

THIRTY SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, February 18, 2020

The Senate was called to order at 9:04 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Fortunato.

The Sergeant at Arms Color Guard consisting of Pages Mr. Derek Repp and Miss Brooke Sorensen, presented the Colors. Page Mr. Seth Lustig led the Senate in the Pledge of Allegiance. The prayer was offered by Bishop Thomas Daly of the Cathedral of Our Lady of Lourdes, Spokane. Bishop Daly was a guest of Senator Padden.

MOTION

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

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

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

MOTION

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

INTRODUCTION AND FIRST READING

SHB 1154 by House Committee on Capital Budget (originally sponsored by DeBolt)
AN ACT Relating to financing of Chehalis basin flood damage reduction and habitat restoration projects; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.21A RCW; and adding new sections to chapter 43.99G RCW.

Referred to Committee on Ways & Means.

2SHB 1853 by House Committee on Transportation (originally sponsored by Ramos, Peterson, Paul, Gregerson, Ryu, Senn and Santos)
AN ACT Relating to the development and coordination of a statewide don't drip and drive program; adding a new chapter to Title 46 RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

2SHB 1888 by House Committee on Appropriations (originally sponsored by Hudgins and Valdez)
AN ACT Relating to protecting employee information from public disclosure; and reenacting and amending RCW 42.56.230 and 42.56.250.

Referred to Committee on State Government, Tribal Relations & Elections.

EHB 1894 by Representatives Dent and Griffey
AN ACT Relating to additional temporary duties for the wildland fire advisory committee; and amending 2018 c 227 s 1 (uncodified).

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

EHB 2188 by Representatives Leavitt, Gildon, Dufault, Chapman, Eslick, Orwall, Appleton, Slatter, Ryu, Van Werven, Griffey, Young, Wylie, Doglio, Volz and Riccelli
AN ACT Relating to increasing the types of commercial driver's license qualification waivers allowed for military veterans; amending RCW 46.25.060; and creating a new section.

Referred to Committee on Transportation.

HB 2197 by Representatives Thai, McCaslin, Walen, Slatter, Tarleton, Appleton, Orwall, Shewmake and Wylie
AN ACT Relating to establishing an exception to the requirement that vehicle license plates be visible at all times for vehicles using certain cargo carrying devices; and reenacting and amending RCW 46.16A.200.

Referred to Committee on Transportation.

HB 2252 by Representatives Thai, Callan, Macri, Doglio, Cody, Lekanoff and Pollet
AN ACT Relating to student health plans; and amending RCW 48.43.073.

Referred to Committee on Health & Long Term Care.

ESHB 2265 by House Committee on Environment & Energy (originally sponsored by Doglio, Leavitt, Shewmake, Duerr, Fey, Peterson and Pollet)
AN ACT Relating to eliminating exemptions from restrictions on the use of perfluoroalkyl and polyfluoroalkyl substances in firefighting foam; and amending RCW 70.75A.020.

Referred to Committee on Environment, Energy & Technology.

HB 2305 by Representatives Doglio, Pollet and Appleton
AN ACT Relating to firearms laws concerning persons subject to vulnerable adult protection orders; amending

RCW 74.34.130; and reenacting and amending RCW 9.41.800 and 9.41.040.

Referred to Committee on Law & Justice.

SHB 2306 by House Committee on Civil Rights & Judiciary (originally sponsored by Kirby, Vick, Walen, Hoff, Ryu and Volz)

AN ACT Relating to the regulation of legal service contractors; amending RCW 48.17.170; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

2SHB 2310 by House Committee on Appropriations (originally sponsored by Fitzgibbon, Ramel, Macri, Doglio, Cody, Hudgins and Pollet)

AN ACT Relating to reducing emissions from vehicles associated with on-demand transportation services; amending RCW 70.120.010 and 70.94.015; adding new sections to chapter 70.120 RCW; and creating a new section.

Referred to Committee on Transportation.

E2SHB 2311 by House Committee on Appropriations (originally sponsored by Slatter, Fitzgibbon, Callan, Chapman, Orwall, Ramel, Tarleton, Valdez, Duerr, Frame, Bergquist, Davis, Tharinger, Fey, Ormsby, Macri, Wylie, Doglio, Cody, Kloba, Goodman, Hudgins and Pollet)

AN ACT Relating to amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science; amending RCW 70.235.020 and 70.235.050; reenacting and amending RCW 70.235.010; adding a new section to chapter 70.235 RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SHB 2326 by House Committee on Health Care & Wellness (originally sponsored by Macri, Robinson, Rude, Cody, Leavitt, Thai, Ormsby, Wylie, Doglio, Kloba, Riccelli, Tharinger and Appleton)

AN ACT Relating to hospital end-of-life care policies; amending RCW 70.41.520; adding a new section to chapter 70.41 RCW; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SHB 2343 by House Committee on Environment & Energy (originally sponsored by Fitzgibbon, Frame, Macri, Doglio, Tharinger and Pollet)

AN ACT Relating to urban housing supply; amending RCW 36.70A.600, 43.21C.495, 36.70A.620, and 43.21C.500; reenacting and amending RCW 36.70A.030; and creating a new section.

Referred to Committee on Housing Stability & Affordability.

HB 2345 by Representatives Macri, Wylie, Cody, Goodman, Tharinger and Appleton

AN ACT Relating to continuing care retirement communities; amending RCW 18.390.010, 18.390.060, and

18.390.070; and adding a new section to chapter 18.390 RCW.

Referred to Committee on Health & Long Term Care.

HB 2347 by Representatives Duerr, Pollet, Senn and Goehner
AN ACT Relating to bond requirements for county clerks; and repealing RCW 36.23.020.

Referred to Committee on Local Government.

SHB 2378 by House Committee on Health Care & Wellness (originally sponsored by Riccelli, Harris, Macri and Cody)

AN ACT Relating to physician assistants; amending RCW 18.71A.020, 18.71A.025, 18.71A.030, 18.71A.050, 18.71A.090, 7.68.030, 18.06.140, 18.57.003, 18.79.040, 18.79.060, 18.79.240, 18.79.270, 18.100.050, 18.120.020, 18.130.410, 18.250.010, 28A.210.090, 43.70.220, 43.70.470, 46.19.010, 46.61.506, 46.61.508, 48.42.100, 48.43.094, 48.43.115, 51.04.030, 51.28.100, 69.41.030, 69.45.010, 70.41.210, 70.54.400, 70.128.120, 70.185.090, 70.225.040, 71.32.020, 74.09.010, 74.42.230, and 82.04.050; reenacting and amending RCW 18.71A.010, 18.79.260, 18.89.020, 18.130.040, 18.360.010, 43.70.110, 43.70.442, 69.41.010, 69.50.101, 69.51A.010, 70.180.030, 71.05.020, 71.24.025, 71.34.020, and 74.42.010; adding new sections to chapter 18.71A RCW; creating a new section; repealing RCW 18.57A.010, 18.57A.020, 18.57A.023, 18.57A.025, 18.57A.030, 18.57A.035, 18.57A.040, 18.57A.050, 18.57A.060, 18.57A.070, 18.57A.080, 18.57A.090, 18.57A.100, 18.57A.800, 18.57A.810, 18.71A.035, and 18.71A.040; providing effective dates; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

HB 2380 by Representatives Tharinger, Harris, Macri, Riccelli, Cody, Leavitt, Wylie, Kloba and Appleton

AN ACT Relating to the home care agency vendor rate and repeal of electronic timekeeping; amending RCW 74.39A.310; creating a new section; repealing RCW 74.39A.325; and providing an effective date.

Referred to Committee on Health & Long Term Care.

2SHB 2386 by House Committee on Appropriations (originally sponsored by Cody, Robinson, Leavitt, Tarleton, Thai, Frame, Fitzgibbon, Slatter, Davis, Tharinger, Sells, Macri and Wylie)

AN ACT Relating to the creation of the state office of the behavioral health ombuds; amending RCW 71.24.045 and 71.24.380; adding a new chapter to Title 71 RCW; repealing RCW 71.24.350; and providing an effective date.

Referred to Committee on Health & Long Term Care.

SHB 2388 by House Committee on Human Services & Early Learning (originally sponsored by Senn, Callan, Leavitt, Thai, Robinson, Ormsby, Macri, Wylie, Doglio, Goodman and Pollet)

AN ACT Relating to standardizing definitions of homelessness to improve access to services; amending RCW 43.216.505, 74.08A.010, 74.13.802, 26.44.020, and 46.20.117; reenacting and amending RCW 43.216.135 and 13.34.030; and creating a new section.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

Referred to Committee on Human Services, Reentry & Rehabilitation.

SHB 2400 by House Committee on State Government & Tribal Relations (originally sponsored by Hudgins, Smith, Van Werven and Wylie)

AN ACT Relating to privacy assessment surveys of state agencies; and amending RCW 43.105.369.

Referred to Committee on Environment, Energy & Technology.

SHB 2419 by House Committee on Health Care & Wellness (originally sponsored by Rude, Macri, Kloba, Peterson, Springer, Cody, Ormsby, Riccelli and Doglio)

AN ACT Relating to studying barriers to the use of the Washington death with dignity act; adding a new section to chapter 70.245 RCW; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

SHB 2426 by House Committee on Health Care & Wellness (originally sponsored by Cody, Robinson, Kilduff, Tharinger, Davis, Macri, Riccelli and Pollet)

AN ACT Relating to protecting patient safety in psychiatric hospitals and other health care facilities regulated by the department of health through improvements to licensing and enforcement; amending RCW 71.12.480; reenacting and amending RCW 71.12.455; adding new sections to chapter 71.12 RCW; adding new sections to chapter 43.70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

ESHB 2427 by House Committee on Environment & Energy (originally sponsored by Duerr, Springer, Shewmake, Doglio, Fitzgibbon, Ryu, Gregerson, Santos, Tharinger, Davis, Macri, Pollet, Goodman and Wylie)

AN ACT Relating to tackling climate change as a goal of the growth management act; and amending RCW 36.70A.020 and 36.70A.480.

Referred to Committee on Local Government.

SHB 2441 by House Committee on Appropriations (originally sponsored by Entenman, Fitzgibbon, Senn, Gregerson, Kilduff, Stonier, Davis, Macri, Ortiz-Self, Riccelli, Pettigrew, Pollet, Goodman, Wylie and Doglio)

AN ACT Relating to improving access to temporary assistance for needy families; amending RCW 74.08A.010; reenacting and amending RCW 74.08A.260; adding a new section to chapter 74.08A RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Reentry & Rehabilitation.

ESHB 2443 by House Committee on Housing, Community Development & Veterans (originally sponsored by Ryu and Davis)

AN ACT Relating to requiring the use of personal flotation devices on smaller vessels; and amending RCW 79A.60.160.

Referred to Committee on Transportation.

SHB 2448 by House Committee on Health Care & Wellness (originally sponsored by Schmick, Chambers and Cody)

AN ACT Relating to enhanced services facilities; amending RCW 70.97.030, 70.97.040, 70.97.050, 70.97.060, 70.97.070, 70.97.080, 70.97.100, 70.97.160, 70.97.200, 70.97.220, 70.129.005, 70.129.010, and 70.129.160; and reenacting and amending RCW 70.97.010.

Referred to Committee on Health & Long Term Care.

ESHB 2471 by House Committee on Human Services & Early Learning (originally sponsored by Callan, Eslick, Senn, Corry and Kilduff)

AN ACT Relating to working connections child care payment authorizations; amending RCW 28B.50.248; reenacting and amending RCW 43.216.135; adding a new section to chapter 43.216 RCW; and creating a new section.

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

HB 2474 by Representative Sells

AN ACT Relating to sales commissions; and amending RCW 49.48.150, 49.48.160, and 49.48.010.

Referred to Committee on Labor & Commerce.

HB 2491 by Representatives Ramos, Barkis, Leavitt, Valdez, Callan and Lekanoff

AN ACT Relating to authorizing the governor to enter into compacts with federally recognized Indian tribes principally located within Washington state for the issuance of tribal license plates and vehicle registration; and adding a new section to chapter 46.16A RCW.

Referred to Committee on Transportation.

HB 2497 by Representatives Ormsby, Leavitt, Doglio, Ramel, Tharinger, Goodman, Riccelli and Santos

AN ACT Relating to adding development of permanently affordable housing to the allowable uses of community revitalization financing, the local infrastructure financing tool, and local revitalization financing; and amending RCW 39.89.020, 39.102.020, and 39.104.020.

Referred to Committee on Housing Stability & Affordability.

HB 2512 by Representatives Orwall, Stokesbary, Pollet, Ryu, Valdez, Volz, Leavitt, Gildon, Graham, Doglio and Dufault

AN ACT Relating to interest and penalty relief for qualified mobile home and manufactured home owners; and amending RCW 84.56.070.

Referred to Committee on Housing Stability & Affordability.

E2SHB 2518 by House Committee on Appropriations (originally sponsored by Shewmake, Ybarra, Boehnke, Tarleton, Mead, Fitzgibbon, Lekanoff, Ramel, Callan, Peterson, Slatter, Davis, Doglio, Pollet and Cody)

AN ACT Relating to the safe and efficient transmission and distribution of natural gas; amending RCW 70.235.020; adding a new section to chapter 80.28 RCW; adding a new section to chapter 81.88 RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

E2SHB 2528 by House Committee on Appropriations (originally sponsored by Ramos, DeBolt, Chapman, Boehnke, Blake, Fitzgibbon, Tharinger and Santos)

AN ACT Relating to recognizing the contributions of the state's forest products sector as part of the state's global climate response; amending RCW 70.235.005; adding a new section to chapter 70.235 RCW; adding a new section to chapter 89.08 RCW; and creating a new section.

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

ESHB 2535 by House Committee on Civil Rights & Judiciary (originally sponsored by Kirby, Pollet, Ormsby and Santos)

AN ACT Relating to providing for a grace period before late fees may be imposed for past due rent; and amending RCW 59.18.170 and 59.18.230.

Referred to Committee on Financial Institutions, Economic Development & Trade.

ESHB 2565 by House Committee on Environment & Energy (originally sponsored by Fitzgibbon, Doglio and Hudgins)

AN ACT Relating to the labeling of disposable wipes products; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Environment, Energy & Technology.

ESHB 2571 by House Committee on Civil Rights & Judiciary (originally sponsored by Goodman, Klippert and Ormsby)

AN ACT Relating to increased deterrence and meaningful enforcement of fish and wildlife violations; amending RCW 77.15.075, 77.15.100, and 7.84.070; reenacting and amending RCW 77.15.160; and prescribing penalties.

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

EHB 2584 by Representatives Caldier, Frame, Leavitt and Davis

AN ACT Relating to establishing rates for behavioral health services; and adding a new section to chapter 71.24 RCW.

Referred to Committee on Health & Long Term Care.

EHB 2610 by Representatives Duerr, Ramel, Kloba, Appleton, Walen, Harris, Ryu, Gregerson, Doglio, Dolan, Valdez, Tharinger, Santos, Pollet and Macri

AN ACT Relating to the sale or lease of manufactured/mobile home communities and the property on which they sit; amending RCW 59.20.300 and 59.20.305; reenacting and amending RCW 59.20.030; adding new sections to chapter 59.20 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Housing Stability & Affordability.

SHB 2613 by House Committee on Labor & Workplace Standards (originally sponsored by Sells and Mosbrucker)

AN ACT Relating to granting relief of unemployment benefit charges when discharge is required by law and removing outdated statutory language; amending RCW 50.12.200, 50.20.190, 50.29.021, 50.50.070, and 50A.05.070; creating a new section; and repealing RCW 50.29.020.

Referred to Committee on Labor & Commerce.

SHB 2621 by House Committee on Health Care & Wellness (originally sponsored by Maycumber, Tharinger, Schmick, Chapman, MacEwen and Eslick)

AN ACT Relating to creating regulation exemptions for rural health clinics providing services in a designated home health shortage area; amending RCW 70.127.040; and reenacting and amending RCW 70.38.111.

Referred to Committee on Health & Long Term Care.

ESHB 2625 by House Committee on Finance (originally sponsored by Eslick, Tarleton, Griffey, Pollet, Goehner, Senn and Chapman)

AN ACT Relating to local parks funding options; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Ways & Means.

ESHB 2629 by House Committee on Housing, Community Development & Veterans (originally sponsored by Walen, Goodman, Springer, Macri, Slatter, Duerr, Kloba and Graham)

AN ACT Relating to waiving utility connection charges for certain properties; amending RCW 23.86.400, 24.06.600, 35.92.380, 36.94.140, and 54.24.080; adding a new section to chapter 35.92 RCW; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Local Government.

ESHB 2642 by House Committee on Health Care & Wellness (originally sponsored by Davis, Cody, Chopp, Harris, Leavitt, Caldier, Smith, Goodman, Orwall, Thai, Macri, Stonier, Schmick, Tharinger, Riccelli, Robinson, Griffey, Graham, Appleton, Callan, Irwin, Bergquist, Lekanoff, Barkis, Senn, Doglio, Walen, Peterson, Ormsby and Pollet)

AN ACT Relating to removing health coverage barriers to accessing substance use disorder treatment services; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 71.24 RCW; and creating new sections.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

Referred to Committee on Health & Long Term Care.

HB 2763 by Representatives Chapman, Dent, Hudgins and Tharinger

AN ACT Relating to interest arbitration for department of corrections employees; and amending RCW 41.80.200.

Referred to Committee on Labor & Commerce.

ESHB 2645 by House Committee on Environment & Energy (originally sponsored by Smith, Eslick and Pollet)

AN ACT Relating to the photovoltaic module stewardship and takeback program; and amending RCW 70.355.010.

Referred to Committee on Environment, Energy & Technology.

SHB 2768 by House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored by Ramos, Shewmake, Kloba, Lekanoff, Callan, Ramel and Pollet)

AN ACT Relating to urban and community forestry; amending RCW 76.15.005, 76.15.007, 76.15.010, 76.15.020, 76.15.030, 76.15.050, 76.15.060, 76.15.090, 35.92.390, 35A.80.040, 80.28.300, 89.08.520, 79.105.150, 80.28.300, 43.155.120, 70.146.070, 79A.15.040, 36.01.260, 54.16.400, 89.08.590, 79.105.630, and 79A.15.150; adding new sections to chapter 76.15 RCW; creating a new section; and repealing RCW 35.105.010, 35.105.020, 35.105.030, 35.105.040, 35.105.050, 35.105.060, 35.105.070, 35.105.080, 35.105.090, 35.105.100, 35.105.110, 35.105.120, 76.15.070, and 76.15.080.

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

HB 2677 by Representatives Chopp, Cody, Tharinger, Leavitt and Davis

AN ACT Relating to sharing health insurance information to improve the coordination of benefits between health insurers and the health care authority; and amending RCW 74.09A.020.

Referred to Committee on Health & Long Term Care.

ESHB 2713 by House Committee on State Government & Tribal Relations (originally sponsored by Walen, Chandler, Springer, Kretz, Fitzgibbon, Blake, Doglio, Davis, Ramel, Goodman and Pollet)

AN ACT Relating to encouraging compost procurement and use; adding new sections to chapter 43.19A RCW; creating new sections; and providing an expiration date.

Referred to Committee on Environment, Energy & Technology.

ESHB 2786 by House Committee on Appropriations (originally sponsored by Robinson, Davis, Chapman, Peterson, Callan, Lekanoff, Pollet and Bergquist)

AN ACT Relating to establishing the opioid epidemic response advisory council; and adding a new section to chapter 43.10 RCW.

Referred to Committee on Ways & Means.

SHB 2714 by House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored by Hoff, Fitzgibbon, Orcutt, Blake, Chapman, Lekanoff, Van Werven, Tharinger and Kretz)

AN ACT Relating to valuing the carbon in forest riparian easements; amending RCW 76.13.120; and creating a new section.

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

ESHB 2797 by Representatives Robinson, Macri, Davis, Shewmake, Peterson, Ramel, Lekanoff and Pollet

AN ACT Relating to the sales and use tax for affordable and supportive housing; and amending RCW 82.14.540.

Referred to Committee on Housing Stability & Affordability.

