including support for development of infrastructure to accommodate very large air tankers, at a port with an international airport within a county east of the crest of the Cascade mountains that does not share a border with another state.

Sec. 9. RCW 72.64.160 and 1991 c 131 s 2 are each amended to read as follows:

(1) For the purposes of RCW 72.64.150, inmate forest fire suppression crews may be considered a class I free venture industry, as defined in RCW 72.09.100, when fighting fires on federal lands.

(2) For the purposes of RCW 72.64.050, inmate forest fire suppression and support crews when fighting fires must receive a gratuity no less than the minimum wage per hour paid in the locality in which the industry is located.

NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill or chapter number,

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 11. SHORT TITLE.** This act may be known and cited as the wildfire response, forest restoration, and community resilience act.

**NEW SECTION. Sec. 12.** Sections 1 through 3, 5, and 8 of this act are each added to chapter 76.04 RCW and codified with the subchapter heading of "wildfire response, forest restoration, and community resilience."

On page 1, line 2 of the title, after "dangers;" strike the remainder of the title and insert "amending RCW 76.06.200, 76.06.150, and 72.64.160; adding new sections to chapter 76.04 RCW; adding a new section to chapter 76.13 RCW; and creating new sections."

MOTION

Senator Van De Wege moved that the following floor amendment no. 727 by Senator Van De Wege be adopted:

On page 9, after line 32, insert the following:

"(4)(a)(i) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320, the department must hire an independent third-party contractor to assist it in updating its forest inventory by increasing the intensity of forest sample plots on all forestlands over the next two biennium. The department's sustainable harvest calculation technical advisory committee must be involved in the design, development, and implementation of this forest inventory update.

(ii) For purposes of this subsection, "forest inventory" means the collection of sample data to estimate a range of forest attributes including, but not limited to, standing volume, stored carbon, habitat attributes, age classes, tree species, and other inventory attributes, including information needed to estimate rates of tree growth and associated carbon sequestration on department lands.

(iii) The department's sustainable harvest calculation technical advisory committee must bring forward recommendations for regular maintenance and updates to the forest inventory on a ten-year basis.

(b) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320, the department must hire a third-party contractor to review, analyze, and advise the department's forest growth and yield modeling, specific to all types of forested acres managed by the department. The department's sustainable harvest calculation technical advisory committee must be involved in the design, review, and analysis of the department's forest growth and yield modeling.

(c) Prior to the determination of the 2025-2034 sustainable harvest calculation as required by RCW 79.10.320 and in the absence of any litigation, pending or in progress, against the department's sustainable harvest calculation, the joint legislative audit and review committee established in chapter 44.28 RCW must oversee and conduct an independent review of the methodologies and data being utilized by the department in the development of the sustainable harvest calculation, including the associated forest inventory, forest growth, harvest and yield data, and modeling techniques that impact harvest levels. In carrying out the review, the joint legislative audit and review committee shall:

(i) Retain one or more contractors with expertise in forest inventories, forest growth and yield modeling, and operational research modeling in forest harvest scheduling to conduct the technical review;

(ii) Be a member of department's sustainable harvest calculation technical advisory committee, along with one of its contractors selected in (c)(i) of this subsection; and

(iii) Prior to the department's determination of the sustainable harvest under RCW 79.10.320, ensure that a completed independent review and report with findings and recommendations is submitted to the board of natural resources and the legislature.

(d) Upon receiving the report from the joint legislative audit and review committee required under (c)(iii) of this subsection, the board of natural resources shall determine whether modifications are necessary to the sustainable harvest calculation prior to approving harvest level under RCW 79.10.320."

Senators Van De Wege and Warnick spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 727 by Senator Van De Wege on page 9, line 32 to the committee striking amendment.

The motion by Senator Van De Wege carried and floor amendment no. 727 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Second Substitute House Bill No. 1168.

The motion by Senator Van De Wege carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Second Substitute House Bill No. 1168, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Warnick, Short, Hawkins and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1168 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1168, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE HOUSE BILL NO. 1168, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1113, by House Committee on Education (originally sponsored by Ortiz-Self, Kloba and Pollet)

Concerning school attendance.

The measure was read the second time.

#### MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute House Bill No. 1113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1113.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1113 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Brown, Dozier, Erickson, Fortunato, Gildon, Honeyford, McCune, Muzzall, Padden, Rivers, Schoesler, Short and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1250, by House Committee on State Government & Tribal Relations (originally sponsored by Orcutt, Ryu, Boehnke, Dufault and Riccelli)

Designating Washington a purple heart state.

The measure was read the second time.