SHB 2728 by House Committee on Appropriations (originally sponsored by Slatter, Davis, Senn, Bergquist, Frame, Fey and Pollet)

AN ACT Relating to implementation of a sustainable funding model for the services provided through the children's mental health services consultation program and the telebehavioral health video call center; amending RCW 71.24.061; adding new sections to chapter 71.24 RCW; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

ESHB 2849 by House Committee on Capital Budget (originally sponsored by Tharinger, DeBolt, Macri, Robinson, Chopp, Harris, Leavitt, Ramel and Lekanoff)

AN ACT Relating to housing programs administered by the department of commerce; amending RCW 43.185.010, 43.185A.010, 43.185.030, 43.185A.020, 43.185.050, 43.185.070, 43.185.110, 43.185A.060, 43.185A.070, 43.185.074, 18.85.285, 18.85.311, 31.04.025, 39.35D.080, 43.63A.680, 43.185C.200, 43.185C.210, 47.12.063, 59.24.060, 82.14.400, and 82.45.100; adding new sections to chapter 43.185A RCW; adding a new section to chapter 43.185B RCW; recodifying RCW 43.185.010, 43.185.030, 43.185.050, 43.185.070, 43.185.074, 43.185.080, 43.185.140, and 43.185.110; and repealing RCW 43.185.015, 43.185.020, 43.185A.030, 43.185A.050, 43.185.060, 43.185.076, 43.185.090, 43.185.100, 43.185A.090, 43.185A.100, 43.185A.110, 43.185A.120, 43.185.120, 43.185.130, 43.185A.900, and 43.185.910.

Referred to Committee on Housing Stability & Affordability.

2SHB 2737 by House Committee on Appropriations (originally sponsored by Callan, Dent, Frame, Stonier, Eslick, Lovick, Entenman, Senn, Caldier, Davis, Leavitt, Bergquist, Goodman, Riccelli and Chambers)

AN ACT Relating to revising the name, term, membership, and duties of the children's mental health work group; amending RCW 74.09.4951; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

E2SHB 2870 by House Committee on Appropriations
(originally sponsored by Pettigrew and Ryu)

AN ACT Relating to allowing additional marijuana retail licenses for social equity purposes; amending RCW 69.50.540; adding new sections to chapter 69.50 RCW; adding a new section to chapter 43.330 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Labor & Commerce.

SHB 2883 by House Committee on Human Services & Early Learning (originally sponsored by Eslick, Frame and Davis)

AN ACT Relating to implementing policies related to expanding adolescent behavioral health care access as reviewed and recommended by the children's mental health work group; amending RCW 71.34.010, 71.34.610, 71.34.630, and 71.34.730; reenacting and amending RCW 71.34.020, 71.34.750, and 71.34.750; adding a new section to chapter 71.34 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long Term Care.

ESHB 2890 by House Committee on Local Government (originally sponsored by MacEwen)

AN ACT Relating to boarding homes; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Local Government.

SHB 2905 by House Committee on Appropriations (originally sponsored by J. Johnson, Riccelli, Caldier, Doglio, Pollet and Ryu)

AN ACT Relating to increasing outreach and engagement with access to baby and child dentistry programs; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SHJM 4014 by House Committee on Health Care & Wellness (originally sponsored by Riccelli, Chapman, Tarleton, Orwall, Fey, Macri, Wylie, Doglio, Stonier, Kloba and Pollet)

Asking Congress to include dental care in Medicare.

Referred to Committee on Health & Long Term Care.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Bill No. 2400 which was designated to the Committee on Environment, Energy & Technology and referred to the Committee on Environment, Energy & Technology.

MOTION

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

MOTION

Senator O'Ban moved adoption of the following resolution:

SENATE RESOLUTION

8684

By Senators O'Ban, Rivers, Walsh, Padden, Sheldon, Muzzall, Wagoner, Zeiger, Wilson, L., Holy, Braun, Brown, Warnick, Becker, Schoesler, King, Short, Hawkins, Hasegawa, Conway, Frockt, Billig, Carlyle, Wilson, C., Kuderer, Cleveland, Darneille, Das, and Wellman

WHEREAS, Fifteen thousand Chinese workers across several states completed the Seattle to Newcastle railroad, helping to connect Seattle to the rest of the Transcontinental Railroad system; and

WHEREAS, The odious Chinese Exclusion act of 1882 became the first major restriction on immigration in the United States, leading to the resentment of Chinese American residents in Washington state; and

WHEREAS, In Tacoma, on November 3, 1885, a mob forced over 200 Chinese residents from their shops and homes, and made them walk in deplorable conditions to a train waiting to take these Chinese residents to Portland; and

WHEREAS, The next day some of Tacoma's citizens ravaged Chinese businesses downtown and burned shops and lodgings that formed the Chinese settlement along the waterfront; and

WHEREAS, In Seattle, from February 6th through 9th, 1886, a dispute arose when a mob was formed to carry out a forcible expulsion of nearly every Chinese person from the city of Seattle and herded them to a waiting steamer on the waterfront; and

WHEREAS, The inexcusable actions of these mobs in Tacoma and Seattle led to the death of a Chinese resident; and

WHEREAS, Twenty-two years after President Lincoln gave the Gettysburg Address stating, "Our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal" these words were forgotten by the mob, blind to the wrongdoing of the actions that were taken by individuals to force out Chinese immigrants; and

WHEREAS, Even after the decades of unacceptable racism and violence, Chinese Americans wanted to sign up to fight for the United States; and

WHEREAS, The immigration restrictions were not lifted until World War II. Once they were lifted, the demographic of Chinese Americans changed dramatically. In the 1950's and 1960's, more Chinese Americans entered fields that had traditionally been closed to them. These included medicine, engineering, corporate business, and even politics; and

WHEREAS, In 1962, a Chinese American named Wing Luke became the first Chinese American City Council Member, and the first Chinese American on the United States mainland to hold such a post; and

WHEREAS, The population of Chinese Americans has more than doubled since 1979; and

WHEREAS, Chinese Americans play a vital role in Washington state; they are doctors, nurses, students and teachers, CEO's, and secretaries. They are our neighbors, our friends, and, most importantly, Washingtonians;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate condemn the violence and racism that generations of Chinese Americans have faced and acknowledge the vital role that Chinese Americans play in the great state of Washington.

Senators O'Ban, Saldaña, Padden, Liias, Becker, Darneille, Warnick, Brown, Wagoner, Hasegawa and Wellman spoke in favor of adoption of the resolution.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8684.

The motion by Senator O'Ban carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Habib: “

MOTION

At 9:41 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President. Senator Becker announced a meeting of the Republican Caucus. Senator McCoy announced a meeting of the Democratic Caucus.

The Senate was called to order at 11:28 a.m. by President Habib.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Wellman moved that Holly Koon, Senate Gubernatorial Appointment No. 9154, be confirmed as a member of the State Board of Education.

Senator Wellman spoke in favor of the motion.

APPOINTMENT OF HOLLY KOON

The President declared the question before the Senate to be the confirmation of Holly Koon, Senate Gubernatorial Appointment No. 9154, as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Holly Koon, Senate Gubernatorial Appointment No. 9154, as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Rivers and Schoesler

Absent: Senator Muzzall

Excused: Senator Fortunato

Holly Koon, Senate Gubernatorial Appointment No. 9154, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

MOTION

On motion of Senator Rivers, Senators Fortunato and Sheldon

were excused.

MOTION

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

SECOND READING

SENATE BILL NO. 6561, by Senators Liias, Saldaña, Das, Nguyen, Hasegawa, Stanford, Dhingra, Hunt, Kuderer, Wellman, Wilson and C.

Creating the undocumented student support loan program.

MOTIONS

On motion of Senator Liias, Second Substitute Senate Bill No. 6561 was substituted for Senate Bill No. 6561 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Second Substitute Senate Bill No. 6561 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and O'Ban spoke in favor of passage of the bill. Senator Holy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6561.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6561 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner and Wilson, L.

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 6561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6141, by Senators Randall, Hasegawa, Keiser, Stanford, Frockt, Wilson, C. and Sheldon

Expanding access to higher education.

MOTIONS

On motion of Senator Randall, Engrossed Substitute Senate Bill No. 6141 was substituted for Senate Bill No. 6141 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Randall moved that the following floor amendment no. 1111 by Senators Randall & Holy be adopted:

On page 2, line 23, after "with" strike "the council of presidents" and insert "financial aid experts from public four-year and two-year institutions of higher education, as well as independent colleges in Washington state"

On page 2, line 25, after "consistent" strike "standards" and insert "definitions"

Senators Randall and Holy spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1111 by Senators Randall & Holy on page 2, line 23 to Substitute Senate Bill No. 6141.

The motion by Senator Randall carried and floor amendment no. 1111 was adopted by voice vote.

MOTION

On motion of Senator Randall, the rules were suspended, Engrossed Substitute Senate Bill No. 6141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6141.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6141 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Ericksen

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6374, by Senators Holy, Mullet, Padden, Wilson, L., Wilson and C.

Concerning apprenticeship materials for dual credit scholarship programs.

The measure was read the second time.

MOTION

On motion of Senator Holy, the rules were suspended, Senate Bill No. 6374 was advanced to third reading, the second reading

considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 6374.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6374 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Ericksen

Excused: Senator Fortunato

SENATE BILL NO. 6374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6065, by Senators Brown, Hasegawa, Kuderer, Nguyen, Rolfes, Short, Wilson, L., Das and Wellman

Establishing the Washington blockchain work group.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 6065 was substituted for Senate Bill No. 6065 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Carlyle spoke in favor of passage of the bill.

Senator Takko spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6065.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6065 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6065, having received the constitutional majority, was declared passed. There being no

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6261, by Senators McCoy, Saldaña, Conway, Kuderer, Hasegawa, Wilson, C., Das, Nguyen and Keiser

Strengthening the farm labor contractor system by removing an exemption for nonprofits, prohibiting retaliation and the use of farm labor contractors in certain circumstances, and establishing liability for related violations.

MOTION

On motion of Senator McCoy, Substitute Senate Bill No. 6261 was substituted for Senate Bill No. 6261 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator McCoy and without objection, floor amendment no. 1067 by Senator McCoy on page 1, line 11 to Engrossed Substitute Senate Bill No. 6261 was withdrawn.

MOTION

Senator Saldaña moved that the following floor amendment no. 1106 by Senators Saldaña and King be adopted:

Beginning on page 3, line 6, strike all of sections 2 and 3

On page 1, beginning on line 4 of the title, after "violations;" strike all material through "19.30.200;" on line 5

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1106 by Senators Saldaña and King on page 3, line 6 to Substitute Senate Bill No. 6261.

The motion by Senator Saldaña carried and floor amendment no. 1106 was adopted by voice vote.

MOITON

On motion of Senator McCoy, the rules were suspended, Engrossed Substitute Senate Bill No. 6261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6261.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6261 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger
Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

February 17, 2020

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1182,
SECOND SUBSTITUTE HOUSE BILL NO. 1191,
SECOND SUBSTITUTE HOUSE BILL NO. 1645,
SECOND SUBSTITUTE HOUSE BILL NO. 1651,
HOUSE BILL NO. 2110,
HOUSE BILL NO. 2259,
SUBSTITUTE HOUSE BILL NO. 2308,
SUBSTITUTE HOUSE BILL NO. 2338,
SUBSTITUTE HOUSE BILL NO. 2359,
SUBSTITUTE HOUSE BILL NO. 2384,
HOUSE BILL NO. 2390,
HOUSE BILL NO. 2396,
SECOND SUBSTITUTE HOUSE BILL NO. 2457,
HOUSE BILL NO. 2458,
SUBSTITUTE HOUSE BILL NO. 2464,
SUBSTITUTE HOUSE BILL NO. 2498,
SECOND SUBSTITUTE HOUSE BILL NO. 2513,
SUBSTITUTE HOUSE BILL NO. 2554,
SUBSTITUTE HOUSE BILL NO. 2567,
SUBSTITUTE HOUSE BILL NO. 2634,
SUBSTITUTE HOUSE BILL NO. 2673,
HOUSE BILL NO. 2710,
HOUSE BILL NO. 2739,
SUBSTITUTE HOUSE BILL NO. 2789,
SECOND SUBSTITUTE HOUSE BILL NO. 2793,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

MOTION

At 12:11 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:20 p.m. by President Habib.

MOTION

On motion of Senator Liias, the Senate advanced to the seventh

order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holy moved that Robert Whaley, Senate Gubernatorial Appointment No. 9155, be confirmed as a member of the Eastern Washington University Board of Trustees.

Senator Holy spoke in favor of the motion.

APPOINTMENT OF ROBERT WHALEY

The President declared the question before the Senate to be the confirmation of Robert Whaley, Senate Gubernatorial Appointment No. 9155, as a member of the Eastern Washington University Board of Trustees.

The Secretary called the roll on the confirmation of Robert Whaley, Senate Gubernatorial Appointment No. 9155, as a member of the Eastern Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Ericksen

Excused: Senator Fortunato

Robert Whaley, Senate Gubernatorial Appointment No. 9155, having received the constitutional majority was declared confirmed as a member of the Eastern Washington University Board of Trustees.

MOTION

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

SECOND READING

SENATE BILL NO. 6415, by Senators Das, Van De Wege, Wellman, Takko, Wilson, C., Hunt and Billig

Allowing a permanent fire protection district benefit charge with voter approval.

MOTIONS

On motion of Senator Das, Substitute Senate Bill No. 6415 was substituted for Senate Bill No. 6415 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Das, the rules were suspended, Substitute Senate Bill No. 6415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6415.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6415 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Absent: Senator Ericksen

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

SECOND READING

SENATE BILL NO. 6139, by Senators Mullet, Wagoner, Takko, Wilson, L., Wilson, C., Randall, Conway, Stanford and Carlyle

Extending the joint center for aerospace technology innovation program.

MOTIONS

On motion of Senator Mullet, Second Substitute Senate Bill No. 6139 was substituted for Senate Bill No. 6139 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Second Substitute Senate Bill No. 6139 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6139.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6139 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Fortunato

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

SECOND SUBSTITUTE SENATE BILL NO. 6139, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6239, by Senators Conway, Keiser, Hasegawa, Saldaña, Van De Wege, Lovelett, Wilson and C.

Addressing compliance with apprenticeship utilization requirements and bidding on public works projects.

The measure was read the second time.

MOTION

Senator Conway moved that the following striking floor amendment no. 1097 by Senators Conway, Keiser and King be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.04.310 and 2015 c 48 s 1 are each amended to read as follows:

The definitions in this section apply throughout this section and RCW 39.04.300 and 39.04.320 unless the context clearly requires otherwise.

(1) "Apprentice" means an apprentice enrolled in a state-approved apprenticeship training program.

(2) "Apprenticeship utilization plan" means a plan submitted by a prospective bidder specifically detailing verifiable efforts to meet the apprenticeship utilization requirements.

(3) "Apprentice utilization requirement" means the requirement that the appropriate percentage of labor hours be performed by apprentices.

~~((3))~~ (4) "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed upon the public works project. "Labor hours" includes hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" does not include hours worked by foremen, superintendents, owners, and workers who are not subject to prevailing wage requirements.

~~((4))~~ (5) "School district" has the same meaning as in RCW 28A.315.025.

~~((5))~~ (6) "State-approved apprenticeship training program" means an apprenticeship training program approved by the Washington state apprenticeship council.

Sec. 2. RCW 39.04.350 and 2019 c 232 s 15 are each amended to read as follows:

(1) Before award of a public works contract, a bidder must meet the following responsibility criteria to be considered a responsible bidder and qualified to be awarded a public works project. The bidder must:

(a) At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW;

(b) Have a current state unified business identifier number;

(c) If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; an employment security department number as required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW;

(d) Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3);

(e) If bidding on a public works project subject to the

apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation;

(f) Have received training on the requirements related to public works and prevailing wage under this chapter and chapter 39.12 RCW. The bidder must designate a person or persons to be trained on these requirements. The training must be provided by the department of labor and industries or by a training provider whose curriculum is approved by the department. The department, in consultation with the prevailing wage advisory committee, must determine the length of the training. Bidders that have completed three or more public works projects and have had a valid business license in Washington for three or more years are exempt from this subsection. The department of labor and industries must keep records of entities that have satisfied the training requirement or are exempt and make the records available on its web site. Responsible parties may rely on the records made available by the department regarding satisfaction of the training requirement or exemption; and

(g) Within the three-year period immediately preceding the date of the bid solicitation, not have been determined by a final and binding citation and notice of assessment issued by the department of labor and industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW.

(2) Before award of a public works contract, a bidder shall submit to the contracting agency a signed statement in accordance with chapter 5.50 RCW verifying under penalty of perjury that the bidder is in compliance with the responsible bidder criteria requirement of subsection (1)(g) of this section. A contracting agency may award a contract in reasonable reliance upon such a sworn statement.

(3) In addition to the bidder responsibility criteria in subsection (1) of this section, the state or municipality may adopt relevant supplemental criteria for determining bidder responsibility applicable to a particular project which the bidder must meet.

(a) Supplemental criteria for determining bidder responsibility, including the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible, must be provided in the invitation to bid or bidding documents.

(b) In a timely manner before the bid submittal deadline, a potential bidder may request that the state or municipality modify the supplemental criteria. The state or municipality must evaluate the information submitted by the potential bidder and respond before the bid submittal deadline. If the evaluation results in a change of the criteria, the state or municipality must issue an addendum to the bidding documents identifying the new criteria.

(c) If the bidder fails to supply information requested concerning responsibility within the time and manner specified in the bid documents, the state or municipality may base its determination of responsibility upon any available information related to the supplemental criteria or may find the bidder not responsible.

(d) If the state or municipality determines a bidder to be not responsible, the state or municipality must provide, in writing, the reasons for the determination. The bidder may appeal the determination within the time period specified in the bidding documents by presenting additional information to the state or municipality. The state or municipality must consider the additional information before issuing its final determination. If

the final determination affirms that the bidder is not responsible, the state or municipality may not execute a contract with any other bidder until two business days after the bidder determined to be not responsible has received the final determination.

(e) If the bidder has a history of receiving monetary penalties for not achieving the apprenticeship utilization goals pursuant to RCW 39.04.320, or is habitual in utilizing the good faith effort exception process, the bidder must submit an apprenticeship utilization plan along with its bid documents.

(4) The capital projects advisory review board created in RCW 39.10.220 shall develop suggested guidelines to assist the state and municipalities in developing supplemental bidder responsibility criteria. The guidelines must be posted on the board's web site."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "and amending RCW 39.04.310 and 39.04.350."

Senators Conway and King spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1097 by Senators Conway, Keiser and King to Senate Bill No. 6239.

The motion by Senator Conway carried and striking floor amendment no. 1097 was adopted by voice vote.

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Senate Bill No. 6239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6239.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6239 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Honeyford, Padden, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Excused: Senators Ericksen and Fortunato

ENGROSSED SENATE BILL NO. 6239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6287, by Senators Pedersen, Holy, Dhingra, Rivers, Kuderer, Salomon, Conway, Keiser, Wilson and C.

Concerning guardianships and conservatorships.

MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 6287 was substituted for Senate Bill No. 6287 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pedersen moved that the following floor amendment no. 1052 by Senators Pedersen and Padden be adopted:

On page 16, beginning on line 17, strike all of section 114
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 212, beginning on line 21, strike all of section 902 and insert the following:

"**Sec. 902.** RCW 11.130.915 and 2019 c 437 s 807 are each amended to read as follows:

This act takes effect January 1, ~~((2024))~~ 2022, except that:

(1) Section 129, chapter 437, Laws of 2019 takes effect on the effective date of this section; and

(2) Sections 101 through 128, 130 through 136, 201 through 216, 602, 802, 803, and 805, chapter 437, Laws of 2019 take effect January 1, 2021.

NEW SECTION. Sec. 903. 2019 c 437 s 801 (uncodified) is repealed.

NEW SECTION. Sec. 904. The following acts or parts of acts are each repealed:

(1)RCW 11.88.005 (Legislative intent) and 1990 c 122 s 1, 1977 ex.s. c 309 s 1, & 1975 1st ex.s. c 95 s 1;

(2)RCW 11.88.008 ("Professional guardian" defined) and 1997 c 312 s 2;

(3)RCW 11.88.010 (Authority to appoint guardians—Definitions—Venue—Nomination by principal) and 2016 c 209 s 403, 2008 c 6 s 802, 2005 c 236 s 3, (2005 c 236 s 2 expired January 1, 2006), 2004 c 267 s 139, 1991 c 289 s 1, 1990 c 122 s 2, 1984 c 149 s 176, 1977 ex.s. c 309 s 2, 1975 1st ex.s. c 95 s 2, & 1965 c 145 s 11.88.010;

(4)RCW 11.88.020 (Qualifications) and 2011 c 329 s 1, 1997 c 312 s 1, 1990 c 122 s 3, 1975 1st ex.s. c 95 s 3, 1971 c 28 s 4, & 1965 c 145 s 11.88.020;

(5)RCW 11.88.030 (Petition—Contents—Hearing) and 2011 c 329 s 2, 2009 c 521 s 36, 1996 c 249 s 8, 1995 c 297 s 1, 1991 c 289 s 2, 1990 c 122 s 4, 1977 ex.s. c 309 s 3, 1975 1st ex.s. c 95 s 4, & 1965 c 145 s 11.88.030;

(6)RCW 11.88.040 (Notice and hearing, when required—Service—Procedure) and 2008 c 6 s 803, 1995 c 297 s 2, 1991 c 289 s 3, 1990 c 122 s 5, 1984 c 149 s 177, 1977 ex.s. c 309 s 4, 1975 1st ex.s. c 95 s 5, 1969 c 70 s 1, & 1965 c 145 s 11.88.040;

(7)RCW 11.88.045 (Legal counsel and jury trial—Proof—Medical report—Examinations—Waiver) and 2001 c 148 s 1, 1996 c 249 s 9, 1995 c 297 s 3, 1991 c 289 s 4, 1990 c 122 s 6, 1977 ex.s. c 309 s 5, & 1975 1st ex.s. c 95 s 7;

(8)RCW 11.88.080 (Guardians nominated by will or durable power of attorney) and 2016 c 209 s 401, 2005 c 97 s 11, 1990 c 122 s 7, & 1965 c 145 s 11.88.080;

(9)RCW 11.88.090 (Guardian ad litem—Mediation—Appointment—Qualifications—Notice of and statement by guardian ad litem—Hearing and notice—Attorneys' fees and costs—Registry—Duties—Report—Responses—Fee) and 2008 c 6 s 804, 2000 c 124 s 1, 1999 c 360 s 1, 1996 c 249 s 10, 1995 c 297 s 4, 1991 c 289 s 5, 1990 c 122 s 8, 1977 ex.s. c 309 s 6, 1975 1st ex.s. c 95 s 9, & 1965 c 145 s 11.88.090;

(10)RCW 11.88.093 (Ex parte communications—Removal) and 2000 c 124 s 10;

(11)RCW 11.88.095 (Disposition of guardianship petition) and

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

2011 c 329 s 4, 1995 c 297 s 5, 1991 c 289 s 6, & 1990 c 122 s 9;

(12)RCW 11.88.097 (Guardian ad litem—Fees) and 2000 c 124 s 13;

(13)RCW 11.88.100 (Oath and bond of guardian or limited guardian) and 2010 c 8 s 2088, 1990 c 122 s 10, 1983 c 271 s 1, 1977 ex.s. c 309 s 7, 1975 1st ex.s. c 95 s 10, & 1965 c 145 s 11.88.100;

(14)RCW 11.88.105 (Reduction in amount of bond) and 1990 c 122 s 11, 1975 1st ex.s. c 95 s 11, & 1965 c 145 s 11.88.105;

(15)RCW 11.88.107 (When bond not required) and 1990 c 122 s 12, 1977 ex.s. c 309 s 8, 1975 1st ex.s. c 95 s 12, & 1965 c 145 s 11.88.107;

(16)RCW 11.88.110 (Law on executors' and administrators' bonds applicable) and 1975 1st ex.s. c 95 s 13 & 1965 c 145 s 11.88.110;

(17)RCW 11.88.115 (Notice to department of revenue);

(18)RCW 11.88.120 (Modification or termination of guardianship—Procedure) and 2017 c 271 s 2, 2015 c 293 s 1, 1991 c 289 s 7, 1990 c 122 s 14, 1977 ex.s. c 309 s 9, 1975 1st ex.s. c 95 s 14, & 1965 c 145 s 11.88.120;

(19)RCW 11.88.125 (Standby limited guardian or limited guardian) and 2013 c 304 s 1, 2011 c 329 s 5, 2008 c 6 s 805, 1991 c 289 s 8, 1990 c 122 s 15, 1979 c 32 s 1, 1977 ex.s. c 309 s 10, & 1975 1st ex.s. c 95 s 6;

(20)RCW 11.88.127 (Guardianship—Incapacitated person—Letters of guardianship) and 2011 c 329 s 6;

(21)RCW 11.88.130 (Transfer of jurisdiction and venue) and 1990 c 122 s 16, 1975 1st ex.s. c 95 s 15, & 1965 c 145 s 11.88.130;

(22)RCW 11.88.140 (Termination of guardianship or limited guardianship) and 2016 c 202 s 9, 2011 c 329 s 7, 1991 c 289 s 9, 1990 c 122 s 17, 1977 ex.s. c 309 s 11, 1975 1st ex.s. c 95 s 16, & 1965 c 145 s 11.88.140;

(23)RCW 11.88.150 (Administration of deceased incapacitated person's estate) and 2010 c 8 s 2089, 1990 c 122 s 18, 1977 ex.s. c 309 s 12, 1975 1st ex.s. c 95 s 17, & 1965 c 145 s 11.88.150;

(24)RCW 11.88.160 (Guardianships involving veterans) and 1990 c 122 s 13;

(25)RCW 11.88.170 (Guardianship courthouse facilitator program) and 2015 c 295 s 1;

(26)RCW 11.88.900 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 35;

(27)RCW 11.92.010 (Guardians or limited guardians under court control—Legal age) and 1975 1st ex.s. c 95 s 18, 1971 c 28 s 5, & 1965 c 145 s 11.92.010;

(28)RCW 11.92.035 (Claims) and 1990 c 122 s 19, 1975 1st ex.s. c 95 s 19, & 1965 c 145 s 11.92.035;

(29)RCW 11.92.040 (Duties of guardian or limited guardian in general) and 2011 c 329 s 9, 1991 c 289 s 10, 1990 c 122 s 20, & 1985 c 30 s 9;

(30)RCW 11.92.043 (Additional duties) and 2017 c 268 s 3, 2011 c 329 s 3, 1991 c 289 s 11, & 1990 c 122 s 21;

(31)RCW 11.92.050 (Intermediate accounts or reports—Hearing—Order) and 2011 c 329 s 10, 1995 c 297 s 6, 1990 c 122 s 23, 1975 1st ex.s. c 95 s 21, & 1965 c 145 s 11.92.050;

(32)RCW 11.92.053 (Settlement of estate upon termination) and 2011 c 329 s 8, 1995 c 297 s 7, 1990 c 122 s 24, & 1965 c 145 s 11.92.053;

(33)RCW 11.92.056 (Citation of surety on bond) and 1990 c 122 s 25, 1975 1st ex.s. c 95 s 22, & 1965 c 145 s 11.92.056;

(34)RCW 11.92.060 (Guardian to represent incapacitated person—Compromise of claims—Service of process) and 1990 c 122 s 26, 1975 1st ex.s. c 95 s 23, & 1965 c 145 s 11.92.060;

(35)RCW 11.92.090 (Sale, exchange, lease, or mortgage of

property) and 1990 c 122 s 27, 1975 1st ex.s. c 95 s 24, & 1965 c 145 s 11.92.090;

(36)RCW 11.92.096 (Guardian access to certain held assets) and 1991 c 289 s 13;

(37)RCW 11.92.100 (Petition—Contents) and 1990 c 122 s 28, 1975 1st ex.s. c 95 s 25, & 1965 c 145 s 11.92.100;

(38)RCW 11.92.110 (Sale of real estate) and 1990 c 122 s 29, 1975 1st ex.s. c 95 s 26, & 1965 c 145 s 11.92.110;

(39)RCW 11.92.115 (Return and confirmation of sale) and 2010 c 8 s 2090, 1990 c 122 s 30, 1975 1st ex.s. c 95 s 27, & 1965 c 145 s 11.92.115;

(40)RCW 11.92.120 (Confirmation conclusive) and 1975 1st ex.s. c 95 s 28 & 1965 c 145 s 11.92.120;

(41)RCW 11.92.125 (Broker's fee and closing expenses—Sale, exchange, mortgage, or lease of real estate) and 1977 ex.s. c 309 s 15 & 1965 c 145 s 11.92.125;

(42)RCW 11.92.130 (Performance of contracts) and 1990 c 122 s 31, 1975 1st ex.s. c 95 s 29, & 1965 c 145 s 11.92.130;

(43)RCW 11.92.140 (Court authorization for actions regarding guardianship funds) and 2008 c 6 s 807, 1999 c 42 s 616, 1991 c 193 s 32, 1990 c 122 s 32, & 1985 c 30 s 10;

(44)RCW 11.92.150 (Request for special notice of proceedings) and 1990 c 122 s 33 & 1985 c 30 s 11;

(45)RCW 11.92.160 (Citation for failure to file account or report) and 1990 c 122 s 34, 1975 1st ex.s. c 95 s 31, & 1965 c 145 s 11.92.160;

(46)RCW 11.92.170 (Removal of property of nonresident incapacitated person) and 1990 c 122 s 35, 1977 ex.s. c 309 s 16, 1975 1st ex.s. c 95 s 32, & 1965 c 145 s 11.92.170;

(47)RCW 11.92.180 (Compensation and expenses of guardian or limited guardian—Attorney's fees—Department of social and health services clients paying part of costs—Rules) and 1995 c 297 s 8, 1994 c 68 s 1, 1991 c 289 s 12, 1990 c 122 s 36, 1975 1st ex.s. c 95 s 33, & 1965 c 145 s 11.92.180;

(48)RCW 11.92.185 (Concealed or embezzled property) and 1990 c 122 s 37, 1975 1st ex.s. c 95 s 34, & 1965 c 145 s 11.92.185;

(49)RCW 11.92.190 (Detention of person in residential placement facility against will prohibited—Effect of court order—Service of notice of residential placement) and 2016 sp.s. c 29 s 412, 1996 c 249 s 11, & 1977 ex.s. c 309 s 14; and

(50)RCW 11.92.195 (Incapacitated persons—Right to associate with persons of their choosing) and 2017 c 268 s 1.

NEW SECTION. Sec. 905. The following acts or parts of acts are each repealed:

(1)RCW 26.10.010 (Intent) and 1987 c 460 s 25;

(2)RCW 26.10.015 (Mandatory use of approved forms) and 1992 c 229 s 4 & 1990 1st ex.s. c 2 s 27;

(3)RCW 26.10.020 (Civil practice to govern—Designation of proceedings—Decrees) and 1987 c 460 s 26;

(4)RCW 26.10.030 (Child custody proceeding—Commencement—Notice—Intervention) and 2003 c 105 s 3, 2000 c 135 s 3, 1998 c 130 s 4, & 1987 c 460 s 27;

(5)RCW 26.10.032 (Child custody motion—Affidavit required—Notice—Denial of motion—Show cause hearing) and 2003 c 105 s 6;

(6)RCW 26.10.034 (Petitions—Indian child statement—Application of federal Indian child welfare act) and 2011 c 309 s 31, 2004 c 64 s 1, & 2003 c 105 s 7;

(7)RCW 26.10.040 (Provisions for child support, custody, and visitation—Federal tax exemption—Continuing restraining orders—Domestic violence or antiharassment protection orders—Notice of modification or termination of restraining order) and 2000 c 119 s 8, 1995 c 93 s 3, 1994 sp.s. c 7 s 453, 1989 c 375 s 31, & 1987 c 460 s 28;

(8)RCW 26.10.045 (Child support schedule) and 1988 c 275 s 12;

(9)RCW 26.10.050 (Child support by parents—Apportionment of expense) and 2008 c 6 s 1023 & 1987 c 460 s 29;

(10)RCW 26.10.060 (Health insurance coverage—Conditions) and 1989 c 375 s 19 & 1987 c 460 s 30;

(11)RCW 26.10.070 (Minor or dependent child—Court appointed attorney to represent—Payment of costs, fees, and disbursements) and 1989 c 375 s 20 & 1987 c 460 s 31;

(12)RCW 26.10.080 (Payment of costs, attorney's fees, etc.) and 1987 c 460 s 35;

(13)RCW 26.10.090 (Failure to comply with decree or temporary injunction—Obligation to make support payments or permit visitation not suspended—Motion) and 1987 c 460 s 36;

(14)RCW 26.10.100 (Determination of custody—Child's best interests) and 1987 c 460 s 38;

(15)RCW 26.10.110 (Temporary custody order—Vacation of order) and 1987 c 460 s 39;

(16)RCW 26.10.120 (Interview with child by court—Advice of professional personnel) and 1987 c 460 s 40;

(17)RCW 26.10.130 (Investigation and report) and 1993 c 289 s 2 & 1987 c 460 s 41;

(18)RCW 26.10.135 (Custody orders—Background information to be consulted) and 2017 3rd sp.s. c 6 s 333 & 2003 c 105 s 1;

(19)RCW 26.10.140 (Hearing—Record—Expenses of witnesses) and 1987 c 460 s 42;

(20)RCW 26.10.150 (Access to child's education and medical records) and 1987 c 460 s 43;

(21)RCW 26.10.160 (Visitation rights—Limitations) and 2018 c 183 s 7, 2011 c 89 s 7, 2004 c 38 s 13, 1996 c 303 s 2, 1994 c 267 s 2, 1989 c 326 s 2, & 1987 c 460 s 44;

(22)RCW 26.10.170 (Powers and duties of custodian—Supervision by appropriate agency when necessary) and 1987 c 460 s 45;

(23)RCW 26.10.180 (Remedies when a child is taken, enticed, or concealed) and 2008 c 6 s 1024, 1989 c 375 s 21, & 1987 c 460 s 46;

(24)RCW 26.10.190 (Petitions for modification and proceedings concerning relocation of child—Assessment of attorneys' fees) and 2000 c 21 s 21, 1989 c 375 s 24, & 1987 c 460 s 47;

(25)RCW 26.10.200 (Temporary custody order or modification of custody decree—Affidavits required) and 1987 c 460 s 48;

(26)RCW 26.10.210 (Venue) and 1987 c 460 s 49;

(27)RCW 26.10.220 (Restraining orders—Notice—Refusal to comply—Arrest—Penalty—Defense—Peace officers, immunity) and 2000 c 119 s 22, 1999 c 184 s 11, 1996 c 248 s 10, 1995 c 246 s 30, & 1987 c 460 s 50; and

(28)RCW 26.10.910 (Short title—1987 c 460).

NEW SECTION. Sec. 906. A new section is added to chapter 11.130 RCW to read as follows:

(1) To the extent of a conflict between this chapter and chapter 11.88 or 11.92 RCW, chapter 11.88 or 11.92 RCW prevails.

(2) This section expires January 1, 2022.

NEW SECTION. Sec. 907. (1) Except for sections 101 through 113, 115 through 123, 301 through 307, 312, 313, 801, 902, 903, 905, and 906 of this act, this act takes effect January 1, 2022.

(2) Sections 101 through 113, 115 through 123, 301 through 307, 312, 313, 801, 905, and 906 of this act take effect January 1, 2021."

On page 1, line 4 of the title, after "11.130.250," strike "11.130.915,"

On page 1, line 22 of the title, after "74.34.163," strike "and

74.42.430" and insert "74.42.430, and 11.130.915"

On page 2, line 2 of the title, after "RCW;" strike "and providing an effective date." and insert "repealing RCW 11.88.005, 11.88.008, 11.88.010, 11.88.020, 11.88.030, 11.88.040, 11.88.045, 11.88.080, 11.88.090, 11.88.093, 11.88.095, 11.88.097, 11.88.100, 11.88.105, 11.88.107, 11.88.110, 11.88.115, 11.88.120, 11.88.125, 11.88.127, 11.88.130, 11.88.140, 11.88.150, 11.88.160, 11.88.170, 11.88.900, 11.92.010, 11.92.035, 11.92.040, 11.92.043, 11.92.050, 11.92.053, 11.92.056, 11.92.060, 11.92.090, 11.92.096, 11.92.100, 11.92.110, 11.92.115, 11.92.120, 11.92.125, 11.92.130, 11.92.140, 11.92.150, 11.92.160, 11.92.170, 11.92.180, 11.92.185, 11.92.190, 11.92.195, 26.10.010, 26.10.015, 26.10.020, 26.10.030, 26.10.032, 26.10.034, 26.10.040, 26.10.045, 26.10.050, 26.10.060, 26.10.070, 26.10.080, 26.10.090, 26.10.100, 26.10.110, 26.10.120, 26.10.130, 26.10.135, 26.10.140, 26.10.150, 26.10.160, 26.10.170, 26.10.180, 26.10.190, 26.10.200, 26.10.210, 26.10.220, and 26.10.910; repealing 2019 c 437 s 801 (uncodified); providing effective dates; and providing an expiration date."

Senator Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1052 by Senators Pedersen and Padden on page 16, line 17 to Substitute Senate Bill No. 6287.

The motion by Senator Pedersen carried and floor amendment no. 1052 was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute Senate Bill No. 6287 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Padden and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6287.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6287 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6476, by Senators Stanford, Darneille, Wilson, C., Nguyen, Hasegawa and Saldaña

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

Increasing and expanding access of inmates and immediate family members of inmates to services provided within correctional facilities.

final passage of Substitute Senate Bill No. 6142.

MOTIONS

On motion of Senator Stanford, Substitute Senate Bill No. 6476 was substituted for Senate Bill No. 6476 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Stanford, the rules were suspended, Substitute Senate Bill No. 6476 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stanford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6476.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6476 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6476, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed students of Liberty Middle School from Camas who were seated in the gallery. The students were guests of Senator Rivers.

SECOND READING

SENATE BILL NO. 6142, by Senators Liias, Randall, Dhingra, Hasegawa, Mullet, Nguyen, Stanford, Carlyle, Wilson and C.

Creating the Washington common application.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 6142 was substituted for Senate Bill No. 6142 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 6142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Holy, Short and Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6142 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:04 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:03 p.m. by President Habib.

MOTION

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

MESSAGE FROM THE HOUSE

February 17, 2020

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1503,
 ENGROSSED HOUSE BILL NO. 1552,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608,
 ENGROSSED HOUSE BILL NO. 1694,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2036,
 ENGROSSED HOUSE BILL NO. 2461,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2576,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660,
 ENGROSSED HOUSE BILL NO. 2687,
 ENGROSSED HOUSE BILL NO. 2755,
 ENGROSSED HOUSE BILL NO. 2896,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 5402, by Senators Schoesler and Rolfes

Improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and approved under the process established in chapter 43.88A RCW.

The measure was read the second time.

MOTION

Senator Schoesler moved that the following striking floor amendment no. 1135 by Senators Schoesler and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2017 3rd sp.s. c 37 s 501 (uncodified) is amended to read as follows:

(1) This section is the tax preference performance statement for the tax preferences contained in sections 502 and 503, chapter 37, Laws of 2017 3rd sp. sess. This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to induce certain designated behavior by taxpayers, improve industry competitiveness, and create or retain jobs, as indicated in RCW 82.32.808(2) (a) through (c).

(3) It is the legislature's specific public policy objective to maintain and expand business in the semiconductor cluster. It is the legislature's intent to extend by ten years the preferential tax rates for manufacturers and processors for hire of semiconductor materials in order to maintain and grow jobs in the semiconductor cluster.

(4) If a review finds that: (a) Since October 19, 2017, at least one project in the semiconductor cluster has located in Clark county, and that this project generates at least two thousand five hundred high-wage jobs, all of which pay twenty dollars per hour or more and at least eighty percent of which pay thirty-five dollars per hour or more; and (b) the number of jobs in the semiconductor cluster in Washington has increased since October 19, 2017, then the legislature intends to extend the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to data from the department of revenue's annual survey ((data)) for tax years ending before January 1, 2020, and annual tax performance report for subsequent tax years.

Sec. 2. 2017 3rd sp.s. c 37 s 504 (uncodified) is amended to read as follows:

(1) This section is the tax preference performance statement for the tax preferences contained in sections 505 through 508, chapter 37, Laws of 2017 3rd sp. sess. This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to induce certain designated behavior by taxpayers, improve industry competitiveness, and create or retain jobs, as indicated in RCW 82.32.808(2) (a) through (c).

(3) It is the legislature's specific public policy objective to encourage significant construction projects; retain, expand, and

attract semiconductor business; and encourage and expand family-wage jobs. It is the legislature's intent to extend by ten years the ((preferential tax rates)) exemptions for sales and use of gases and chemicals used in the production of semiconductor materials, in order to encourage the growth and retention of the semiconductor business in Washington, thereby strengthening Washington's competitiveness with other states for manufacturing investment.

(4) If a review finds that the number of construction projects in the industry has increased, and that ((the)) the number of people employed by the solar silicon, silicon manufacturing, and semiconductor fabrication industry in Washington is the same or more than in 2015, and that at least sixty percent of employees earn sixty thousand dollars a year, then the legislature intends to extend the expiration date of the tax preferences.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to data from the department of revenue's annual survey ((data)) for tax years ending before January 1, 2020, and annual tax performance report for subsequent tax years.

Sec. 3. RCW 19.02.085 and 2013 c 144 s 22 are each amended to read as follows:

(1) To encourage timely renewal by applicants, a business license delinquency fee is imposed on licensees who fail to renew by the business license expiration date. The business license delinquency fee must be the lesser of one hundred fifty dollars or fifty percent of a base comprised of the licensee's renewal fee minus corporate licensing taxes, corporation annual report fee, and any interest fees or penalties charged for late taxes or corporate renewals. The business license delinquency fee must be added to the renewal fee and paid by the licensee before a business license is renewed. The delinquency fee must be deposited in the business license account.