#### MOTION

On motion of Senator Wilson, J., the rules were suspended, Substitute House Bill No. 1250 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, J., Hunt and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1250.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1250 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Erickson, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1267, by House Committee on Public Safety (originally sponsored by Entenman, Hackney, Senn, Dolan, Leavitt, Berry, Fitzgibbon, Valdez, Simmons, Ramel, Ortiz-Self, Ramos, Chopp, Davis, Thai, Bergquist, Peterson, Kloba, Callan, Lekanoff, Macri, Goodman, Gregerson, J. Johnson, Lovick, Slatter, Ryu, Berg, Harris-Talley, Sells, Tharinger, Orwall, Pollet, Santos and Ormsby)

Concerning investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents.

The measure was read the second time.

#### MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 101. INTENT.** The legislature finds that there has been an outpouring of frustration, anger, and demand for change from many members of the public over the deaths of people of color resulting from encounters with police. The most recent deaths in the United States and within Washington are a call to lead our state to a new system for investigating deaths and other serious incidents involving law enforcement officers.

The legislature intends that the office of independent investigations be created to conduct investigations of use of force and other cases under its jurisdiction in a manner that is competent, unbiased, and thorough. The office will be transparent and accountable for its work. The office should ensure that it treats all people with dignity and respect. The director and staff must be qualified and trained to conduct the investigations, including training to understand the impact and effect of racism in the investigation and use of an antiracist lens to conduct their work.

It is intended that this office will assume responsibility for investigations of serious use of force incidents and refer the reports on the investigation to the prosecutorial entity to determine if the action was justified, or if there was criminal action such that criminal charges should be filed. This is the same criminal investigative inquiry that is currently conducted when

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

there is an officer-involved incident. The legislature does not intend to create a new type of investigation or that the office should be involved in any administrative review of conduct or complaints to police agencies about officer conduct related to policy or procedure. The process created in this act is intended to change only who investigates the incident. It does not change the nature of the investigation and involves only an investigation to determine justification or whether criminal charges are appropriate.

**NEW SECTION. Sec. 201. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory board" means the office of independent investigations advisory board.

(2) "Deadly force" has the meaning provided in RCW 9A.16.010.

(3) "Director" means the director of the office of independent investigations.

(4) "Great bodily harm" has the meaning provided in RCW 9A.04.110.

(5) "In-custody" refers to a person who is under the physical control of a general authority Washington law enforcement agency or a limited authority Washington law enforcement agency as defined in RCW 10.93.020 or a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020.

(6) "Independent investigation team" means a team of qualified and certified peace officer investigators, civilian crime scene specialists, and other representatives who operate independently of any involved agency to conduct investigations of police deadly force incidents. An independent investigation team may be comprised of multiple law enforcement agencies who jointly investigate police use of force incidents in their geographical regions or may be a single law enforcement agency, provided it is not the involved agency.

(7) "Involved agency" means a general authority Washington law enforcement agency or limited authority Washington law enforcement agency, as defined in RCW 10.93.020, that employs or supervises the officer or officers who are an involved officer as defined in this section, or an agency responsible for a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020.

(8) "Involved officer" means one of the following persons who is involved in an incident as an actor or custodial officer in which the act or omission by the individual is within the scope of the jurisdiction of the office as defined in this chapter:

(a) A general authority Washington peace officer, specially commissioned Washington peace officer, or limited authority Washington peace officer, as defined in RCW 10.93.020, whether on or off duty if he or she is exercising his or her authority as a peace officer; or

(b) An individual while employed in a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020.

(9) "Office" means the office of independent investigations.

(10) "Substantial bodily harm" has the same meaning as in RCW 9A.04.110.

**Office Creation**

**NEW SECTION. Sec. 301. CREATION.** (1) The office of independent investigations is hereby established within the office of the governor for the purpose of conducting fair, thorough,

transparent, and competent investigations as authorized under this chapter.

(2) The office of independent investigations is an investigative law enforcement agency, including for the purposes of the public records act, chapter 42.56 RCW.

**NEW SECTION. Sec. 302. OFFICE POWERS AND DUTIES.** In addition to other responsibilities set forth in this chapter, the office shall:

(1) Conduct fair, thorough, transparent, and competent investigations of police use of force and other incidents involving law enforcement as authorized in this chapter and shall prioritize investigations conducted by the office based on resources and other criteria developed in consultation with the advisory board. The office shall commence investigations as follows:

(a) Beginning no later than July 1, 2022, the office is authorized to conduct investigations of deadly force cases occurring after July 1, 2022, including any incident involving use of deadly force by an involved officer against or upon a person who is in-custody or out-of-custody; and

(b) Beginning no later than July 1, 2023, the office is authorized to review, and may investigate, prior investigations of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation;

(2) Analyze data available to the office and provide reports and recommendations as appropriate based on the data regarding issues, trends, and other relevant areas;

(3) Provide reports on activities of the office as authorized under this chapter; and

(4) Carry out such other responsibilities as may be consistent with this chapter.