(2) The department must waive or cancel the business license delinquency fee imposed in subsection (1) of this section only if the department determines that the licensee failed to renew a license by the business license expiration date due to an undisputable error or failure by the department. For purposes of this subsection, an error or failure is undisputable if the department is satisfied, beyond any doubt, that the error or failure occurred.

Sec. 4. RCW 82.04.192 and 2017 c 323 s 514 are each amended to read as follows:

(1) "Digital audio works" means works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones.

(2) "Digital audiovisual works" means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(3)(a) "Digital automated service," except as provided in (b) of this subsection (3), means any service transferred electronically that uses one or more software applications.

(b) "Digital automated service" does not include:

(i) Any service that primarily involves the application of human effort by the seller, and the human effort originated after the customer requested the service;

(ii) The loaning or transferring of money or the purchase, sale, or transfer of financial instruments. For purposes of this subsection (3)(b)(ii), "financial instruments" include cash, accounts receivable and payable, loans and notes receivable and payable, debt securities, equity securities, as well as derivative contracts such as forward contracts, swap contracts, and options;

(iii) Dispensing cash or other physical items from a machine;

(iv) Payment processing services;

(v) Parimutuel wagering and handicapping contests as

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

authorized by chapter 67.16 RCW;

(vi) Telecommunications services and ancillary services as those terms are defined in RCW 82.04.065;

(vii) The internet and internet access as those terms are defined in RCW 82.04.297;

(viii) The service described in RCW 82.04.050(6)(c);

(ix) Online educational programs provided by a:

(A) Public or private elementary or secondary school; or

(B) An institution of higher education as defined in sections 1001 or 1002 of the federal higher education act of 1965 (Title 20 U.S.C. Secs. 1001 and 1002), as existing on July 1, 2009. For purposes of this subsection (3)(b)(ix)(B), an online educational program must be encompassed within the institution's accreditation;

(x) Live presentations, such as lectures, seminars, workshops, or courses, where participants are connected to other participants via the internet or telecommunications equipment, which allows audience members and the presenter or instructor to give, receive, and discuss information with each other in real time;

(xi) Travel agent services, including online travel services, and automated systems used by travel agents to book reservations;

(xii)(A) A service that allows the person receiving the service to make online sales of products or services, digital or otherwise, using either: (I) The service provider's web site; or (II) the service recipient's web site, but only when the service provider's technology is used in creating or hosting the service recipient's web site or is used in processing orders from customers using the service recipient's web site.

(B) The service described in this subsection (3)(b)(xii) does not include the underlying sale of the products or services, digital or otherwise, by the person receiving the service;

(xiii) Advertising services. For purposes of this subsection (3)(b)(xiii), "advertising services" means all services directly related to the creation, preparation, production, or the dissemination of advertisements. Advertising services include layout, art direction, graphic design, mechanical preparation, production supervision, placement, and rendering advice to a client concerning the best methods of advertising that client's products or services. Advertising services also include online referrals, search engine marketing and lead generation optimization, web campaign planning, the acquisition of advertising space in the internet media, and the monitoring and evaluation of web site traffic for purposes of determining the effectiveness of an advertising campaign. Advertising services do not include web hosting services and domain name registration;

(xiv) The mere storage of digital products, digital codes, computer software, or master copies of software. This exclusion from the definition of digital automated services includes providing space on a server for web hosting or the backing up of data or other information;

(xv) Data processing services. For purposes of this subsection (3)(b)(xv), "data processing service" means a primarily automated service provided to a business or other organization where the primary object of the service is the systematic performance of operations by the service provider on data supplied in whole or in part by the customer to extract the required information in an appropriate form or to convert the data to usable information. Data processing services include check processing, image processing, form processing, survey processing, payroll processing, claim processing, and similar activities. Data processing does not include the service described in RCW 82.04.050(6)(c); and

(xvi) Digital goods.

(4) "Digital books" means works that are generally recognized in the ordinary and usual sense as books.

(5) "Digital code" means a code that provides a purchaser with the right to obtain one or more digital products, if all of the digital products to be obtained through the use of the code have the same sales and use tax treatment. "Digital code" does not include a code that represents a stored monetary value that is deducted from a total as it is used by the purchaser. "Digital code" also does not include a code that represents a redeemable card, gift card, or gift certificate that entitles the holder to select digital products of an indicated cash value. A digital code may be obtained by any means, including email or by tangible means regardless of its designation as song code, video code, book code, or some other term.

(6)(a) "Digital goods," except as provided in (b) of this subsection (6), means sounds, images, data, facts, or information, or any combination thereof, transferred electronically, including, but not limited to, specified digital products and other products transferred electronically not included within the definition of specified digital products.

(b) The term "digital goods" does not include:

(i) Telecommunications services and ancillary services as those terms are defined in RCW 82.04.065;

(ii) Computer software as defined in RCW 82.04.215;

(iii) The internet and internet access as those terms are defined in RCW 82.04.297;

(iv)(A) Except as provided in (b)(iv)(B) of this subsection (6), the representation of a personal or professional service in electronic form, such as an electronic copy of an engineering report prepared by an engineer, where the service primarily involves the application of human effort by the service provider, and the human effort originated after the customer requested the service.

(B) The exclusion in (b)(iv)(A) of this subsection (6) does not apply to photographers in respect to amounts received for the taking of photographs that are transferred electronically to the customer, but only if the customer is an end user, as defined in RCW 82.04.190(11), of the photographs. Such amounts are considered to be for the sale of digital goods; and

(v) Services and activities excluded from the definition of digital automated services in subsection (3)(b)(i) through (xv) of this section and not otherwise described in (b)(i) through (iv) of this subsection (6).

(7) "Digital products" means digital goods and digital automated services.

(8) "Electronically transferred" or "transferred electronically" means obtained by the purchaser by means other than tangible storage media. It is not necessary that a copy of the product be physically transferred to the purchaser. So long as the purchaser may access the product, it will be considered to have been electronically transferred to the purchaser.

(9) "Specified digital products" means electronically transferred digital audiovisual works, digital audio works, and digital books.

(10) "Subscription radio services" means the sale of audio programming by a radio broadcaster as defined in RCW ((82.08.02084)) 82.08.0208, except as otherwise provided in this subsection. "Subscription radio services" does not include audio programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service.

(11) "Subscription television services" means the sale of video programming by a television broadcaster as defined in RCW ((82.08.02084)) 82.08.0208, except as otherwise provided in this subsection. "Subscription television services" does not include video programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a

specific charge for that service, but only if the seller is not subject to a franchise fee in this state under the authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived from the sale.

Sec. 5. RCW 82.04.4266 and 2015 3rd sp.s. c 6 s 202 are each amended to read as follows:

(1) This chapter does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables; or

(b) Selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) For purposes of this section, "fruits" and "vegetables" do not include marijuana, useable marijuana, or marijuana-infused products.

(3) A person claiming the exemption provided in this section must file a complete annual ~~(survey)~~ tax performance report with the department under RCW ~~((82.32.585))~~ 82.32.534.

(4) This section expires July 1, 2025.

Sec. 6. RCW 82.04.4268 and 2015 3rd sp.s. c 6 s 203 are each amended to read as follows:

(1) In computing tax there may be deducted from the measure of tax, the value of products or the gross proceeds of sales derived from:

(a) Manufacturing dairy products; or

(b) Selling dairy products manufactured by the seller to purchasers who either transport in the ordinary course of business the goods out of this state or purchasers who use such dairy products as an ingredient or component in the manufacturing of a dairy product. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state or sold to a manufacturer for use as an ingredient or component in the manufacturing of a dairy product.

(2) "Dairy products" has the same meaning as provided in RCW 82.04.260.

(3) A person claiming the exemption provided in this section must file a complete annual ~~(survey)~~ tax performance report with the department under RCW ~~((82.32.585))~~ 82.32.534.

(4) This section expires July 1, 2025.

Sec. 7. RCW 82.04.4269 and 2015 3rd sp.s. c 6 s 204 are each amended to read as follows:

(1) This chapter does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or

(b) Selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) A person claiming the exemption provided in this section must file a complete annual ~~(survey)~~ tax performance report with the department under RCW ~~((82.32.585))~~ 82.32.534.

(3) This section expires July 1, 2025.

Sec. 8. RCW 82.04.4327 and 1985 c 471 s 6 are each amended to read as follows:

In computing tax ~~((there may be deducted))~~ under this chapter, an artistic or cultural organization may deduct from the measure of tax ~~((those))~~:

(1) All amounts received by the artistic or cultural ((organizations which represent income derived from business activities conducted by the organization)) organization; and

(2) The value of articles manufactured by the artistic or cultural organization solely for use by the organization in displaying art objects or presenting artistic or cultural exhibitions, performances, or programs for attendance or viewing by the general public.

Sec. 9. RCW 82.04.4328 and 1985 c 471 s 7 are each amended to read as follows:

(1) For the purposes of RCW ~~((82.04.4322, 82.04.4324, 82.04.4326,))~~ 82.04.4327, 82.08.031, and 82.12.031, the term "artistic or cultural organization" means an organization ~~((which))~~ that is organized and operated exclusively for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, as defined in subsection (2) of this section, for viewing or attendance by the general public. The organization must be a not-for-profit corporation under chapter 24.03 RCW and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, to qualify for deduction or exemption from taxation under RCW ~~((82.04.4322, 82.04.4324, 82.04.4326,))~~ 82.04.4327, 82.08.031, and 82.12.031, the corporation ~~((shall))~~ must satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified when licensing or certification is required by law or regulation;

(e) The amounts received that qualify for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue ~~((shall))~~ must have access to its books in order to determine whether the corporation is exempt from taxes.

(2) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject.

Sec. 10. RCW 82.08.0201 and 1992 c 194 s 10 are each amended to read as follows:

Before January 1, 1994, and January 1st of each odd-numbered

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

year thereafter:

The department of licensing, with the assistance of the department of revenue, ~~((shall))~~ must provide the office of financial management and the fiscal committees of the legislature with an updated estimate of the amount of revenue attributable to the taxes imposed in RCW 82.08.020(2) ~~((, and the amount of revenue not collected as a result of RCW 82.44.023)).~~

Sec. 11. RCW 82.08.0208 and 2009 c 535 s 501 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to the sale of a digital code for one or more digital products if the sale of the digital products to which the digital code relates is exempt from the tax levied by RCW 82.08.020.

(2)(a) The tax imposed by RCW 82.08.020 does not apply to a business or other organization for the purpose of making the digital good or digital automated service, including a digital good or digital automated service acquired through the use of a digital code, or service defined as a retail sale in RCW 82.04.050(6)(c), available free of charge for the use or enjoyment of the general public. The exemption provided in this subsection (2) does not apply unless the purchaser has the legal right to broadcast, rebroadcast, transmit, retransmit, license, relicense, distribute, redistribute, or exhibit the product, in whole or in part, to the general public.

(b) For purposes of this subsection (2), "general public" means all persons and not limited or restricted to a particular class of persons, except that the general public includes:

(i) A class of persons that is defined as all persons residing or owning property within the boundaries of a state, political subdivision of a state, or a municipal corporation; and

(ii) With respect to libraries, authorized library patrons.

(3)(a) The tax imposed by RCW 82.08.020 does not apply to the sale to a business of digital goods, and services rendered in respect to digital goods, if the digital goods and services rendered in respect to digital goods are purchased solely for business purposes. The exemption provided by this subsection (3) also applies to the sale to a business of a digital code if all of the digital goods to be obtained through the use of the code will be used solely for business purposes.

(b) For purposes of this subsection (3), the following definitions apply:

(i) "Business purposes" means any purpose relevant to the business needs of the taxpayer claiming an exemption under this subsection (3). Business purposes do not include any personal, family, or household purpose. The term also does not include any activity conducted by a government entity as that term is defined in RCW 7.25.005; and

(ii) "Services rendered in respect to digital goods" means those services defined as a retail sale in RCW 82.04.050(2)(g).

(4)(a) The tax imposed by RCW 82.08.020 does not apply to the sale of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) to a buyer that provides the seller with an exemption certificate claiming multiple points of use. An exemption certificate claiming multiple points of use must be in a form and contain such information as required by the department.

(b) A buyer is entitled to use an exemption certificate claiming multiple points of use only if the buyer is a business or other organization and the digital goods or digital automated services purchased, or the digital goods or digital automated services to be obtained by the digital code purchased, or the prewritten computer software or services defined as a retail sale in RCW 82.04.050(6)(c) purchased will be concurrently available for use within and outside this state. A buyer is not entitled to use an

exemption certificate claiming multiple points of use for digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) purchased for personal use.

(c) A buyer claiming an exemption under this subsection (4) must report and pay the tax imposed in RCW 82.12.020 and any local use taxes imposed under the authority of chapter 82.14 RCW and RCW 81.104.170 directly to the department in accordance with RCW 82.12.0208 and 82.14.457.

(d) For purposes of this subsection (4), "concurrently available for use within and outside this state" means that employees or other agents of the buyer may use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) simultaneously from one or more locations within this state and one or more locations outside this state. A digital code is concurrently available for use within and outside this state if employees or other agents of the buyer may use the digital goods or digital automated services to be obtained by the code simultaneously at one or more locations within this state and one or more locations outside this state.

(5)(a) Except as provided in (b) of this subsection (5), the tax imposed by RCW 82.08.020 does not apply to sales of audio or video programming by a radio or television broadcaster.

(b)(i) Except as provided in (b)(ii) of this subsection (5), the exemption provided in this subsection (5) does not apply in respect to programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service.

(ii) The exemption provided in this subsection (5) applies to the sale of programming described in (b)(i) of this subsection (5) if the seller is subject to a franchise fee in this state under the authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived from the sale.

(c) For purposes of this subsection (5), "radio or television broadcaster" includes satellite radio providers, satellite television providers, cable television providers, and providers of subscription internet television.

(6) Sellers making tax-exempt sales under subsection (2) or (3) of this section must obtain an exemption certificate from the buyer in a form and manner prescribed by the department. The seller must retain a copy of the exemption certificate for the seller's files. In lieu of an exemption certificate, a seller may capture the relevant data elements as allowed under the streamlined sales and use tax agreement.

Sec. 12. RCW 82.08.025651 and 2011 c 23 s 4 are each amended to read as follows:

(1)(a) The tax levied by RCW 82.08.020 does not apply to sales to a public research institution of machinery and equipment used primarily in a research and development operation, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the machinery and equipment.

(b) Sellers making tax-exempt sales under this section must obtain from the purchaser an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(2) A public research institution claiming the exemption provided in this section must file a complete annual ~~((survey))~~ tax performance report with the department under RCW ~~((82.32.585))~~ 82.32.534.

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

(a) "Machinery and equipment" means those fixtures, pieces of equipment, digital goods, and support facilities that are an integral

and necessary part of a research and development operation, and tangible personal property that becomes an ingredient or component of such fixtures, equipment, and support facilities, including repair parts and replacement parts. "Machinery and equipment" may include, but is not limited to: Computers; software; data processing equipment; laboratory equipment, instrumentation, and other devices used in a process of experimentation to develop a new or improved pilot model, plant process, product, formula, or invention; vats, tanks, and fermenters; operating structures; and all equipment used to control, monitor, or operate the machinery and equipment.

(b) "Machinery and equipment" does not include:

- (i) Hand-powered tools;
- (ii) Property with a useful life of less than one year;
- (iii) Buildings; and

(iv) Those building fixtures that are not an integral and necessary part of a research and development operation and that are permanently affixed to and become a physical part of a building, such as utility systems for heating, ventilation, air conditioning, communications, plumbing, or electrical.

(c) "Primarily" means greater than fifty percent as measured by time. If machinery and equipment is used simultaneously in a research and development operation and also for other purposes, the use for other purposes must be disregarded during the period of simultaneous use for purposes of determining whether the machinery and equipment is used primarily in a research and development operation.

(d) "Public research institution" means any college or university included within the definitions of state universities, regional universities, or state college in RCW 28B.10.016.

(e) "Research and development operation" means engaging in research and development as defined in RCW 82.63.010.

Sec. 13. RCW 82.08.02807 and 2014 c 97 s 306 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 (~~shall~~) does not apply to the sales of medical supplies, chemicals, or materials to an organ procurement organization exempt under RCW 82.04.326. This exemption does not apply to the sale of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

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

(a) "Chemical" means any catalyst, solvent, water, acid, oil, or other additive that physically or chemically interacts with blood, bone, or tissue.

(b) "Materials" means any item of tangible personal property including, but not limited to, bags, packs, collecting sets, filtering materials, testing reagents, antisera, and refrigerants, used or consumed in performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(c) "Medical supplies" means any item of tangible personal property, including any repair and replacement parts for such tangible personal property, used by an organ procurement organization exempt under RCW 82.04.326 for the purpose of performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue. The term includes tangible personal property used to:

- (i) Provide preparatory treatment of blood, bone, or tissue;
- (ii) Control, guide, measure, tune, verify, align, regulate, test, or physically support blood, bone, or tissue; or
- (iii) Protect the health and safety of employees or others present during research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

Sec. 14. RCW 82.08.155 and 2012 c 39 s 1 are each amended to read as follows:

(1)(a) If the department determines that a taxpayer is more than thirty days delinquent in reporting or remitting spirits taxes on a tax return or assessed by the department, including any applicable penalties and interest on such taxes, the department may request that the liquor (~~control~~) and cannabis board suspend the taxpayer's spirits license or licenses and refuse to renew any existing spirits license held by the taxpayer or issue any new spirits license to the taxpayer. The department must provide written notice to the affected taxpayer of the department's request to the liquor (~~control~~) and cannabis board.

(b) Before the department may make a request to the liquor (~~control~~) and cannabis board as authorized in (a) of this subsection (1), the department must have provided the taxpayer with at least seven calendar days prior written notice. This notice must inform the taxpayer that the department intends to request that the liquor (~~control~~) and cannabis board suspend the taxpayer's spirits license or licenses and refuse to renew any existing license of the taxpayer or issue any new spirits license to the taxpayer unless, within seven calendar days of the date of the notice, the taxpayer submits any unfiled tax returns for reporting spirits taxes and remits full payment of its outstanding spirits tax liability to the department or negotiates payment arrangements for the unpaid spirits taxes. The notice required by this subsection (1)(b) must include information listing any unfiled tax returns; the amount of unpaid spirits taxes, including any applicable penalties and interest; who to contact to inquire about payment arrangements; and that the taxpayer may seek administrative review by the department of the notice, and the deadline for seeking such review. Nothing in this subsection (1)(b) requires the department to enter into any payment arrangement proposed by a taxpayer if the department determines that the taxpayer's proposal is not satisfactory.

(c) The department may not make a request to the liquor (~~control~~) and cannabis board under (a) of this subsection (~~(1)(a) of this section~~) relating to any spirits taxes that are the subject of pending administrative review by the department.

(2) A taxpayer's right to administrative review of the notice required in subsection (1)(b) of this section:

(a) May be conducted under any rule adopted pursuant to RCW 82.01.060(4) or as a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494; and

(b) Does not include the right to challenge the amount of any spirits taxes assessed by the department if the taxpayer previously sought or could have sought administrative review of the assessment as provided in RCW 82.32.160.

(3) The notices required by this section may be provided electronically in accordance with RCW 82.32.135.

(4) For purposes of this section:

(a) "Spirits license" has the same meaning as in RCW 66.24.010(3)(c); and

(b) "Spirits taxes" means the taxes imposed in RCW 82.08.150.

Sec. 15. RCW 82.08.195 and 2010 c 111 s 601 are each amended to read as follows:

(1) Except as provided in subsection (6) of this section, a bundled transaction is subject to the tax imposed by RCW 82.08.020 if the retail sale of any of its component products would be subject to the tax imposed by RCW 82.08.020.

(2) The transactions described in RCW 82.08.190(4) (a) and (b) are subject to the tax imposed by RCW 82.08.020 if the service that is the true object of the transaction is subject to the tax imposed by RCW 82.08.020. If the service that is the true object of the transaction is not subject to the tax imposed by RCW 82.08.020, the transaction is not subject to the tax imposed by RCW 82.08.020.

(3) The transaction described in RCW 82.08.190(4)(c) is not subject to the tax imposed by RCW 82.08.020.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

(4) The transaction described in RCW 82.08.190(4)(d) is not subject to the tax imposed by RCW 82.08.020.

(5) In the case of a bundled transaction that includes any of the following: Telecommunications service, ancillary service, internet access, or audio or video programming service:

(a) If the price is attributable to products that are taxable and products that are not taxable, the portion of the price attributable to the nontaxable products are subject to the tax imposed by RCW 82.08.020 unless the seller can identify by reasonable and verifiable standards the portion from its books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes;

(b) If the price is attributable to products that are subject to tax at different tax rates, the total price is attributable to the products subject to the tax at the highest tax rate unless the seller can identify by reasonable and verifiable standards the portion of the price attributable to the products subject to the tax imposed by RCW 82.08.020 at the lower rate from its books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes.

(6) The tax imposed by RCW 82.08.020 does not apply in respect to a bundled transaction consisting entirely of the sale of services or of services and prepared food, if the sale is to a resident, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. A single bundled transaction involving both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" has the same meaning as in RCW 82.08.0293.

(7) In the case of the sale of a code that provides a purchaser with the right to obtain more than one digital product or one or more digital products and other products or services, and all of the products and services, digital or otherwise, to be obtained through the use of the code do not have the same sales and use tax treatment, for purposes of the tax imposed by RCW 82.08.020:

(a) The transaction is deemed to be the sale of the products and services to be obtained through the use of the code; and

(b)(i) The tax imposed by RCW 82.08.020 applies to the entire selling price of the code, except as provided in (b)(ii) of this subsection (7).

(ii) If the seller can identify by reasonable and verifiable standards the portion of the selling price attributable to the products and services that are not subject to the tax imposed by RCW 82.08.020 from its books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes, the tax imposed by RCW 82.08.020 does not apply to that portion of the selling price of the code attributable to the products and services that are not subject to the tax imposed by RCW 82.08.020 nor to that portion of the selling price of the code attributable to any digital goods, the sale of which is exempt under RCW ~~((82.08.02087))~~ 82.08.0208(3).

Sec. 16. RCW 82.08.806 and 2011 c 174 s 204 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales, to a printer or publisher, of computer equipment, including repair parts and replacement parts for such equipment, when the computer equipment is used primarily in the printing or publishing of any printed material, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the computer equipment. This exemption applies only to computer equipment not otherwise exempt under RCW 82.08.02565.

(2) A person taking the exemption under this section must keep records necessary for the department to verify eligibility under this section. This exemption is available only when the purchaser provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) The definitions in this subsection (3) apply throughout this section, unless the context clearly requires otherwise.

(a) "Computer" has the same meaning as in RCW 82.04.215.

(b) "Computer equipment" means a computer and the associated physical components that constitute a computer system, including monitors, keyboards, printers, modems, scanners, pointing devices, and other computer peripheral equipment, cables, servers, and routers. "Computer equipment" also includes digital cameras and computer software.

(c) "Computer software" has the same meaning as in RCW 82.04.215.

(d) "Primarily" means greater than fifty percent as measured by time.

(e) "Printer or publisher" means a person, as defined in RCW 82.04.030, who is subject to tax under RCW 82.04.260~~((43))~~ (14) or 82.04.280(1)(a).

(4) "Computer equipment" does not include computer equipment that is used primarily for administrative purposes including but not limited to payroll processing, accounting, customer service, telemarketing, and collection. If computer equipment is used simultaneously for administrative and nonadministrative purposes, the administrative use must be disregarded during the period of simultaneous use for purposes of determining whether the computer equipment is used primarily for administrative purposes.

Sec. 17. RCW 82.08.956 and 2013 2nd sp.s. c 13 s 1002 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of hog fuel used to produce electricity, steam, heat, or biofuel. This exemption is available only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(2) For the purposes of this section ~~((the following definitions apply))~~:

(a) "Biofuel" includes, but is not limited to, biodiesel, ethanol, and ethanol blend fuels and renewable liquid natural gas or liquid compressed natural gas made from biogas;

(b) "Biogas" includes waste gases derived from landfills and wastewater treatment plants and dairy and farm wastes; and

(c) "Hog fuel" means wood waste and other wood residuals including forest derived biomass. "Hog fuel" does not include firewood or wood pellets~~((; and~~

~~(b) "Biofuel" has the same meaning as provided in RCW 43.325.010).~~

(3) If a taxpayer who claimed an exemption under this section closes a facility in Washington for which employment positions were reported under RCW 82.32.605, resulting in a loss of jobs located within the state, the department must declare the amount of the tax exemption claimed under this section for the previous two calendar years to be immediately due.

(4) This section expires June 30, 2024.

Sec. 18. RCW 82.08.9651 and 2017 3rd sp.s. c 37 s 506 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of gases and chemicals used by a manufacturer or processor for hire in the production of semiconductor materials. This exemption is limited to gases and chemicals used in the production process to grow the product, deposit or grow

permanent or sacrificial layers on the product, to etch or remove material from the product, to anneal the product, to immerse the product, to clean the product, and other such uses whereby the gases and chemicals come into direct contact with the product during the production process, or uses of gases and chemicals to clean the chambers and other like equipment in which such processing takes place. For the purposes of this section, "semiconductor materials" has the meaning provided in RCW 82.04.2404 and 82.04.294(3).

(2) A person claiming the exemption under this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(3) No application is necessary for the tax exemption. The person is subject to all of the requirements of chapter 82.32 RCW.

(4) Any person who has claimed the ~~((preferential tax rate))~~ exemption under this section must reimburse the department for fifty percent of the amount of the tax preference under this section, if:

(a) The number of persons employed by the person claiming the tax preference is less than ninety percent of the person's three-year employment average for the three years immediately preceding the year in which the ~~((preferential tax rate))~~ exemption is claimed; or

(b) The person is subject to a review under section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess. and such person does not meet performance criteria in section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess.

(5) This section expires December 1, 2028.

Sec. 19. RCW 82.12.0208 and 2009 c 535 s 601 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of a digital code for one or more digital products, if the use of the digital products to which the digital code relates is exempt from the tax levied by RCW 82.12.020.

(2) The provisions of this chapter do not apply to the use by a business or other organization of digital goods, digital codes, digital automated services, or services defined as a retail sale in RCW 82.04.050(6)(c) for the purpose of making the digital good or digital automated service, including a digital good or digital automated service acquired through the use of a digital code, or service defined as a retail sale in RCW 82.04.050(6)(c) available free of charge for the use or enjoyment of the general public. For purposes of this subsection (2), "general public" has the same meaning as in RCW 82.08.0208. The exemption provided in this subsection (2) does not apply unless the user has the legal right to broadcast, rebroadcast, transmit, retransmit, license, relicense, distribute, redistribute, or exhibit the product, in whole or in part, to the general public.

(3) The provisions of this chapter do not apply to the use by students of digital goods furnished by a public or private elementary or secondary school, or an institution of higher education as defined in section 1001 or 1002 of the federal higher education act of 1965 (Title 20 U.S.C. Secs. 1001 and 1002), as existing on July 1, 2009.

(4)(a) The provisions of this chapter do not apply in respect to the use of digital goods that are:

(i) Of a noncommercial nature, such as personal email communications;

(ii) Created solely for an internal audience; or

(iii) Created solely for the business needs of the person who created the digital good, including business email communications, but not including the type of digital good that is offered for sale.

(b) This subsection (4) does not apply to the use of any digital goods purchased by the user, the user's donor, or anybody on the user's behalf.

(5) The provisions of this chapter do not apply in respect to the use of digital products or digital codes obtained by the end user free of charge.

(6) The provisions of this chapter do not apply to the use by a business of digital goods, and services rendered in respect to digital goods, where the digital goods and services rendered in respect to digital goods are used solely for business purposes. The exemption provided by this subsection (6) also applies to the use by a business of a digital code if all of the digital goods to be obtained through the use of the code will be used solely for business purposes. For purposes of this subsection (6), the definitions in RCW 82.08.0208 apply.

(7)(a) A business or other organization subject to the tax imposed in RCW 82.12.020 on the use of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) that are concurrently available for use within and outside this state is entitled to apportion the amount of tax due this state based on users in this state compared to users everywhere. The department may authorize or require an alternative method of apportionment supported by the taxpayer's records that fairly reflects the proportion of in-state to out-of-state use by the taxpayer of the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c).

(b) No apportionment under this subsection (7) is allowed unless the apportionment method is supported by the taxpayer's records kept in the ordinary course of business.

(c) For purposes of this subsection (7), the following definitions apply:

(i) "Concurrently available for use within and outside this state" means that employees or other agents of the taxpayer may use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) simultaneously at one or more locations within this state and one or more locations outside this state. A digital code is concurrently available for use within and outside this state if employees or other agents of the taxpayer may use the digital goods or digital automated services to be obtained by the code simultaneously at one or more locations within this state and one or more locations outside this state; and

(ii) "User" means an employee or agent of the taxpayer who is authorized by the taxpayer to use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) in the performance of his or her duties as an employee or other agent of the taxpayer.

(8)(a) Except as provided in (b) of this subsection (8), the provisions of this chapter do not apply to the use of audio or video programming provided by a radio or television broadcaster.

(b)(i) Except as provided in (b)(ii) of this subsection (8), the exemption provided in this subsection (8) does not apply in respect to programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service.

(ii) The exemption provided in this subsection (8) applies to the sale of programming described in (b)(i) of this subsection (8) if the seller is subject to a franchise fee in this state under the authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived from the sale.

(c) For purposes of this subsection (8), "radio or television broadcaster" includes satellite radio providers, satellite television providers, cable television providers, providers of subscription internet television, and persons who provide radio or television broadcasting to listeners or viewers for no charge.

Sec. 20. RCW 82.12.02749 and 2002 c 113 s 3 are each

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

amended to read as follows:

The tax levied by RCW 82.08.020 (~~((shall))~~) does not apply to the use of medical supplies, chemicals, or materials by an organ procurement organization exempt under RCW 82.04.326. The definitions of medical supplies, chemicals, and materials in RCW (~~(82.04.324))~~ 82.08.02807 apply to this section. This exemption does not apply to the use of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

Sec. 21. RCW 82.12.930 and 2003 c 5 s 17 are each amended to read as follows:

The provisions of this chapter do not apply with respect to the use by municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services as defined in RCW 82.04.050(2)(a) rendered in respect to contracts for watershed protection and/or flood prevention. This exemption is limited to that portion of the selling price that is reimbursed by the United States government according to the provisions of the watershed protection and flood prevention act (68 Stat. 666; 16 U.S.C. Sec. (~~(104))~~ 1001 et seq.).

Sec. 22. RCW 82.12.956 and 2013 2nd sp.s. c 13 s 1003 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of hog fuel for production of electricity, steam, heat, or biofuel.

(2) For the purposes of this section:

(a) "Biofuel" has the same meaning as provided in RCW 82.08.956; and

(b) "Hog fuel" has the same meaning as provided in RCW 82.08.956(~~;~~ and

~~(c) "Biofuel" has the same meaning as provided in RCW 43.325.010).~~

(3) This section expires June 30, 2024.

Sec. 23. RCW 82.12.9651 and 2017 3rd sp.s. c 37 s 508 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of gases and chemicals used by a manufacturer or processor for hire in the production of semiconductor materials. This exemption is limited to gases and chemicals used in the production process to grow the product, deposit or grow permanent or sacrificial layers on the product, to etch or remove material from the product, to anneal the product, to immerse the product, to clean the product, and other such uses whereby the gases and chemicals come into direct contact with the product during the production process, or uses of gases and chemicals to clean the chambers and other like equipment in which such processing takes place. For purposes of this section, "semiconductor materials" has the meaning provided in RCW 82.04.2404 and 82.04.294(3).

(2) A person claiming the exemption under this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(3) No application is necessary for the tax exemption. The person is subject to all of the requirements of chapter 82.32 RCW.

(4) Any person who has claimed the (~~(preferential tax rate))~~ exemption under this section must reimburse the department for fifty percent of the amount of the tax preference under this section, if:

(a) The number of persons employed by the person claiming the tax preference is less than ninety percent of the person's three-year employment average for the three years immediately preceding the year in which the (~~(preferential tax rate))~~ exemption is claimed; or

(b) The person is subject to a review under section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess. and such person does not

meet performance criteria in section 501(4)(a), chapter 37, Laws of 2017 3rd sp. sess.

(5) This section expires December 1, 2028.

Sec. 24. RCW 82.14.049 and 2011 c 174 s 107 are each amended to read as follows:

(1) The legislative authority of any county may impose a sales and use tax, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the county that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax is one percent of the selling price in the case of a sales tax or rental value of the vehicle in the case of a use tax. Proceeds of the tax may not be used to subsidize any professional sports team and must be used solely for the following purposes:

(a) Acquiring, constructing, maintaining, or operating public sports stadium facilities;

(b) Engineering, planning, financial, legal, or professional services incidental to public sports stadium facilities;

(c) Youth or amateur sport activities or facilities; or

(d) Debt or refinancing debt issued for the purposes of subsection (1) of this section.

(2) In a county of one million or more, at least seventy-five percent of the tax imposed under this section must be used to retire the debt on the stadium under RCW 67.28.180(2)(b)(~~(c))~~) (i)(B), until that debt is fully retired.

Sec. 25. RCW 82.14.400 and 2000 c 240 s 1 are each amended to read as follows:

(1) Upon the joint request of a metropolitan park district, a city with a population of more than one hundred fifty thousand, and a county legislative authority in a county with a national park and a population of more than five hundred thousand and less than one million five hundred thousand, the county (~~((shall))~~) must submit an authorizing proposition to the county voters, fixing and imposing a sales and use tax in accordance with this chapter for the purposes designated in subsection (4) of this section and identified in the joint request. Such proposition must be placed on a ballot for a special or general election to be held no later than one year after the date of the joint request.

(2) The proposition is approved if it receives the votes of a majority of those voting on the proposition.

(3) The tax authorized in this section is in addition to any other taxes authorized by law and (~~((shall))~~) must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax (~~((shall))~~) must equal no more than one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(4) Moneys received from any tax imposed under this section (~~((shall))~~) must be used solely for the purpose of providing funds for:

(a) Costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, or improvement of zoo, aquarium, and wildlife preservation and display facilities that are currently accredited by the American zoo and aquarium association; or

(b) Those costs associated with (a) of this subsection and costs related to parks located within a county described in subsection (1) of this section.

(5) The department (~~((of revenue shall))~~) must perform the collection of such taxes on behalf of the county at no cost to the county. In lieu of the charge for the administration and collection of local sales and use taxes under RCW 82.14.050 from which the county is exempt under this subsection (5), a percentage of the tax revenues authorized by this section equal to one-half of the maximum percentage provided in RCW 82.14.050 (~~((shall))~~) must be transferred annually to the department of (~~((community, trade,~~

~~and economic development~~) commerce, or its successor agency, from the funds allocated under subsection (6)(b) of this section for a period of twelve years from the first date of distribution of funds under subsection (6)(b) of this section. The department of ~~((community, trade, and economic development))~~ commerce, or its successor agency, ~~((shall))~~ must use funds transferred to it pursuant to this subsection (5) to provide, operate, and maintain community-based housing under chapter 43.185 RCW for ~~((persons who are mentally ill))~~ individuals with mental illness.

(6) If the joint request and the authorizing proposition include provisions for funding those costs included within subsection (4)(b) of this section, the tax revenues authorized by this section ~~((shall))~~ must be allocated annually as follows:

(a) Fifty percent to the zoo and aquarium advisory authority; and

(b) Fifty percent to be distributed on a per capita basis as set out in the most recent population figures for unincorporated and incorporated areas only within that county, as determined by the office of financial management, solely for parks, as follows: To any metropolitan park district, to cities and towns not contained within a metropolitan park district, and the remainder to the county. Moneys received under this subsection (6)(b) by a county may not be used to replace or supplant existing per capita funding.

(7) Funds ~~((shall))~~ must be distributed annually by the county treasurer to the county, and cities and towns located within the county, in the manner set out in subsection (6)(b) of this section.

(8) Prior to expenditure of any funds received by the county under subsection (6)(b) of this section, the county ~~((shall))~~ must establish a process which considers needs throughout the unincorporated areas of the county in consultation with community advisory councils established by ordinance.

(9) By December 31, 2005, and thereafter, the county or any city with a population greater than eighty thousand must provide at least one dollar match for every two dollars received under this section.

(10) Properties subject to a memorandum of agreement between the federal bureau of land management, the advisory council on historic preservation, and the Washington state historic preservation officer have priority for funding from money received under subsection (6)(b) of this section for implementation of the stipulations in the memorandum of agreement.

(a) At least one hundred thousand dollars of the first four years of allocations under subsection (6)(b) of this section, to be matched by the county or city with one dollar for every two dollars received, ~~((shall))~~ must be used to implement the stipulations of the memorandum of agreement and for other historical, archaeological, architectural, and cultural preservation and improvements related to the properties.

(b) The amount in (a) of this subsection ~~((shall))~~ must come equally from the allocations to the county and to the city in which the properties are located, unless otherwise agreed to by the county and the city.

(c) The amount in (a) of this subsection ~~((shall))~~ may not be construed to displace or be offered in lieu of any lease payment from a county or city to the state for the properties in question.

Sec. 26. RCW 82.14.457 and 2017 c 323 s 527 are each amended to read as follows:

(1) A business or other organization that is entitled under RCW ~~((82.12.02088))~~ 82.12.0208(7) to apportion the amount of state use tax on the use of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(c) is also entitled to apportion the amount of local use taxes imposed under the authority of this chapter and RCW 81.104.170 on the use of such products or services.

(2) To ensure that the tax base for state and local use taxes is identical, the measure of local use taxes apportioned under this section must be the same as the measure of state use tax apportioned under RCW ~~((82.12.02088))~~ 82.12.0208(7).

(3) This section does not affect the sourcing of local use taxes.

Sec. 27. RCW 82.16.0497 and 2006 c 213 s 1 are each amended to read as follows:

(1) ~~((Unless the context clearly requires otherwise,))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Base credit" means the maximum amount of credit against the tax imposed by this chapter that each light and power business or gas distribution business may take each fiscal year as calculated by the department. The base credit is equal to the proportionate share that the total grants received by each light and power business or gas distribution business in the prior fiscal year bears to the total grants received by all light and power businesses and gas distribution businesses in the prior fiscal year multiplied by five million five hundred thousand dollars for fiscal year 2007, and two million five hundred thousand dollars for all other fiscal years before and after fiscal year 2007.

(b) "Billing discount" means a reduction in the amount charged for providing service to qualifying persons in Washington made by a light and power business or a gas distribution business. Billing discount does not include grants received by the light and power business or a gas distribution business.

(c) "Grant" means funds provided to a light and power business or gas distribution business by the department of ~~((community, trade, and economic development))~~ commerce or by a qualifying organization.

(d) "Low-income home energy assistance program" means energy assistance programs for low-income households as defined on December 31, 2000, in the low-income home energy assistance act of 1981 as amended August 1, 1999, 42 U.S.C. Sec. 8623 et seq.

(e) "Qualifying person" means a Washington resident who applies for assistance and qualifies for a grant regardless of whether that person receives a grant.

(f) "Qualifying contribution" means money given by a light and power business or a gas distribution business to a qualifying organization, exclusive of money received in the prior fiscal year from its customers for the purpose of assisting other customers.

(g) "Qualifying organization" means an entity that has a contractual agreement with the department of ~~((community, trade, and economic development))~~ commerce to administer in a specified service area low-income home energy assistance funds received from the federal government and such other funds that may be received by the entity.

(2) Subject to the limitations in this section, a light and power business or a gas distribution business may take a credit each fiscal year against the tax imposed under this chapter.

(a)(i) A credit may be taken for qualifying contributions if the dollar amount of qualifying contributions for the fiscal year in which the tax credit is taken is greater than one hundred twenty-five percent of the dollar amount of qualifying contributions given in fiscal year 2000.

(ii) If no qualifying contributions were given in fiscal year 2000, a credit ~~((shall be))~~ is allowed for the first fiscal year that qualifying contributions are given. Thereafter, credit ~~((shall be))~~ is allowed if the qualifying contributions given exceed one hundred twenty-five percent of qualifying contributions given in the first fiscal year.

(iii) The amount of credit ~~((shall be))~~ is fifty percent of the dollar amount of qualifying contributions given in the fiscal year in which the tax credit is taken.

(b)(i) A credit may be taken for billing discounts if the dollar

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

amount of billing discounts for the fiscal year in which the tax credit is taken is greater than one hundred twenty-five percent of the dollar amount of billing discounts given in fiscal year 2000.

(ii) If no billing discounts were given in fiscal year 2000, a credit ~~((shall be))~~ is allowed in the first fiscal year that billing discounts are given. Thereafter, credit ~~((shall be))~~ is allowed if the dollar amount of billing discounts given exceeds one hundred twenty-five percent of billing discounts given in the first fiscal year.

(iii) The amount of credit ~~((shall be))~~ is fifty percent of the dollar amount of the billing discounts given in the fiscal year in which the tax credit is taken.