**NEW SECTION. Sec. 303. DIRECTOR.** (1)(a) The governor shall appoint the director of the office and determine the director's compensation. The governor shall select the director from a list of three candidates recommended by the advisory board unless the governor declines to select any of the candidates provided. If the governor declines to select a candidate proposed by the advisory board, the governor may request the advisory board to provide additional qualified nominees for consideration or may offer an alternative candidate who may be appointed following approval by a majority of the advisory board.

(b) Prior to selecting the director, the governor shall consider the results of a background check, including an assessment of criminal history, and research of social media and affiliations to check for racial bias and conflicts of interest.

(2) The director shall hold office for a term of three years and continue to hold office until reappointed or until his or her successor is appointed. The governor may remove the director prior to the expiration of the director's term for neglect of duty, misconduct, or inability to perform duties.

**NEW SECTION. Sec. 304. DUTIES OF THE DIRECTOR.** (1) The director shall:

(a) Oversee the duties and functions of the office and investigations conducted by the office pursuant to this chapter;

(b) Hire or contract with investigators and other personnel as the director considers necessary to perform investigations conducted by the office, and other duties as required, under this chapter;

(c) Plan and provide trainings for office personnel, including contracted investigators, that promote recognition of and respect for, the diverse races, ethnicities, and cultures of the state;

(d) Plan and provide training for advisory board members including training to utilize an antiracist lens in their duties as advisory board members;

(e) Publish reports of investigations conducted under this chapter;

(f) Enter into contracts and memoranda of understanding as necessary to implement the responsibilities of the office under this chapter;

(g) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;

(h) Develop the nondisclosure agreement required in section 501 of this act; and

(i) Perform the duties and exercise the powers that are set out in this chapter, as well as any additional duties and powers that may be prescribed.

(2) No later than February 1, 2022, in consultation with the advisory board, the director shall develop a plan to implement:

(a) Regional investigation teams and a system for promptly responding to incidents of deadly force under the jurisdiction of the office. The regional investigation teams should:

(i) Allow for prompt response to the incident requiring investigation; and

(ii) Include positions for team members who are not required to be designated as limited authority Washington peace officers;

(b) A system and requirements for involved agencies to notify the office of any incident under the jurisdiction of the office, which must include direction to agencies as to what incidents of force and injuries and other circumstances must be reported to the office, including the timing of such reports, provided that any incident involving substantial bodily harm, great bodily harm, or death is reported to the office immediately in accordance with section 402 of this act;

(c) The process to conduct investigations of cases under the jurisdiction of the office including, but not limited to:

(i) The office intake process following notification of an incident by an involved agency;

(ii) The assessment and response to the notification of the incident by the office, including direction to and coordination with the independent investigation team;

(iii) Determination and deployment of necessary resources for the regional investigation teams to conduct the investigations;

(iv) Determination of any conflicts with office investigators or others involved in the investigation to ensure no investigator has an existing conflict with an assigned case;

(v) Protocol and direction to the involved agency;

(vi) Protocol and direction to the independent investigation team;

(vii) Protocol and guidelines for contacts and engagement with the involved agency; and

(viii) Protocol for finalizing the completed investigation and referral to the entity responsible for the prosecutorial decision, including communication with the family and public regarding the completion of the investigation;

(d) A plan for the office's interaction, communications, and responsibilities to: The involved officer; the individual who is the subject of the action by the involved officer that is the basis of the case under investigation, and their families; the public; and other interested parties or stakeholders. The plan must consider the following:

(i) A process for consultation, notifications, and communications with the person, family, or representative of any person who is the subject of the action by the involved officer that is the basis of the case under investigation;

(ii) Translation services which may be utilized through employees or contracted services;

(iii) Support to access assistance or services to the extent possible; and

(iv) A process for situations in which a tribal member is involved in the case that ensures consultation with the federally

recognized tribe, and notification of the governor's office of Indian affairs within 24 hours in cases of deadly use of force;

(e) Training for employees and contractors of the office to begin prior to July 1, 2022; and

(f) Prioritization of cases for investigation.

(3) No later than December 1, 2023, in consultation with the advisory board, the director shall develop a proposal for training individuals who are nonlaw enforcement officers to conduct competent, thorough investigations of cases under the jurisdiction of the office. The proposal must establish a training plan with an objective that within five years of the date the office begins investigating deadly force cases the cases will be investigated by nonlaw enforcement officers. The director shall report such proposal to the governor and legislature by December 1, 2023. Any proposal offered by the director must ensure investigations are high quality, thorough, and competent.

(4) The director, in consultation with the advisory board, shall implement a plan to review prior investigations of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation and investigate if determined appropriate based on the review. The director must prioritize the review or investigation of cases occurring prior to July 1, 2022, based on resources and other cases under investigation with the office.

**NEW SECTION. Sec. 305. PERSONNEL.** (1) The director may employ, or enter into contracts with, personnel as he or she determines necessary for the proper discharge of his or her duties. The director must request input from the advisory board on the hiring process and hiring goals, including diversity.

(2) The director may employ, or enter into contracts with, investigators to conduct investigations of cases under the jurisdiction of the office.