(c) The total amount of credit that may be taken for qualifying contributions and billing discounts in a fiscal year is limited to the base credit for the same fiscal year.

(3)(a)(i) Except as provided in (a)(ii) of this subsection, the total amount of credit, statewide, that may be taken in any fiscal year ~~((shall))~~ may not exceed two million five hundred thousand dollars.

(ii) The total amount of credit, statewide, that may be taken in fiscal year 2007 ~~((shall))~~ may not exceed five million five hundred thousand dollars.

(b) By May 1st of each year starting in 2002, the department of ~~((community, trade, and economic development shall))~~ commerce must notify the department of revenue in writing of the grants received in the current fiscal year by each light and power business and gas distribution business.

(4)(a) Not later than June 1st of each year beginning in 2002, the department ~~((shall))~~ must publish the base credit for each light and power business and gas distribution business for the next fiscal year.

(b) Not later than July 1st of each year beginning in 2002, application for credit must ~~((by))~~ be made to the department including but not limited to the following information: Billing discounts given by the applicant in fiscal year 2000; qualifying contributions given by the applicant in the prior fiscal year; the amount of money received in the prior fiscal year from customers for the purpose of assisting other customers; the base credit for the next fiscal year for the applicant; the qualifying contributions anticipated to be given in the next fiscal year; and billing discounts anticipated to be given in the next fiscal year. No credit under this section will be allowed to a light and power business or gas distribution business that does not file the application by July 1st.

(c) Not later than August 1st of each year beginning in 2002, the department ~~((shall))~~ must notify each applicant of the amount of credit that may be taken in that fiscal year.

(d) The balance of base credits not used by other light and power businesses and gas distribution businesses ~~((shall))~~ must be ratably distributed to applicants under the formula in subsection (1)(a) of this section. The total amount of credit that may be taken by an applicant is the base credit plus any ratable portion of unused base credit.

(5) The credit taken under this section is limited to the amount of tax imposed under this chapter for the fiscal year. The credit must be claimed in the fiscal year in which the billing reduction is made. Any unused credit expires. Refunds ~~((shall))~~ may not be given in place of credits.

(6) No credit may be taken for billing discounts made before July 1, 2001. Within two weeks of May 8, 2001, the department of ~~((community, trade, and economic development shall))~~ commerce must notify the department of revenue in writing of the grants received in fiscal year 2001 by each light and power business and gas distribution business. Within four weeks of May 8, 2001, the department of revenue ~~((shall))~~ must publish the base

credit for each light and power business and gas distribution business for fiscal year 2002. Within eight weeks of May 8, 2001, application to the department must be made showing the information required in subsection (4)(b) of this section. Within twelve weeks of May 8, 2001, the department ~~((shall))~~ must notify each applicant of the amount of credit that may be taken in fiscal year 2002.

Sec. 28. RCW 82.16.055 and 1980 c 149 s 3 are each amended to read as follows:

(1) In computing tax under this chapter there ~~((shall))~~ must be deducted from the gross income:

(a) An amount equal to the cost of production at the plant for consumption within the state of Washington of:

(i) Electrical energy produced or generated from cogeneration as defined in RCW 82.35.020, as existing on June 30, 2006; and

(ii) Electrical energy or gas produced or generated from renewable energy resources such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood wastes, municipal wastes, agricultural products and wastes, and end-use waste heat; and

(b) Those amounts expended to improve consumers' efficiency of energy end use or to otherwise reduce the use of electrical energy or gas by the consumer.

(2) This section applies only to new facilities for the production or generation of energy from cogeneration or renewable energy resources or measures to improve the efficiency of energy end use on which construction or installation is begun after June 12, 1980, and before January 1, 1990.

(3) Deductions under subsection (1)(a) of this section ~~((shall))~~ must be allowed for a period not to exceed thirty years after the project is placed in operation.

(4) Measures or projects encouraged under this section ~~((shall))~~ must at the time they are placed in service be reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use which is less than or equal to the incremental system cost per unit of energy delivered to end use from similarly available conventional energy resources which utilize nuclear energy or fossil fuels and which the gas or electric utility could acquire to meet energy demand in the same time period.

(5) The department of revenue, after consultation with the utilities and transportation commission in the case of investor-owned utilities and the governing bodies of locally regulated utilities, ~~((shall))~~ must determine the eligibility of individual projects and measures for deductions under this section.

Sec. 29. RCW 82.23A.010 and 2012 1st sp.s. c 3 s 4 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Petroleum product" means plant condensate, lubricating oil, gasoline, aviation fuel, kerosene, diesel motor fuel, benzol, fuel oil, residual oil, and every other product derived from the refining of crude oil, but the term does not include crude oil or liquefiable gases.

(2) "Possession" means the control of a petroleum product located within this state and includes both actual and constructive possession. "Actual possession" occurs when the person with control has physical possession. "Constructive possession" occurs when the person with control does not have physical possession. "Control" means the power to sell or use a petroleum product or to authorize the sale or use by another.

(3) "Previously taxed petroleum product" means a petroleum product in respect to which a tax has been paid under this chapter and that has not been remanufactured or reprocessed in any

manner (other than mere repackaging or recycling for beneficial reuse) since the tax was paid.

(4) "Rack" means a mechanism for delivering petroleum products from a refinery or terminal into a truck, trailer, railcar, or other means of nonbulk transfer. For the purposes of this definition:

(a) "Terminal" has the same ~~(definition as in RCW 82.36.010 and)~~ meaning as provided in RCW 82.38.020; and

(b) "Nonbulk transfer" means a transfer that does not meet the definition of "bulk transfer" as defined in RCW ~~(82.36.010 and)~~ 82.38.020.

(5) "Wholesale value" means fair market wholesale value, determined as nearly as possible according to the wholesale selling price at the place of use of similar products of like quality and character, in accordance with rules of the department.

(6) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

Sec. 30. RCW 82.24.010 and 2012 2nd sp.s. c 4 s 1 are each amended to read as follows:

~~(Unless the context clearly requires otherwise,)~~ The definitions in this section apply throughout this chapter(=) unless the context clearly requires otherwise.

(1) "Board" means the liquor ~~((control))~~ and cannabis board.

(2) "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state. "Cigarette" includes a roll-your-own cigarette.

(3) "Cigarette paper" means any paper or any other material except tobacco, prepared for use as a cigarette wrapper.

(4) "Cigarette tube" means cigarette paper made into a hollow cylinder for use in making cigarettes.

(5) "Commercial cigarette-making machine" means a machine that is operated in a retail establishment and that is capable of being loaded with loose tobacco, cigarette paper or tubes, and any other components related to the production of roll-your-own cigarettes, including filters.

(6) "Indian tribal organization" means a federally recognized Indian tribe, or tribal entity, and includes an Indian wholesaler or retailer that is owned by an Indian who is an enrolled tribal member conducting business under tribal license or similar tribal approval within Indian country. For purposes of this chapter "Indian country" is defined in the manner set forth in 18 U.S.C. Sec. 1151.

(7) "Precollection obligation" means the obligation of a seller otherwise exempt from the tax imposed by this chapter to collect the tax from that seller's buyer.

(8) "Retailer" means every person, other than a wholesaler, who purchases, sells, offers for sale or distributes any one or more of the articles taxed herein, irrespective of quantity or amount, or the number of sales, and all persons operating under a retailer's registration certificate.

(9) "Retail selling price" means the ordinary, customary or usual price paid by the consumer for each package of cigarettes, less the tax levied by this chapter and less any similar tax levied by this state.

(10) "Roll-your-own cigarettes" means cigarettes produced by a commercial cigarette-making machine.

(11) "Stamp" means the stamp or stamps by use of which the tax levy under this chapter is paid or identification is made of those cigarettes with respect to which no tax is imposed.

(12) "Wholesaler" means every person who purchases, sells, or distributes any one or more of the articles taxed herein to retailers for the purpose of resale only.

(13) The meaning attributed, in chapter 82.04 RCW, to the words "person," "sale," "business" and "successor" applies equally in this chapter.

Sec. 31. RCW 82.24.551 and 1997 c 420 s 10 are each amended to read as follows:

The department ~~((shall))~~ must appoint, as duly authorized agents, enforcement officers of the liquor ~~((control))~~ and cannabis board to enforce provisions of this chapter. These officers ~~((shall))~~ are not ~~((be))~~ considered employees of the department.

Sec. 32. RCW 82.26.010 and 2010 1st sp.s. c 22 s 4 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual price" means the total amount of consideration for which tobacco products are sold, valued in money, whether received in money or otherwise, including any charges by the seller necessary to complete the sale such as charges for delivery, freight, transportation, or handling.

(2) "Affiliated" means related in any way by virtue of any form or amount of common ownership, control, operation, or management.

(3) "Board" means the liquor ~~((control))~~ and cannabis board.

(4) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state.

(5) "Cigar" means a roll for smoking that is of any size or shape and that is made wholly or in part of tobacco, irrespective of whether the tobacco is pure or flavored, adulterated or mixed with any other ingredient, if the roll has a wrapper made wholly or in greater part of tobacco. "Cigar" does not include a cigarette.

(6) "Cigarette" has the same meaning as in RCW 82.24.010.

(7) "Department" means the department of revenue.

(8) "Distributor" means (a) any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from without the state any tobacco products for sale, (b) any person who makes, manufactures, fabricates, or stores tobacco products in this state for sale in this state, (c) any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state, to be sold by those retailers, (d) any person engaged in the business of selling tobacco products in this state who handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

(9) "Indian country" means the same as defined in chapter 82.24 RCW.

(10) "Little cigar" means a cigar that has a cellulose acetate integrated filter.

(11) "Manufacturer" means a person who manufactures and sells tobacco products.

(12) "Manufacturer's representative" means a person hired by a manufacturer to sell or distribute the manufacturer's tobacco products, and includes employees and independent contractors.

(13) "Moist snuff" means tobacco that is finely cut, ground, or powdered; is not for smoking; and is intended to be placed in the oral, but not the nasal, cavity.

(14) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. The term excludes any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

Indian country.

(15) "Place of business" means any place where tobacco products are sold or where tobacco products are manufactured, stored, or kept for the purpose of sale, including any vessel, vehicle, airplane, train, or vending machine.

(16) "Retail outlet" means each place of business from which tobacco products are sold to consumers.

(17) "Retailer" means any person engaged in the business of selling tobacco products to ultimate consumers.

(18)(a) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person.

(b) The term "sale" includes a gift by a person engaged in the business of selling tobacco products, for advertising, promoting, or as a means of evading the provisions of this chapter.

(19)(a) "Taxable sales price" means:

(i) In the case of a taxpayer that is not affiliated with the manufacturer, distributor, or other person from whom the taxpayer purchased tobacco products, the actual price for which the taxpayer purchased the tobacco products;

(ii) In the case of a taxpayer that purchases tobacco products from an affiliated manufacturer, affiliated distributor, or other affiliated person, and that sells those tobacco products to unaffiliated distributors, unaffiliated retailers, or ultimate consumers, the actual price for which that taxpayer sells those tobacco products to unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(iii) In the case of a taxpayer that sells tobacco products only to affiliated distributors or affiliated retailers, the price, determined as nearly as possible according to the actual price, that other distributors sell similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(iv) In the case of a taxpayer that is a manufacturer selling tobacco products directly to ultimate consumers, the actual price for which the taxpayer sells those tobacco products to ultimate consumers;

(v) In the case of a taxpayer that has acquired tobacco products under a sale as defined in subsection (18)(b) of this section, the price, determined as nearly as possible according to the actual price, that the taxpayer or other distributors sell the same tobacco products or similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers; or

(vi) In any case where (a)(i) through (v) of this subsection do not apply, the price, determined as nearly as possible according to the actual price, that the taxpayer or other distributors sell the same tobacco products or similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers.

(b) For purposes of (a)(i) and (ii) of this subsection only, "person" includes both persons as defined in subsection (14) of this section and any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(c) The department may adopt rules regarding the determination of taxable sales price under this subsection.

(20) "Taxpayer" means a person liable for the tax imposed by this chapter.

(21) "Tobacco products" means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other

kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, and any other product, regardless of form, that contains tobacco and is intended for human consumption or placement in the oral or nasal cavity or absorption into the human body by any other means, but does not include cigarettes as defined in RCW 82.24.010.

(22) "Unaffiliated distributor" means a distributor that is not affiliated with the manufacturer, distributor, or other person from whom the distributor has purchased tobacco products.

(23) "Unaffiliated retailer" means a retailer that is not affiliated with the manufacturer, distributor, or other person from whom the retailer has purchased tobacco products.

Sec. 33. RCW 82.26.121 and 1997 c 420 s 11 are each amended to read as follows:

The department (~~shall~~) must appoint, as duly authorized agents, enforcement officers of the liquor (~~control~~) and cannabis board to enforce provisions of this chapter. These officers (~~shall~~) are not (~~be~~) considered employees of the department.

Sec. 34. RCW 82.26.130 and 2002 c 325 s 5 are each amended to read as follows:

(1) The department (~~shall~~) must by rule establish the invoice detail required under RCW 82.26.060 for a distributor under RCW 82.26.010(~~(3))~~ (8)(d) and for those invoices required to be provided to retailers under RCW 82.26.070.

(2) If a retailer fails to keep invoices as required under chapter 82.32 RCW, the retailer is liable for the tax owed on any uninvoiced tobacco products but not penalties and interest, except as provided in subsection (3) of this section.

(3) If the department finds that the nonpayment of tax by the retailer was willful or if in the case of a second or plural nonpayment of tax by the retailer, penalties and interest (~~shall~~) must be assessed in accordance with chapter 82.32 RCW.

Sec. 35. RCW 82.26.190 and 2009 c 154 s 6 are each amended to read as follows:

(1)(a) No person may engage in or conduct business as a distributor or retailer in this state after September 30, 2005, without a valid license issued under this chapter. Any person who sells tobacco products to persons other than ultimate consumers or who meets the definition of distributor under RCW 82.26.010(~~(3))~~ (8)(d) must obtain a distributor's license under this chapter. Any person who sells tobacco products to ultimate consumers must obtain a retailer's license under this chapter.

(b) A violation of this subsection (1) is punishable as a class C felony according to chapter 9A.20 RCW.

(2)(a) No person engaged in or conducting business as a distributor or retailer in this state may:

(i) Refuse to allow the department or the board, on demand, to make a full inspection of any place of business where any of the tobacco products taxed under this chapter are sold, stored, or handled, or otherwise hinder or prevent such inspection;

(ii) Make, use, or present or exhibit to the department or the board any invoice for any of the tobacco products taxed under this chapter that bears an untrue date or falsely states the nature or quantity of the goods invoiced; or

(iii) Fail to produce on demand of the department or the board all invoices of all the tobacco products taxed under this chapter within five years prior to such demand unless the person can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond the person's control.

(b) No person, other than a licensed distributor or retailer, may transport tobacco products for sale in this state for which the taxes imposed under this chapter have not been paid unless:

(i) Notice of the transportation has been given as required under RCW 82.26.140;

(ii) The person transporting the tobacco products actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of tobacco products being transported; and

(iii) The tobacco products are consigned to or purchased by a person in this state who is licensed under this chapter.

(c) A violation of this subsection (2) is a gross misdemeanor.

(3) Any person licensed under this chapter as a retailer, and any person licensed under this chapter as a retailer, ~~((shall))~~ may not operate in any other capacity unless the additional appropriate license is first secured. A violation of this subsection (3) is a misdemeanor.

(4) The penalties provided in this section are in addition to any other penalties provided by law for violating the provisions of this chapter or the rules adopted under this chapter.

Sec. 36. RCW 82.26.200 and 2005 c 180 s 17 are each amended to read as follows:

(1) A retailer that obtains tobacco products from an unlicensed distributor or any other person that is not licensed under this chapter must be licensed both as a retailer and a distributor under this chapter and is liable for the tax imposed under RCW 82.26.020 with respect to the tobacco products acquired from the unlicensed person that are held for sale, handling, or distribution in this state. For the purposes of this subsection, "person" includes both persons defined in RCW 82.26.010~~((40))~~ (14) and any person immune from state taxation, such as the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(2) Every distributor licensed under this chapter ~~((shall))~~ must sell tobacco products to retailers located in Washington only if the retailer has a current retailer's license under this chapter.

Sec. 37. RCW 82.29A.060 and 1994 c 95 s 1 are each amended to read as follows:

(1) All administrative provisions in chapters 82.02 and 82.32 RCW ~~((shall be))~~ are applicable to taxes imposed pursuant to this chapter.

(2)(a) A lessee, or a sublessee in the case where the sublessee is responsible for paying the tax imposed under this chapter, of property used for residential purposes may petition the county board of equalization for a change in appraised value when the department of revenue establishes taxable rent under RCW 82.29A.020(2)~~((b))~~ (g) based on an appraisal done by the county assessor at the request of the department. The petition must be on forms prescribed or approved by the department of revenue and any petition not conforming to those requirements or not properly completed ~~((shall))~~ may not be considered by the board. The petition must be filed with the board within the time period set forth in RCW 84.40.038. A decision of the board of equalization may be appealed by the taxpayer to the board of tax appeals as provided in RCW 84.08.130.

(b) A sublessee, in the case where the sublessee is responsible for paying the tax imposed under this chapter, of property used for residential purposes may petition the department for a change in taxable rent when the department of revenue establishes taxable rent under RCW 82.29A.020(2)~~((b))~~ (g).

(c) Any change in tax resulting from an appeal under this subsection ~~((shall))~~ must be allocated to the lessee or sublessee responsible for paying the tax.

(3) This section ~~((shall))~~ does not authorize the issuance of any levy upon any property owned by the public lessor.

(4) In selecting leasehold excise tax returns for audit the department of revenue ~~((shall))~~ must give priority to any return an audit of which is specifically requested in writing by the county assessor or treasurer or other chief financial officer of any city or

county affected by such return. Notwithstanding the provisions of RCW 82.32.330, findings of fact and determinations of the amount of taxable rent made pursuant to the provisions of this chapter ~~((shall))~~ must be open to public inspection at all reasonable times.

Sec. 38. RCW 82.29A.120 and 2017 3rd sp.s. c 37 s 1302 are each amended to read as follows:

(1)(a) After computation of the taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040, the following credits are allowed in determining the tax payable:

(i) For lessees and sublessees who would qualify for a property tax exemption under RCW 84.36.381 if the property were privately owned, the tax otherwise due after this credit must be reduced by a percentage equal to the percentage reduction in property tax that would result from the property tax exemption under RCW 84.36.381; and

(ii) A credit of thirty-three percent of the tax otherwise due is allowed with respect to a product lease.

(b)(i) For a leasehold interest in real property owned by a state university, a credit is allowed equal to the amount that the tax under this chapter exceeds the property tax that would apply if the real property were privately owned by the taxpayer.

(ii) The credit under this subsection (1)(b) is available only if the tax parcel that is subject to the leasehold interest has a market value in excess of ten million dollars. If the leasehold interest attaches to two or more parcels, the credit is available if at least one of the tax parcels has a market value in excess of ten million dollars. In either case, the market value must be determined as of January 1st of the year prior to the year for which the credit is claimed.

(iii) For purposes of calculating the credit under this subsection (1)(b):

(A) If a tax parcel does not have current assessed value in accordance with RCW 84.40.020, a market value appraisal performed by a Washington state-certified general real estate appraiser, as defined in RCW 18.140.010, is sufficient to establish the market value. If the underlying real property that is the subject of the leasehold interest consists of a part of one or more tax parcels, this appraisal must include the market value of the part of the parcel or parcels to which the leasehold interest applies; and

(B) The property tax that would otherwise apply to the real property that is the subject of the leasehold interest is calculated using the existing consolidated levy rate for the property's tax code area.

(iv) The definitions in this subsection apply throughout this subsection (1)(b) unless the context clearly requires otherwise.

(A) "Market value" means the true and fair value of the property as that term is used in RCW 84.40.030, based on the property's highest and best use and determined by any reasonable means approved by the department.

(B) "Real property" has the same meaning as in RCW 84.04.090 and also includes all improvements upon the land the fee of which is still vested in the public owner.

(C) "State university" has the same meaning as "state universities" as provided in RCW 28B.10.016.

(v) The credit provided under this subsection (1)(b) may not be claimed for tax reporting periods beginning on or after January 1, 2032.

(2) ~~((This section expires))~~ No credit under subsection (1)(b) of this section may be claimed or approved on or after January 1, 2032.

Sec. 39. RCW 82.32.062 and 2002 c 57 s 1 are each amended to read as follows:

(1) In addition to the procedure set forth in RCW 82.32.060 and as an exception to the four-year period explicitly set forth in RCW 82.32.060, an offset for a tax that has been paid in excess of that

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

properly due may be taken under the following conditions:

~~((4))~~ (a) The tax paid in excess of that properly due was sales ~~((tax paid on the purchase of property acquired for leasing; (2)))~~ or use tax paid on property purchased for the purpose of leasing;

(b) The taxpayer was at the time of purchase entitled to purchase the property at wholesale under RCW 82.04.060; and

~~((3))~~ (c) The taxpayer substantiates that ~~((sales tax was paid at the time of purchase))~~ the taxpayer paid sales or use tax on the purchase of the property and that there was no intervening use of the ~~((equipment))~~ property by the taxpayer.

(2) The offset under this section is applied to and reduced by the amount of retail sales tax otherwise due from the beginning of lease of the property until the offset is extinguished.

Sec. 40. RCW 82.32.300 and 2019 c 445 s 209 are each amended to read as follows:

(1) The ~~((administration of this and chapters 82.04 through 82.27 RCW of this title is vested in the department, which must))~~ department must administer this chapter and such other provisions of the Revised Code of Washington as specifically provided by law. To that end, the department may prescribe forms and rules of procedure for the determination of the taxable status of any person, for the making of returns and for the ascertainment, assessment, and collection of taxes and penalties imposed thereunder.

(2)(a) The department ~~((must))~~ may make and publish rules ~~((and regulations)),~~ not inconsistent therewith, necessary to enforce provisions of this chapter ~~((and chapters 82.02 through 82.23B and 82.27 RCW, and the liquor and cannabis board must))~~ and such other provisions of the Revised Code of Washington that the department is empowered by law to enforce. The liquor and cannabis board may make and publish rules necessary to enforce chapters 82.24, 82.26, and 82.25 RCW~~((, which has))~~.

(b) Rules adopted by the department or liquor and cannabis board under the authority of this subsection have the same force and effect as if specifically included ~~((therein))~~ in law, unless declared invalid by the judgment of a court of record not appealed from.

(3) The department may employ such clerks, specialists, and other assistants as are necessary. Salaries and compensation of such employees must be fixed by the department and charged to the proper appropriation for the department.

(4) The department must exercise general supervision of the collection of taxes and, in the discharge of such duty, may institute and prosecute such suits or proceedings in the courts as may be necessary and proper.

Sec. 41. RCW 82.32.780 and 2010 c 112 s 2 are each amended to read as follows:

(1)(a) Taxpayers seeking to obtain a new reseller permit or to renew or reinstate a reseller permit, other than taxpayers subject to the provisions of RCW 82.32.783, must apply to the department in a form and manner prescribed by the department. The department must use its best efforts to rule on applications within sixty days of receiving a complete application. If the department fails to rule on an application within sixty days of receiving a complete application, the taxpayer may either request a review as provided in subsection (6) of this section or resubmit the application. Nothing in this subsection may be construed as preventing the department from ruling on an application more than sixty days after the department received the application.

(b) An application must be denied if:

(i) The department determines that, based on the nature of the applicant's business, the applicant is not entitled to make purchases at wholesale or is otherwise prohibited from using a reseller permit;

(ii) The application contains any material misstatement; or

(iii) The application is incomplete.

(c) The department may also deny an application if it determines that denial would be in the best interest of collecting taxes due under this title.

(d) The department's decision to approve or deny an application may be based on tax returns previously filed with the department by the applicant, a current or previous examination of the applicant's books and records by the department, information provided by the applicant in the master application and the reseller permit application, and other information available to the department.

(e) The department must refuse to accept an application to renew a reseller permit that is received more than ninety days before the expiration of the reseller permit.

(2) Notwithstanding subsection (1) of this section, the department may issue or renew a reseller permit for a taxpayer that has not applied for the permit or renewal of the permit if it appears to the department's satisfaction, based on the nature of the taxpayer's business activities and any other information available to the department, that the taxpayer is entitled to make purchases at wholesale.

(3)(a) Except as otherwise provided in this section, reseller permits issued, renewed, or reinstated under this section will be valid for a period of forty-eight months from the date of issuance, renewal, or reinstatement.

(b)(i) A reseller permit is valid for a period of twenty-four months and may be renewed for the period prescribed in (a) of this subsection (3) if the permit is issued to a taxpayer who:

(A) Is not registered with the department under RCW 82.32.030;

(B) Has been registered with the department under RCW 82.32.030 for a continuous period of less than one year as of the date that the department received the taxpayer's application for a reseller permit;

(C) Was on nonreporting status as authorized under RCW 82.32.045~~((4))~~ (5) at the time that the department received the taxpayer's application for a reseller permit or to renew or reinstate a reseller permit;

(D) Has filed tax returns reporting no business activity for purposes of sales and business and occupation taxes for the twelve-month period immediately preceding the date that the department received the taxpayer's application for a reseller permit or to renew or reinstate a reseller permit; or

(E) Has failed to file tax returns covering any part of the twelve-month period immediately preceding the department's receipt of the taxpayer's application for a reseller permit or to renew or reinstate a reseller permit.

(ii) The provisions of this subsection (3)(b) do not apply to reseller permits issued to any business owned by a federally recognized Indian tribe or by an enrolled member of a federally recognized Indian tribe, if the business does not engage in any business activity that subjects the business to any tax imposed by the state under chapter 82.04 RCW. Permits issued to such businesses are valid for the period provided in (a) of this subsection (3).

(iii) Nothing in this subsection (3)(b) may be construed as affecting the department's right to deny a taxpayer's application for a reseller permit or to renew or reinstate a reseller permit as provided in subsection (1)(b) and (c) of this section.

(c) A reseller permit is no longer valid if the permit holder's certificate of registration is revoked, the permit holder's tax reporting account is closed by the department, or the permit holder otherwise ceases to engage in business.

(d) The department may provide by rule for a uniform expiration date for reseller permits issued, renewed, or reinstated

under this section, if the department determines that a uniform expiration date for reseller permits will improve administrative efficiency for the department. If the department adopts a uniform expiration date by rule, the department may extend or shorten the twenty-four or forty-eight month period provided in (a) and (b) of this subsection for a period not to exceed six months as necessary to conform the reseller permit to the uniform expiration date.

(4)(a) The department may revoke a taxpayer's reseller permit for any of the following reasons:

(i) The taxpayer used or allowed or caused its reseller permit to be used to purchase any item or service without payment of sales tax, but the taxpayer or other purchaser was not entitled to use the reseller permit for the purchase;

(ii) The department issued the reseller permit to the taxpayer in error;

(iii) The department determines that the taxpayer is no longer entitled to make purchases at wholesale; or

(iv) The department determines that revocation of the reseller permit would be in the best interest of collecting taxes due under this title.

(b) The notice of revocation must be in writing and is effective on the date specified in the revocation notice. The notice must also advise the taxpayer of its right to a review by the department.

(c) The department may refuse to reinstate a reseller permit revoked under (a)(i) of this subsection until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full. In the event a taxpayer whose reseller permit has been revoked under this subsection reorganizes, the new business resulting from the reorganization is not entitled to a reseller permit until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full.

(d) For purposes of this subsection, "reorganize" or "reorganization" means: (i) The transfer, however effected, of a majority of the assets of one business to another business where any of the persons having an interest in the ownership or management in the former business maintain an ownership or management interest in the new business, either directly or indirectly; (ii) a mere change in identity or form of ownership, however effected; or (iii) the new business is a mere continuation of the former business based on significant shared features such as owners, personnel, assets, or general business activity.

(5) The department may provide the public with access to reseller permit numbers on its web site, including the name of the permit holder, the status of the reseller permit, the expiration date of the permit, and any other information that is disclosable under RCW 82.32.330(3)((~~h~~)) (k).

(6) The department must provide by rule for the review of the department's decision to deny, revoke, or refuse to reinstate a reseller permit or the department's failure to rule on an application within the time prescribed in subsection (1)(a) of this section. Such review must be consistent with the requirements of chapter 34.05 RCW.

(7) As part of its continuing efforts to educate taxpayers on their sales and use tax responsibilities, the department will educate taxpayers on the appropriate use of a reseller permit or other documentation authorized under RCW 82.04.470 and the consequences of misusing such permits or other documentation.

Sec. 42. RCW 82.60.025 and 2010 1st sp.s. c 16 s 4 are each amended to read as follows:

The lessor or owner of a qualified building is not eligible for a deferral unless:

(1) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral

agrees in writing with the department to complete the annual ((survey)) tax performance report required under RCW 82.60.070; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

Sec. 43. RCW 82.60.063 and 2010 1st sp.s. c 16 s 10 are each amended to read as follows:

(1) Subject to the conditions in this section, a person is not liable for the amount of deferred taxes outstanding for an investment project when the person temporarily ceases to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities in a county with a population of less than twenty thousand persons for a period not to exceed twenty-four months from the date that the department sent its assessment for the amount of outstanding deferred taxes to the taxpayer.

(2) The relief from repayment of deferred taxes under this section does not apply unless the number of qualified employment positions maintained at the investment project after manufacturing or research and development activities are temporarily ceased is at least ten percent of the number of qualified employment positions employed at the investment project at the time the deferral was approved by the department. If a person has been approved for more than one deferral under this chapter, relief from repayment of deferred taxes under this section does not apply unless the number of qualified employment positions maintained at the investment project after manufacturing or research and development activities are temporarily ceased is at least ten percent of the highest number of qualified employment positions at the investment project at the time any of the deferrals were approved by the department. If, at any time during the twenty-four month period after the department has sent the taxpayer an assessment for outstanding deferred taxes resulting from the person temporarily ceasing to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities, the number of qualified employment positions falls below the ten percent threshold in this subsection, the amount of deferred taxes outstanding for the project is immediately due.

(3) The lessor of an investment project for which a deferral has been granted under this chapter who has passed the economic benefits of the deferral to the lessee is not eligible for relief from the payment of deferred taxes under this section.

(4) A person seeking relief from the payment of deferred taxes under this section must apply to the department in a form and manner prescribed by the department. The application required under this subsection must be received by the department within thirty days of the date that the department sent its assessment for outstanding deferred taxes resulting from the person temporarily ceasing to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities. The department must approve applications that meet the requirements in this section for relief from the payment of deferred taxes.

(5) A person is entitled to relief under this section only once.

(6) A person whose application for relief from the payment of deferred taxes has been approved under this section must continue to file an annual ((survey)) tax performance report as required under RCW 82.60.070(1) or any successor statute. In addition, the person must file, in a form and manner prescribed by the department, a report on the status of the business and the outlook for commencing manufacturing or research and development activities.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

Sec. 44. RCW 82.63.010 and 2015 3rd sp.s. c 5 s 303 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced computing" means technologies used in the designing and developing of computing hardware and software, including innovations in designing the full spectrum of hardware from handheld calculators to super computers, and peripheral equipment.

(2) "Advanced materials" means materials with engineered properties created through the development of specialized processing and synthesis technology, including ceramics, high value-added metals, electronic materials, composites, polymers, and biomaterials.

(3) "Applicant" means a person applying for a tax deferral under this chapter.

(4) "Biotechnology" means the application of technologies, such as recombinant DNA techniques, biochemistry, molecular and cellular biology, genetics and genetic engineering, cell fusion techniques, and new bioprocesses, using living organisms, or parts of organisms, to produce or modify products, to improve plants or animals, to develop microorganisms for specific uses, to identify targets for small molecule pharmaceutical development, or to transform biological systems into useful processes and products or to develop microorganisms for specific uses.

(5) "Department" means the department of revenue.

(6) "Electronic device technology" means technologies involving microelectronics; semiconductors; electronic equipment and instrumentation; radio frequency, microwave, and millimeter electronics; optical and optic-electrical devices; and data and digital communications and imaging devices.

(7) "Eligible investment project" means an investment project which either initiates a new operation, or expands or diversifies a current operation by expanding, renovating, or equipping an existing facility. The lessor or owner of the qualified building is not eligible for a deferral unless:

(a) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(b)(i) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(ii) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW 82.63.020(2); and

(iii) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(8) "Environmental technology" means assessment and prevention of threats or damage to human health or the environment, environmental cleanup, and the development of alternative energy sources.

(9)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (7) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (7) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" ~~((shall apply))~~ applies separately to each phase.

(10) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction or improvement of the project.

(11) "Multiple qualified buildings" means qualified buildings leased to the same person when such structures: (a) Are located within a five-mile radius; and (b) the initiation of construction of each building begins within a sixty-month period.

(12) "Person" has the meaning given in RCW 82.04.030 and includes state universities as defined in RCW 28B.10.016.

(13) "Pilot scale manufacturing" means design, construction, and testing of preproduction prototypes and models in the fields of biotechnology, advanced computing, electronic device technology, advanced materials, and environmental technology other than for commercial sale. As used in this subsection, "commercial sale" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(14) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for pilot scale manufacturing or qualified research and development, including plant offices and other facilities that are an essential or an integral part of a structure used for pilot scale manufacturing or qualified research and development. If a building or buildings are used partly for pilot scale manufacturing or qualified research and development, and partly for other purposes, the applicable tax deferral ~~((shall be))~~ is determined by apportionment of the costs of construction under rules adopted by the department. Such rules may include provisions for determining the amount of the deferral based on apportionment of costs of construction of an investment project consisting of a building or multiple buildings, where qualified research and development or pilot scale manufacturing activities are shifted within a building or from one building to another building.

(15)(a) "Qualified machinery and equipment" means fixtures, equipment, and support facilities that are an integral and necessary part of a pilot scale manufacturing or qualified research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment, instrumentation, and other devices used in a process of experimentation to develop a new or improved pilot model, plant process, product, formula, invention, or similar property; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; vats, tanks, and fermenters; operating structures; and all other equipment used to control, monitor, or operate the machinery. For purposes of this chapter, qualified machinery and equipment must be either new to the taxing jurisdiction of the state or new to the certificate holder, except that used machinery and equipment may be treated as qualified machinery and equipment if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(b) "Qualified machinery and equipment" does not include any fixtures, equipment, or support facilities, if the sale to or use by the recipient is not eligible for an exemption under RCW 82.08.02565 or 82.12.02565 solely because the recipient is an ineligible person as defined in RCW 82.08.02565.

(16) "Qualified research and development" means research and development performed within this state in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, and environmental technology.

(17) "Recipient" means a person receiving a tax deferral under this chapter.

(18) "Research and development" means activities performed to discover technological information, and technical and nonroutine activities concerned with translating technological information into new or improved products, processes, techniques, formulas, inventions, or software. The term includes exploration of a new use for an existing drug, device, or biological product if the new use requires separate licensing by the federal food and drug administration under chapter 21, C.F.R., as amended. The term does not include adaptation or duplication of existing products where the products are not substantially improved by application of the technology, nor does the term include surveys and studies, social science and humanities research, market research or testing, quality control, sale promotion and service, computer software developed for internal use, and research in areas such as improved style, taste, and seasonal design.

Sec. 45. RCW 82.74.010 and 2006 c 354 s 6 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Cold storage warehouse" means a storage warehouse owned or operated by a wholesaler or third-party warehouse as those terms are defined in RCW 82.08.820 to store fresh and/or frozen perishable fruits or vegetables, dairy products, seafood products, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

(3) "Dairy product" means dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products such as whey and casein.

(4) "Dairy product manufacturing" means manufacturing, as defined in RCW 82.04.120, of dairy products.

(5) "Department" means the department of revenue.

(6) "Eligible investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. The lessor or owner of a qualified building is not eligible for a deferral unless (a) the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or (b)(i) the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments, and (ii) the lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report under RCW 82.74.040. The economic benefit of the deferral to the lessee may be evidenced by any type of payment, credit, or any other financial arrangement between the lessor or owner of the qualified building and the lessee.

(7) "Fresh fruit and vegetable processing" means manufacturing as defined in RCW 82.04.120 which consists of the canning, preserving, freezing, processing, or dehydrating fresh fruits and/or vegetables.

(8)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person

receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (6) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (6) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(9) "Person" has the meaning given in RCW 82.04.030.

(10) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, plant, or laboratory used for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development. If a building is used partly for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development and partly for other purposes, the applicable tax deferral ~~((shall be))~~ is determined by apportionment of the costs of construction under rules adopted by the department.

(11) "Qualified machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage ~~((warehouse))~~ warehousing, or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(12) "Recipient" means a person receiving a tax deferral under this chapter.

(13) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process related to fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, or cold storage warehousing before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(14) "Seafood product" means any edible marine fish and shellfish that remains in a raw, raw frozen, or raw salted state.

(15) "Seafood product manufacturing" means the manufacturing, as defined in RCW 82.04.120, of seafood products.

Sec. 46. RCW 82.75.010 and 2010 c 114 s 145 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

(2) "Biotechnology" means a technology based on the science of biology, microbiology, molecular biology, cellular biology, biochemistry, or biophysics, or any combination of these, and includes, but is not limited to, recombinant DNA techniques, genetics and genetic engineering, cell fusion techniques, and new bioprocesses, using living organisms, or parts of organisms.

(3) "Biotechnology product" means any virus, therapeutic serum, antibody, protein, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product produced through the application of biotechnology that is used in the prevention, treatment, or cure of diseases or injuries to humans.

(4) "Department" means the department of revenue.

(5)(a) "Eligible investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(b) The lessor or owner of a qualified building is not eligible for a deferral unless:

(i) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(ii)(A) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(B) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ((survey)) tax performance report required under RCW 82.75.070; and

(C) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(6)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (5)(b)(ii)(A) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (5)(b)(ii)(A) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(7) "Manufacturing" has the meaning provided in RCW 82.04.120.

(8) "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, that is designed or developed and:

(a) Recognized in the national formulary, or the United States pharmacopeia, or any supplement to them;

(b) Intended for use in the diagnosis of disease, or in the cure, mitigation, treatment, or prevention of disease or other conditions in human beings or other animals; or

(c) Intended to affect the structure or any function of the body of human beings or other animals, and which does not achieve any of its primary intended purposes through chemical action within or on the body of human beings or other animals and which

is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(9) "Person" has the meaning provided in RCW 82.04.030.

(10) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for biotechnology product manufacturing or medical device manufacturing activities, including plant offices, commercial laboratories for process development, quality assurance and quality control, and warehouses or other facilities for the storage of raw material or finished goods if the facilities are an essential or an integral part of a factory, plant, or laboratory used for biotechnology product manufacturing or medical device manufacturing. If a building is used partly for biotechnology product manufacturing or medical device manufacturing and partly for other purposes, the applicable tax deferral must be determined by apportionment of the costs of construction under rules adopted by the department.

(11) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a biotechnology product manufacturing or medical device manufacturing operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(12) "Recipient" means a person receiving a tax deferral under this chapter.

Sec. 47. RCW 82.82.010 and 2008 c 15 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Corporate headquarters" means a facility or facilities where corporate staff employees are physically employed, and where the majority of the company's management services are handled either on a regional or a national basis. Company management services may include: Accounts receivable and payable, accounting, data processing, distribution management, employee benefit plan, financial and securities accounting, information technology, insurance, legal, merchandising, payroll, personnel, purchasing procurement, planning, reporting and compliance, research and development, tax, treasury, or other headquarters-related services. "Corporate headquarters" does not include a facility or facilities used for manufacturing, wholesaling, or warehousing.

(3) "Department" means the department of revenue.

(4) "Eligible area" means a designated community empowerment zone approved under RCW 43.31C.020.

(5)(a) "Eligible investment project" means an investment project in a qualified building or buildings in an eligible area, as defined in subsection (4) of this section, which will have employment at the qualified building or buildings of at least three hundred employees in qualified employment positions, each of whom must earn for the year reported at least the average annual wage for the state for that year as determined by the employment security department.

(b) The lessor or owner of a qualified building or buildings is not eligible for a deferral unless:

(i) The underlying ownership of the building or buildings vests exclusively in the same person; or

(ii)(A) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(B) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW 82.82.020; and

(C) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(6) "Investment project" means a capital investment of at least thirty million dollars in a qualified building or buildings including tangible personal property and fixtures that will be incorporated as an ingredient or component of such buildings during the course of their construction, and including labor and services rendered in the planning, installation, and construction of the project.

(7) "Manufacture" has the same meaning as provided in RCW 82.04.120.

(8) "Operationally complete" means a date no later than one year from the date the project is issued an occupancy permit by the local permit issuing authority.

(9) "Person" has the same meaning as provided in RCW 82.04.030.

(10) "Qualified building or buildings" means construction of a new structure or structures or expansion of an existing structure or structures to be used for corporate headquarters. If a building is used partly for corporate headquarters and partly for other purposes, the applicable tax deferral is determined by apportionment of the costs of construction under rules adopted by the department.

(11) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The term "entire tax year" means a full-time position that is filled for a period of twelve consecutive months. The term "full-time" means at least thirty-five hours a week, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.