(a) The director shall consider the relevant experience and qualifications of the candidate including the extent to which he or she demonstrates experience or understanding of the following areas:

(i) Extensive experience with criminal investigations, including homicide investigations;

(ii) Behavioral health issues;

(iii) Youth cognitive development;

(iv) Trauma-informed interviewing;

(v) De-escalation techniques and utilization; and

(vi) Knowledge of Washington practices, including laws, policies, and procedures related to criminal law, criminal investigations, and policing.

(b) The director shall consider the following prior to employing an investigator:

(i) The investigators should not be commissioned law enforcement officers employed with any law enforcement agency as a peace officer at the time of application with the office.

(A) If the individual considered for a position as an investigator was a prior law enforcement officer, the director must conduct a review of prior disciplinary actions or complaints related to bias.

(B) The individual should not have been a commissioned law enforcement officer within 24 months of the date of the application for service as an investigator; and

(ii) The results of a background check that includes research of social media and affiliations to check for racial bias and conflicts of interest.

(c) Investigators employed or contracted with the office are prohibited from being simultaneously employed, commissioned, or have any business relationship, other than through the work of the office, with a general authority or limited authority Washington law enforcement agency, or county or city corrections agency.

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

(d) The director may not employ an individual who was a previously commissioned law enforcement officer who does not meet the criteria of this section without the approval of a majority of the advisory board.

(3) The director may employ or enter into contracts for services to provide additional personnel as needed to conduct investigations of cases under the jurisdiction of the office including, but not limited to, the following:

- (a) Forensic services and crime scene investigators;
- (b) Liaisons for community, family, and relations with a federally recognized tribe;
- (c) Analysts, including analysts to conduct evaluations on use of force data;
- (d) Mental health experts;
- (e) Bilingual staff, translators, or interpreters;
- (f) Other experts as needed; and
- (g) All staffing and other needs for the office.

(4) The director shall ensure the following training is provided to staff and that there is a regular schedule for additional trainings during the course of employment:

(a) The director shall ensure that the director and staff involved in investigations, including any contracted investigators, engage in trainings that include the following areas. A training may include more than one of the following areas per training. A separate training course is not required for each topic.

- (i) History of racism in policing, including tribal sovereignty and history of Native Americans within the justice system;
- (ii) Implicit and explicit bias training;
- (iii) Intercultural competency;
- (iv) The use of a racial equity lens in conducting the work of the office;
- (v) Antiracism training; and
- (vi) Undoing institutional racism.

(b) The director shall ensure that investigators engage in the following training. A training may include more than one of the following areas per training. A separate training course is not required for each topic.

- (i) Criminal investigations, including homicide investigations as appropriate for the assigned positions;
- (ii) Washington practices, including Washington laws and policies, as well as relevant policing practices as appropriate;
- (iii) Interviewing techniques; and
- (iv) Other relevant trainings as needed.

**NEW SECTION. Sec. 306. INVESTIGATORS.** (1) The director shall designate investigator positions that are limited authority Washington peace officers as defined in RCW 10.93.020. The investigators designated as limited authority Washington peace officers have the authority to investigate any case within the jurisdiction of the office and any criminal activity related to, or discovered in the course of, the investigation of the case under the jurisdiction of the incident that has a relationship to the investigation.

(2) Any investigator employed or contracted with the office for the purpose of conducting investigations may participate in the investigations of a case under the jurisdiction of the office. Only investigators who are limited authority Washington peace officers may be designated a lead investigator on any criminal investigation conducted by the office pursuant to this chapter.

**Sec. 307.** RCW 10.93.020 and 2006 c 284 s 16 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local

government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(2) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor ~~((control))~~ and cannabis board, the office of the insurance commissioner, ~~((and))~~ the state department of corrections, and the office of independent investigations.

(3) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(4) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(5) "Specially commissioned Washington peace officer", for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

(6) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(7) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, ~~((an Indian))~~ a tribal peace officer from a federally recognized tribe, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, ~~((an Indian))~~ a tribal peace officer from a federally recognized tribe, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

**NEW SECTION. Sec. 308. INVESTIGATIONS—DUTIES AND POWERS.** (1) The office has jurisdiction over, and is authorized to conduct investigations of, all cases and incidents as established within this section.

(2)(a) The director may cause an investigation to be conducted into any incident:

(i) Of a use of deadly force by an involved officer occurring after July 1, 2022, including any incident involving use of deadly force by an involved officer against or upon a person who is in-custody or out-of-custody; or

(ii) Involving prior investigations of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation.

(b) This section applies only if, at the time of the incident:

(i) The involved officer was on duty; or

(ii) The involved officer was off duty but:

(A) Engaged in the investigation, pursuit, detention, or arrest of a person or otherwise exercising the powers of a general authority or limited authority Washington peace officer; or

(B) The incident involved equipment or other property issued to the official in relation to his or her duties.

(3) The director shall determine prioritization of investigations based on resources and other criteria which may be established in consultation with the advisory board. The director shall ensure that incidents occurring after the date the office begins investigating cases receive the highest priority for investigation.

(4) The investigation should include a review of the entire incident, including but not limited to events immediately preceding the incident that may have contributed to or influenced the outcome of the incident that are directly related to the incident under investigation.

(5) Upon receiving notification required in section 402 of this act of an incident under the jurisdiction of the office, the director:

(a) May cause the incident to be investigated in accordance with this chapter;

(b) May determine investigation is not appropriate for reasons including, but not limited to, the case not being in the category of prioritized cases; or

(c) If the director determines that the incident is not within the office's jurisdiction to investigate, the director shall decline to investigate, and shall give notice of the fact to the involved agency.

(6) If the director determines the case is to be investigated the director will communicate the decision to investigate to the involved agency and will thereafter be the lead investigative body in the case and have priority over any other state or local agency investigating the incident or a case that is under the jurisdiction

of the office. The director will implement the process developed pursuant to section 304 of this act and conduct the appropriate investigation in accordance with the process.

(7) In conducting the investigation the office shall have access to reports and information necessary or related to the investigation in the custody and control of the involved agency and any law enforcement agency responding to the scene of the incident including, but not limited to, voice or video recordings, body camera recordings, and officer notes, as well as disciplinary and administrative records except those that might be statements conducted as part of an administrative investigation related to the incident.

(8) The investigation shall be concluded within 120 days of acceptance of the case for investigation. If the office is not able to complete the investigation within 120 days, the director shall report to the advisory board the reasons for the delay.

**NEW SECTION. Sec. 309. CRIMINAL JUSTICE TRAINING COMMISSION.** (1) The criminal justice training commission shall collaborate with the office to ensure office investigators receive sufficient training to attain the necessary requirements to conduct investigations under the jurisdiction of the office.

(2) The investigators of the office shall receive priority registration to criminal justice training commission trainings necessary to conduct investigations as required by this chapter.

**NEW SECTION. Sec. 310. DATA AND RESEARCH.** The office will conduct analysis of use of force and other data to the extent such data is available to the office. The director is authorized to enter into contracts or memoranda of understanding to access data as needed. If data is available, the office should, at a minimum, analyze and report annually: Analysis and research regarding any identified trends, patterns, or other situations identified by the data; and recommendations for improvements. After July 1, 2024, the office should also annually report recommendations, if any, for expanding the scope of investigations or jurisdiction of the office based on trends, data, or reports received by the agency.

**NEW SECTION. Sec. 311. LIABILITY.** No action or other proceeding may be instituted against the director, an investigator, or an employee or contractor in the office or a person exercising powers or performing duties at the direction of the director for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

**NEW SECTION. Sec. 312.** A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter do not apply in the office of independent investigations to the director, to one confidential secretary, and to any deputy or regional directors, if any.

**Sec. 313.** RCW 39.26.125 and 2012 c 224 s 14 are each amended to read as follows:

All contracts must be entered into pursuant to competitive solicitation, except for:

(1) Emergency contracts;

(2) Sole source contracts that comply with the provisions of RCW 39.26.140;

(3) Direct buy purchases, as designated by the director. The director shall establish policies to define criteria for direct buy purchases. These criteria may be adjusted to accommodate special market conditions and to promote market diversity for the benefit of the citizens of the state of Washington;

(4) Purchases involving special facilities, services, or market conditions, in which instances of direct negotiation is in the best interest of the state;

- (5) Purchases from master contracts established by the department or an agency authorized by the department;
- (6) Client services contracts;
- (7) Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process when the director determines that a competitive solicitation process is not appropriate or cost-effective;
- (8) Off-contract purchases of Washington grown food when such food is not available from Washington sources through an existing contract. However, Washington grown food purchased under this subsection must be of an equivalent or better quality than similar food available through the contract and must be able to be paid from the agency's existing budget. This requirement also applies to purchases and contracts for purchases executed by state agencies, including institutions of higher education as defined in RCW 28B.10.016, under delegated authority granted in accordance with this chapter or under RCW 28B.10.029;
- (9) Contracts awarded to companies that furnish a service where the tariff is established by the utilities and transportation commission or other public entity;
- (10) Intergovernmental agreements awarded to any governmental entity, whether federal, state, or local and any department, division, or subdivision thereof;
- (11) Contracts for services that are necessary to the conduct of collaborative research if the use of a specific contractor is mandated by the funding source as a condition of granting funds;
- (12) Contracts for architectural and engineering services as defined in RCW 39.80.020, which shall be entered into under chapter 39.80 RCW;
- (13) Contracts for the employment of expert witnesses for the purposes of litigation; ~~((and))~~
- (14) Contracts for bank supervision authorized under RCW ~~((30.38.040))~~ 30A.38.040; and
- (15) Contracts for investigators awarded by the office of independent investigations as authorized under section 304 of this act.

**Duty of Involved Agency**

**Sec. 401.** RCW 10.114.011 and 2019 c 4 s 5 are each amended to read as follows:

Except as required by federal consent decree, federal settlement agreement, or federal court order, where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm, an independent investigation must be completed to inform any determination of whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws and policies. The investigation must be completely independent of the agency whose officer was involved in the use of deadly force and conducted in accordance with chapter 43.--- RCW (the new chapter created in section 601 of this act). ~~((The))~~ Any rules adopted by the criminal justice training commission must ((adopt rules establishing criteria to determine what qualifies as an independent investigation pursuant to this section)) be consistent with chapter 43.--- RCW (the new chapter created in section 601 of this act).

NEW SECTION. **Sec. 402.** NOTIFICATION OF DIRECTOR AND SECURING THE SCENE. (1) Following notification by the director that the office will accept investigations of cases under its jurisdiction after July 1, 2022, an involved agency shall notify the office of any incident by an involved officer in accordance with the requirements under section 304 of this act and pursuant to this section.

(a) If the incident involves use of deadly force by an involved officer that results in death, substantial bodily harm, or great bodily harm the involved agency must immediately contact the

office pursuant to the procedure established by the director once the involved agency personnel and other first responders have rendered the scene safe and provided or facilitated lifesaving first aid to persons at the scene who have life-threatening injuries. This requirement does not affect the duty of law enforcement under RCW 36.28A.445.

(b) In all other cases, the involved agency must notify the office of the incident pursuant to the procedure established by the director.

(2)(a) In any case that requires notice to the director under this section, the involved agency shall ensure that any officers or employees over which the involved agency has authority who are at the scene of the incident take all lawful measures necessary for the purposes of protecting, obtaining, or preserving evidence relating to the incident until an office investigator, or independent investigation team at the request of the office, takes charge of the scene.

(b) The primary focus of the involved agency must be the protection and preservation of evidence in order to maintain the integrity of the scene until the office investigator or independent investigation team arrives or otherwise provides direction regarding activities at the scene. The involved agency should ensure that evidence, including but not limited to the following is protected and preserved:

(i) Physical evidence that is at risk of being destroyed or disappearing and cannot be easily reconstructed, including evidence which may be degraded or tainted by human or environmental factors if left unprotected or unpreserved;

(ii) Identification and contact information for witnesses to the incident; and

(iii) Photographs and other methods of documenting the location of physical evidence and location and perspective of witnesses.

(3)(a) When the office investigator, or independent investigation team acting at the request of the office, arrives at the scene of an incident under the jurisdiction of the office, the involved agency will relinquish control of the scene to the office investigator or independent investigation team upon the request of the office investigator. The involved agency has a duty to comply with the requests of the office related to the investigation conducted pursuant to this chapter.

(b) Once the scene is relinquished, no member of the involved agency may participate in any way in the investigation, with the exception of the use of specialized equipment that is necessary for the investigation and where no alternative exists. If there is any equipment of the involved agency used in the investigation, steps must be taken to appropriately limit the role of any involved agency personnel in facilitating the use of that equipment or their engagement with the investigation.

(4) If an independent investigation team takes control of the scene at the request of the office, the independent investigation team shall relinquish control of the scene and investigation at the request of the office when the office is on the scene or otherwise provides notice that the office is taking control of the scene. The independent investigation team may continue to engage in the investigation conducted at the scene if requested to do so by the lead office investigator, director, or the director's designee. The involvement of the independent investigation team is limited to activities requested by the office and must terminate following the securing of the scene and any evidence preservation or other actions as determined necessary by the office at the scene. The independent investigation team may not continue to participate in the ongoing investigation.

(5) No information about the ongoing independent investigation under the jurisdiction of the office may be shared

with any member of the involved agency, except limited briefings given to the chief or sheriff of the involved agency about the progress of the investigation.

(6) If the office declines to investigate a case, the authority and duty to investigate remains with the independent investigation team or local law enforcement authority with jurisdiction over the incident.

**Office of Independent Investigations Advisory Board**

**NEW SECTION. Sec. 501. MEMBERSHIP AND DUTIES.** (1)(a) There is created the office of independent investigations advisory board. The advisory board shall consist of the following 11 members, appointed by the governor, one of whom the governor shall designate as chair:

(i) Three members of the general public representing the community who are not current or former law enforcement, with preference given to individuals representing diverse communities;

(ii) One member of the general public representing a family impacted by an incident of the nature under the jurisdiction of the office, who is not current or former law enforcement;

(iii) One member representing a federally recognized tribe in Washington, who is not current or former law enforcement;

(iv) One defense attorney representative;

(v) One prosecuting attorney representative;

(vi) One representative of a police officer labor association with experience in homicide investigations;

(vii) One sheriff or police chief who is also a member of an independent investigation team;

(viii) One credentialed mental health expert who is not current or former law enforcement; and

(ix) One member of the criminal justice training commission.

(b) The members of the advisory board appointed by the governor shall be appointed for terms of three years and until their successors are appointed and confirmed. The governor shall stagger the initial appointment terms of the advisory board members with the terms of five members being for two years from the date of appointment and six members being for three years from the date of appointment. The governor shall designate the appointees who will serve the two-year and three-year terms. The members of the advisory board serve without compensation, but must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(c) The governor, when making appointments to the advisory board, shall make appointments that reflect the cultural diversity of the state of Washington.

(2) The purpose of the advisory board is to provide input to the office and shall:

(a) Provide input to the governor on the selection of the director, including providing candidates for consideration for appointment for the position of director. If the governor requests additional candidates for consideration, the advisory board shall provide additional candidates to the governor. If the governor provides an alternative candidate, the advisory board must consider the candidate provided by the governor and vote on the approval or rejection of the candidate.

(i) The advisory board shall recommend candidates to the governor who they find are individuals with sound judgment, independence, objectivity, and integrity who will be viewed as a trustworthy director.

(ii) The director must have experience either in conducting criminal investigations or prosecutions. The advisory board shall consider the relevant experience and qualifications of the candidate including the extent to which they demonstrate experience or demonstrated understanding of the following areas:

(A) Criminal investigations;

(B) Organizational leadership;

(C) Mental health issues;

(D) Trauma-informed interviewing;

(E) Community leadership;

(F) Legal experience or background;

(G) Antioppression and antiracist analysis and addressing systemic inequities; and

(H) Working with Black, Indigenous, and communities of color;

(b) Provide input to the director on the plans required to be developed for the office including the regional investigation teams; staffing; training for personnel; procedures for engagement with individuals involved in any case under the jurisdiction of the office, as well as families and the community; recommendations to the legislature; and other input as requested by the governor or director;

(c) Participate in employment interviews as requested by the governor or director; and

(d) Receive briefings or reports from the director relating to data, trends, and other relevant issues, as well as cases under investigation to the extent permitted by law.

(3) Advisory board members have a duty to maintain the confidentiality of the information they receive during the course of their work on the advisory board. Each advisory board member shall agree in writing to not disclose any information they receive or otherwise access related to an investigation, including information about individuals involved in the investigation as involved officers, individuals who are the subject of police action, witnesses, and investigators.

(4) Advisory board members must complete training to utilize an antiracist lens in their duties as advisory board members.

(5) The office shall provide administrative and clerical assistance to the advisory board.

**NEW SECTION. Sec. 502. REPORT.** (1) In consultation with the director, the advisory board shall assess whether the jurisdiction of the office should be expanded to conduct investigations of other types of incidents committed by involved officers, including but not limited to other types of in-custody deaths not involving use of force but otherwise involving criminal acts committed by involved officers as well as sexual assaults committed by involved officers, subject to the same standard under section 308(2)(b) of this act. The advisory board must consider available data and information on other types of in-custody deaths not involving use of force but otherwise involving criminal acts committed by involved officers as well as other types of incidents, the capacity and resources of the office, and any modifications or additions to procedures and processes necessary for the office to conduct investigations of those incidents. The advisory board must consider the recommendations and counsel of the director when conducting the assessment under this section.

(2) At the request of the advisory board, the office shall conduct analysis of available data, including identified trends and patterns, and other information relevant to in-custody deaths involving criminal acts committed by involved officers, sexual assaults committed by involved officers, and other types of incidents as requested by the advisory board.

(3) The advisory board shall submit a report with related recommendations to the legislature and governor by November 1, 2023.

(4) For the purposes of this section, "in-custody death" means a death of an individual while under physical control of a general authority Washington law enforcement agency or a limited authority Washington law enforcement agency as defined in RCW 10.93.020 or a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020.

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

(5) This section expires July 1, 2024.

**Miscellaneous Provisions**

**NEW SECTION. Sec. 601. CODIFICATION.** Sections 201 through 306, 308 through 311, 402, 501, and 502 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 602. SEVERABILITY.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 603. SUBJECT TO APPROPRIATION.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, beginning on line 3, after "incidents;" strike the remainder of the title and insert "amending RCW 10.93.020, 39.26.125, and 10.114.011; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an expiration date."

The President declared striking floor amendment no. 657 by Senator Holy the committee striking amendment to be out of order.

MOTION

Senator Holy moved that the following floor amendment no. 658 by Senator Holy be adopted:

On page 3, beginning on line 12, after "within the" strike "office of the governor" and insert "criminal justice training commission"

Senators Holy and Padden spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pedersen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 658 by Senator Holy on page 3, line 12 to the committee striking amendment.

The motion by Senator Holy failed and floor amendment no. 658 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 670 by Senator Short be adopted:

On page 3, beginning on line 25, after "as" strike "follows:

(a) Beginning" and insert "follows: Beginning"

On page 3, beginning on line 30, after "out-of-custody" strike all material through "investigation" on line 34

On page 7, beginning on line 3, strike all of subsection (4)

On page 12, beginning on line 4, after "incident" strike all material through "Of" on line 5 and insert "of"

On page 12, beginning on line 8, after "out-of-custody" strike all material through "investigation" on line 11

Senator Short spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Dhingra spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 670 by Senator Short on page 3, line 25 to the committee striking amendment.

The motion by Senator Short failed and floor amendment no. 670 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 660 by Senator Ericksen be adopted:

On page 4, line 36, after "members" insert ". Training curriculum may not include critical race theory or the 1619 project"

On page 8, line 36, after "topic." insert "Training curriculum may not include critical race theory or the 1619 project."

On page 20, line 19, after "members" insert ", however, training curriculum may not include critical race theory or the 1619 project"

Senator Ericksen spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pedersen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 660 by Senator Ericksen on page 4, line 36 to the committee striking amendment.

The motion by Senator Ericksen failed and floor amendment no. 660 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 661 by Senator Ericksen be adopted:

On page 4, line 36, after "members" insert ". Training curriculum may not include or suggest sentiments which may be considered anti-American or negative towards the United States of America"

On page 8, line 36, after "topic." insert "Training curriculum may not include or suggest sentiments which may be considered anti-American or negative towards the United States of America."

On page 20, line 19, after "members" insert ", however, training curriculum may not include or suggest sentiments which may be considered anti-American or negative towards the United States of America"

Senators Ericksen and Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Pedersen, Frockt and Hasegawa spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 661 by Senator Ericksen on page 4, line 36 to the committee striking amendment.

The motion by Senator Ericksen failed and floor amendment no. 661 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 662 by Senator Ericksen be adopted:

On page 4, line 36, after "members" insert ". Training curriculum may not, in any way, disparage a person of another race, color, or creed"

On page 8, line 36, after "topic." insert "Training curriculum may not, in any way, disparage a person of another race, color, or creed."

On page 20, line 19, after "members" insert ", however, training curriculum may not, in any way, disparage a person of another race, color, or creed"

Senator Ericksen spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pedersen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 662 by Senator Ericksen on page 4, line 36 to the committee striking amendment.

The motion by Senator Ericksen failed and floor amendment no. 662 was not adopted by voice vote.

#### MOTION

Senator Warnick moved that the following floor amendment no. 656 by Senator Warnick be adopted:

On page 6, line 36, after "within" strike "five" and insert "10"

Senator Warnick spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pedersen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 656 by Senator Warnick on page 6, line 36 to the committee striking amendment.

The motion by Senator Warnick failed and floor amendment no. 656 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 654 by Senator Padden be adopted:

On page 7, beginning on line 35, after "office" strike all material through "If" on line 36 and insert ". If"

Beginning on page 7, line 39, after "bias" strike all material through "investigator" on page 8, line 3

Senator Padden spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pedersen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 654 by Senator Padden on page 7, line 35 to the committee striking amendment.

The motion by Senator Padden failed and floor amendment no. 654 was not adopted by voice vote.

#### MOTION

Senator Brown moved that the following floor amendment no. 664 by Senator Brown be adopted:

On page 8, at the beginning of line 5, strike "social media and"

Senator Brown spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pedersen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 664 by Senator Brown on page 8, line 5 to the committee striking amendment.

The motion by Senator Brown failed and floor amendment no. 664 was not adopted by voice vote.

#### MOTION

Senator Honeyford moved that the following floor amendment no. 663 by Senator Honeyford be adopted:

On page 12, beginning on line 14, after "but" strike all material through "Engaged" on line 15 and insert "engaged"

On page 12, beginning on line 17, after "officer" strike all material through "duties" on line 19

Senator Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pedersen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 663 by Senator Honeyford on page 12, line 14 to the committee striking amendment.

The motion by Senator Honeyford failed and floor amendment no. 663 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 655 by Senator Padden be adopted:

On page 18, line 16, after "following" strike "11" and insert "nine"

On page 18, line 18, after "(i)" strike "Three members" and insert "One member"

On page 18, line 19, after "who" strike "are" and insert "is"

On page 18, line 20, after "given to" strike "individuals" and insert "an individual"

Senator Padden spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pedersen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 655 by Senator Padden on page 18, line 16 to the committee striking amendment.

The motion by Senator Padden failed and floor amendment no. 655 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks to Engrossed Substitute House Bill No. 1267.

The motion by Senator Pedersen carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute House Bill No. 1267 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senators Padden and Holy spoke against passage of the bill.

EIGHTY NINTH DAY, APRIL 9, 2021

2021 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1267.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1267 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 5:47 p.m., on motion of Senator Lias, the Senate adjourned until 10:00 o'clock a.m. Saturday, April 10, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

*This page left intentionally blank*