(12) "Recipient" means a person receiving a tax deferral under this chapter.

(13) "Warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation.

(14) "Wholesale sale" has the same meaning as provided in RCW 82.04.060.

Sec. 48. RCW 82.85.030 and 2015 3rd sp.s. c 6 s 403 are each amended to read as follows:

The lessor or owner of a qualified building is not eligible for a deferral unless:

(1) The underlying ownership of the building, machinery, and equipment vests exclusively in the same person; or

(2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual ~~((survey))~~ tax performance report required under RCW ~~((82.32.585))~~ 82.32.534; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

Sec. 49. RCW 82.85.080 and 2015 3rd sp.s. c 6 s 408 are each amended to read as follows:

(1) Each recipient of a deferral of taxes granted under this chapter must file a complete annual ~~((survey))~~ tax performance report with the department under RCW ~~((82.32.585))~~ 82.32.534. If the economic benefits of the deferral are passed to a lessee as

provided in RCW 82.85.030, the lessee must file a complete annual ~~((survey))~~ tax performance report, and the applicant is not required to file a complete annual ~~((survey))~~ tax performance report.

(2) If, on the basis of a ~~((survey))~~ tax performance report under RCW ~~((82.32.585))~~ 82.32.534 or other information, the department finds that an investment project is not eligible for tax deferral under this chapter due to the fact the investment project is no longer used for qualified activities, the amount of deferred taxes outstanding for the investment project is immediately due and payable.

(3) If the economic benefits of a tax deferral under this chapter are passed to a lessee as provided in RCW 82.85.030, the lessee is responsible for payment to the extent the lessee has received the economic benefit.

Sec. 50. RCW 84.36.840 and 2016 c 217 s 6 are each amended to read as follows:

(1) In order to determine whether organizations, associations, corporations, or institutions, except those exempted under RCW 84.36.020, 84.36.049, and 84.36.030, are exempt from property taxes, and before the exemption is allowed for any year, the superintendent or manager or other proper officer of the organization, association, corporation, or institution claiming exemption from taxation must file with the department of revenue a statement certifying that the income and the receipts thereof, including donations to it, have been applied to the actual expenses of operating and maintaining it, or for its capital expenditures, and to no other purpose. This report must also include a statement of the receipts and disbursements of the exempt organization, association, corporation, or institution.

~~(2) (Educational institutions claiming exemption under RCW 84.36.050 must also file a list of all property claimed to be exempt, the purpose for which it is used, the revenue derived from it for the preceding year, the use to which the revenue was applied, the number of students who attended the school or college, the total revenues of the institution with the source from which they were derived, and the purposes to which the revenues were applied, listing the items of such revenues and expenditures in detail.~~

~~(3))~~ The reports required under ~~((subsections (1) and (2) of))~~ this section may be submitted electronically, in a format provided or approved by the department, or mailed to the department. The reports must be submitted on or before March 31st of each year. The department must remove the tax exemption from the property of any organization, association, corporation, or institution that does not file the required report with the department on or before the due date. However, the department must allow a reasonable extension of time for filing upon receipt of a written request on or before the required filing date and for good cause shown therein.

Sec. 51. RCW 84.37.040 and 2007 sp.s. c 2 s 4 are each amended to read as follows:

(1) Each claimant electing to defer payment of special assessments or real property tax obligations, or both, under this chapter ~~((shall))~~ must file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year ~~((shall))~~ must be filed no later than the first day of September of the year for which the deferral is sought ~~((PROVIDED, That))~~; however, for good cause shown, the department may waive this requirement.

(2) The declaration ~~((shall))~~ must designate the property to which the deferral applies, and ~~((shall))~~ must include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his or her residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

the rules of the department. ~~((Each copy shall))~~ The declaration must be signed by the claimant subject to the penalties as provided in chapter 9A.72 RCW for false swearing.

(3) The county assessor ~~((shall))~~ must determine if each claimant ~~((shall be))~~ is granted a deferral for each year but the claimant ~~((shall have))~~ has the right to appeal this determination to the county board of equalization, in accordance with the provisions of RCW 84.40.038, whose decision ~~((shall be))~~ is final as to the deferral of that year.

Sec. 52. RCW 84.38.040 and 2013 c 23 s 353 are each amended to read as follows:

(1) Each claimant electing to defer payment of special assessments and/or real property tax obligations under this chapter ~~((shall))~~ must file with the county assessor, on forms prescribed by the department and supplied by the assessor, a written declaration thereof. The declaration to defer special assessments and/or real property taxes for any year ~~((shall))~~ must be filed no later than thirty days before the tax or assessment is due or thirty days after receiving notice under RCW 84.64.050, whichever is later (~~(- PROVIDED, That)~~); however, for good cause shown, the department may waive this requirement.

(2) The declaration ~~((shall))~~ must designate the property to which the deferral applies, and ~~((shall))~~ must include a statement setting forth (a) a list of all members of the claimant's household, (b) the claimant's equity value in his or her residence, (c) facts establishing the eligibility for the deferral under the provisions of this chapter, and (d) any other relevant information required by the rules of the department. ~~((Each copy shall))~~ The declaration must be signed by the claimant subject to the penalties as provided in chapter 9A.72 RCW for false swearing. The first declaration to defer filed in a county ~~((shall))~~ must include proof of the claimant's age acceptable to the assessor.

(3) The county assessor ~~((shall))~~ must determine if each claimant ~~((shall be))~~ is granted a deferral for each year but the claimant ~~((shall have))~~ has the right to appeal this determination to the county board of equalization, in accordance with the provisions of RCW 84.40.038, whose decision ~~((shall be))~~ is final as to the deferral of that year.

Sec. 53. RCW 84.38.050 and 1979 ex.s. c 214 s 8 are each amended to read as follows:

(1)(a) Declarations to defer property taxes for all years following the first year may be made by filing with the county assessor no later than thirty days before the tax is due a renewal form ~~((in duplicate))~~, prescribed by the department of revenue and supplied by the county assessor, which affirms the continued eligibility of the claimant.

(b) In January of each year, the county assessor ~~((shall))~~ must send to each claimant who has been granted deferral of ad valorem taxes for the previous year renewal forms and notice to renew.

(2) Declarations to defer special assessments ~~((shall))~~ must be made by filing with the assessor no later than thirty days before the special assessment is due on a form to be prescribed by the department of revenue and supplied by the county assessor. Upon approval, the full amount of special assessments upon such claimant's residence ~~((shall))~~ must be deferred but not to exceed an amount equal to eighty percent of the claimant's equity value in said property.

Sec. 54. RCW 84.38.110 and 1984 c 220 s 24 are each amended to read as follows:

The county assessor ~~((shall))~~ must:

(1) Immediately transmit ~~((one))~~ a copy of each declaration to defer to the department of revenue. The department may audit any declaration and ~~((shall))~~ must notify the assessor as soon as possible of any claim where any factor appears to disqualify the

claimant for the deferral sought.

(2) Transmit ~~((one))~~ a copy of each declaration to defer a special assessment to the local improvement district which imposed such assessment.

(3) Compute the dollar tax rate for the county as if any deferrals provided by this chapter did not exist.

(4) As soon as possible notify the department of revenue and the county treasurer of the amount of real property taxes deferred for that year and notify the department of revenue and the respective treasurers of municipal corporations of the amount of special assessments deferred for each local improvement district within such unit.

Sec. 55. RCW 84.39.020 and 2005 c 253 s 2 are each amended to read as follows:

(1) Each claimant applying for assistance under RCW 84.39.010 ~~((shall))~~ must file a claim with the department, on forms prescribed by the department, no later than thirty days before the tax is due. The department may waive this requirement for good cause shown. The department ~~((shall))~~ must supply forms to the county assessor to allow persons to apply for the program at the county assessor's office.

(2) The claim ~~((shall))~~ must designate the property to which the assistance applies and ~~((shall))~~ must include a statement setting forth (a) a list of all members of the claimant's household, (b) facts establishing the eligibility under this section, and (c) any other relevant information required by the rules of the department. ~~((Each copy shall))~~ The claim must be signed by the claimant subject to the penalties as provided in chapter 9A.72 RCW for false swearing. The first claim ~~((shall))~~ must include proof of the claimant's age acceptable to the department.

(3) The following documentation ~~((shall))~~ must be filed with a claim along with any other documentation required by the department:

(a) The deceased veteran's DD 214 report of separation, or its equivalent, that must be under honorable conditions;

(b) A copy of the applicant's certificate of marriage to the deceased;

(c) A copy of the deceased veteran's death certificate; and

(d) A letter from the United States veterans' administration certifying that the death of the veteran meets the requirements of RCW 84.39.010(2).

~~((4))~~ (5) The department ~~((shall))~~ must assist an eligible widow or widower in the preparation and submission of an application and the procurement of necessary substantiating documentation.

~~((4))~~ (5) The department ~~((shall))~~ must determine if each claimant is eligible each year. Any applicant aggrieved by the department's denial of assistance may petition the state board of tax appeals to review the denial and the board ~~((shall))~~ must consider any appeals to determine (a) if the claimant is entitled to assistance and (b) the amount or portion thereof.

Sec. 56. RCW 84.39.030 and 2005 c 253 s 3 are each amended to read as follows:

(1) Claims for assistance for all years following the first year may be made by filing with the department no later than thirty days before the tax is due a renewal form ~~((in duplicate))~~, prescribed by the department, that affirms the continued eligibility of the claimant.

(2) In January of each year, the department ~~((shall))~~ must send to each claimant who has been granted assistance for the previous year a renewal form ~~((s))~~ and notice to renew.

Sec. 57. RCW 84.56.150 and 1961 c 15 s 84.56.150 are each amended to read as follows:

If any person, firm, or corporation ~~((shall remove))~~ removes from one county to another in this state personal property

((which)) that has been assessed in the former county for a tax ((which)) that is unpaid at the time of such removal, the treasurer of the county from which the property is removed ((shall)) must certify to the treasurer of the county to which the property has been ((removed)) moved a statement of the tax together with all delinquencies and penalties.

Sec. 58. RCW 82.32.805 and 2013 2nd sp.s. c 13 s 1701 are each amended to read as follows:

(1)(a) Except as otherwise provided in this section, every new tax preference expires on the first day of the calendar year that is subsequent to the calendar year that is ten years from the effective date of the tax preference. With respect to any new property tax exemption, the exemption does not apply to taxes levied for collection beginning in the calendar year that is subsequent to the calendar year that is ten years from the effective date of the tax preference.

(b) A future amendment that expands a tax preference does not extend the tax preference beyond the period provided in this subsection unless an extension is expressly and unambiguously stated in the amendment.

(2) Subsection (1) of this section does not apply if legislation creating a new tax preference includes an expiration date for the new tax preference or an exemption from this section in its entirety or from the provisions of subsection (1) of this section, whether or not such exemption is codified.

(3) Subsection (1) of this section does not apply to any existing tax preference that is amended to clarify an ambiguity or correct a technical inconsistency. Future enacted legislation intended to make such clarifications or corrections must explicitly indicate this intent.

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

(a) "New tax preference" means a tax preference that initially takes effect after August 1, 2013, or a tax preference in effect as of August 1, 2013, that is expanded or extended after August 1, 2013, even if the expanding or extending amendment includes any other change to the tax preference.

(b) "Tax preference" has the same meaning as in RCW 43.136.021 with respect to any state tax administered by the department, except does not include the Washington estate and transfer tax in chapter 83.100 RCW.

(5) The department must provide written notice to the office of the code reviser of a ten-year expiration date required under this section for a new tax preference.

Sec. 59. RCW 82.32.808 and 2017 c 135 s 8 are each amended to read as follows:

(1) As provided in this section, every bill enacting a new tax preference must include a tax preference performance statement, unless the legislation enacting the new tax preference contains an explicit exemption from the requirements of this section.

(2) A tax preference performance statement must state the legislative purpose for the new tax preference. The tax preference performance statement must indicate one or more of the following general categories, by reference to the applicable category specified in this subsection, as the legislative purpose of the new tax preference:

(a) Tax preferences intended to induce certain designated behavior by taxpayers;

(b) Tax preferences intended to improve industry competitiveness;

(c) Tax preferences intended to create or retain jobs;

(d) Tax preferences intended to reduce structural inefficiencies in the tax structure;

(e) Tax preferences intended to provide tax relief for certain businesses or individuals; or

(f) A general purpose not identified in (a) through (e) of this

subsection.

(3) In addition to identifying the general legislative purpose of the tax preference under subsection (2) of this section, the tax preference performance statement must provide additional detailed information regarding the legislative purpose of the new tax preference.

(4) A new tax preference performance statement must specify clear, relevant, and ascertainable metrics and data requirements that allow the joint legislative audit and review committee and the legislature to measure the effectiveness of the new tax preference in achieving the purpose designated under subsection (2) of this section.

(5) If the tax preference performance statement for a new tax preference indicates a legislative purpose described in subsection (2)(b) or (c) of this section, any taxpayer claiming the new tax preference must file an annual tax performance report in accordance with RCW 82.32.534.

(6)(a) Taxpayers claiming a new tax preference must report the amount of the tax preference claimed by the taxpayer to the department as otherwise required by statute or determined by the department as part of the taxpayer's regular tax reporting responsibilities. For new tax preferences allowing certain types of gross income of the business to be excluded from business and occupation or public utility taxation, the tax return must explicitly report the amount of the exclusion, regardless of whether it is structured as an exemption or deduction, if the taxpayer is otherwise required to report taxes to the department on a monthly or quarterly basis. For a new sales and use tax exemption, the total purchase price or value of the exempt product or service subject to the exemption claimed by the buyer must be reported on an addendum to the buyer's tax return if the buyer is otherwise required to report taxes to the department on a monthly or quarterly basis and the buyer is required to submit an exemption certificate, or similar document, to the seller.

(b) This subsection does not apply to:

(i) Property tax exemptions;

(ii) Tax preferences required by constitutional law;

(iii) Tax preferences for which the tax benefit to the taxpayer is less than one thousand dollars per calendar year; or

(iv) Taxpayers who are annual filers.

(c) The department may waive the filing requirements of this subsection for taxpayers who are not required to file electronically any return or report under this chapter.

(7)(a) Except as otherwise provided in this subsection, the amount claimed by a taxpayer for any new tax preference is subject to public disclosure and is not considered confidential tax information under RCW 82.32.330, if the reporting periods subject to disclosure ended at least twenty-four months prior to the date of disclosure and the taxpayer is required to report the amount of the tax preference claimed by the taxpayer to the department under subsection (6) of this section.

(b)(i) The department may waive the public disclosure requirement under (a) of this subsection (7) for good cause. Good cause may be demonstrated by a reasonable showing of economic harm to a taxpayer if the information specified under this subsection is disclosed. The waiver under this subsection (7)(b)(i) only applies to the new tax preferences provided in chapter 13, Laws of 2013 2nd sp. sess.

(ii) The amount of the tax preference claimed by a taxpayer during a calendar year is confidential under RCW 82.32.330 and may not be disclosed under this subsection if the amount for the calendar year is less than ten thousand dollars.

(c) In lieu of the disclosure and waiver requirements under this subsection, the requirements under RCW 82.32.534 apply to any tax preference that requires a tax performance report.

(8) If a new tax preference does not include the information

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

required under subsections (2) through (4) of this section, the joint legislative audit and review committee is not required to perform a tax preference review under chapter 43.136 RCW, and it is legislatively presumed that it is the intent of the legislature to allow the new tax preference to expire upon its scheduled expiration date.

(9) For the purposes of this section, "tax preference" and "new tax preference" have the same meaning as provided in RCW 82.32.805.

(10) The provisions of this section do not apply to the extent that legislation creating a new tax preference provides an exemption, in whole or in part, from this section, whether or not such exemption is codified.

NEW SECTION. Sec. 60. The following acts or parts of acts are each repealed:

(1)RCW 82.04.4322 (Deductions—Artistic or cultural organization—Compensation from United States, state, etc., for artistic or cultural exhibitions, performances, or programs) and 1981 c 140 s 1;

(2)RCW 82.04.4324 (Deductions—Artistic or cultural organization—Deduction for tax under RCW 82.04.240—Value of articles for use in displaying art objects or presenting artistic or cultural exhibitions, performances, or programs) and 1981 c 140 s 2;

(3)RCW 82.04.4326 (Deductions—Artistic or cultural organizations—Tuition charges for attending artistic or cultural education programs) and 1981 c 140 s 3;

(4)RCW 82.08.02081 (Exemptions—Audio or video programming) and 2009 c 535 s 502;

(5)RCW 82.08.02082 (Exemptions—Digital products or services—Ingredient or component—Made available for free) and 2017 c 323 s 517, 2010 c 111 s 401, & 2009 c 535 s 503;

(6)RCW 82.08.02087 (Exemptions—Digital goods and services—Purchased for business purposes) and 2010 c 111 s 402 & 2009 c 535 s 504;

(7)RCW 82.08.02088 (Exemptions—Digital products—Business buyers—Concurrently available for use within and outside state) and 2017 c 323 s 518 & 2009 c 535 s 701;

(8)RCW 82.12.02081 (Exemptions—Audio or video programming) and 2009 c 535 s 602;

(9)RCW 82.12.02082 (Exemptions—Digital products or services—Made available for free to general public) and 2017 c 323 s 521, 2010 c 111 s 501, & 2009 c 535 s 603;

(10)RCW 82.12.02084 (Exemptions—Digital goods—Use by students) and 2009 c 535 s 604;

(11)RCW 82.12.02085 (Exemptions—Digital goods—Noncommercial—Internal audience—Not for sale) and 2009 c 535 s 605;

(12)RCW 82.12.02086 (Exemptions—Digital products or codes—Free of charge) and 2009 c 535 s 606;

(13)RCW 82.12.02087 (Exemptions—Digital goods, codes, and services—Used for business purposes) and 2010 c 111 s 502 & 2009 c 535 s 607;

(14)RCW 82.32.755 (Sourcing compliance—Taxpayer relief—Interest and penalties—Streamlined sales and use tax agreement) and 2007 c 6 s 1601;

(15)RCW 82.32.760 (Sourcing compliance—Taxpayer relief—Credits—Streamlined sales and use tax agreement) and 2007 c 6 s 1602;

(16)RCW 82.66.010 (Definitions) and 1995 c 352 s 1;

(17)RCW 82.66.020 (Application for deferral—Contents—Ruling) and 1995 c 352 s 2;

(18)RCW 82.66.040 (Repayment schedule—Interest, penalties) and 1998 c 339 s 1 & 1995 c 352 s 4;

(19)RCW 82.66.050 (Applications not confidential) and 1995

c 352 s 6;

(20)RCW 82.66.060 (Administration) and 1995 c 352 s 5; and
(21)RCW 82.66.901 (Effective date—1995 c 352) and 1995 c 352 s 9.

NEW SECTION. Sec. 61. The following sections are decodified:

(1) RCW 82.58.005 (Findings);

(2) RCW 82.58.901 (Effective date—2002 c 267 §§ 1-9); and

(3) RCW 82.58.902 (Contingent effective date—2002 c 267 §§ 10 and 11).

NEW SECTION. Sec. 62. Section 38 of this act takes effect January 1, 2022."

On page 1, line 5 of the title, after "43.88A RCW;" strike the remainder of the title and insert "amending RCW 19.02.085, 82.04.192, 82.04.4266, 82.04.4268, 82.04.4269, 82.04.4327, 82.04.4328, 82.08.0201, 82.08.0208, 82.08.025651, 82.08.02807, 82.08.155, 82.08.195, 82.08.806, 82.08.956, 82.08.9651, 82.12.0208, 82.12.02749, 82.12.930, 82.12.956, 82.12.9651, 82.14.049, 82.14.400, 82.14.457, 82.16.0497, 82.16.055, 82.23A.010, 82.24.010, 82.24.551, 82.26.121, 82.26.130, 82.26.190, 82.26.200, 82.29A.060, 82.29A.120, 82.32.062, 82.32.300, 82.32.780, 82.60.025, 82.60.063, 82.63.010, 82.74.010, 82.75.010, 82.82.010, 82.85.030, 82.85.080, 84.36.840, 84.37.040, 84.38.040, 84.38.050, 84.38.110, 84.39.020, 84.39.030, 84.56.150, 82.32.805, and 82.32.808; amending 2017 3rd sp.s. c 37 ss 501 and 504 (uncodified); reenacting and amending RCW 82.26.010; decodifying RCW 82.58.005, 82.58.901, and 82.58.902; repealing RCW 82.04.4322, 82.04.4324, 82.04.4326, 82.08.02081, 82.08.02082, 82.08.02087, 82.08.02088, 82.12.02081, 82.12.02082, 82.12.02084, 82.12.02085, 82.12.02086, 82.12.02087, 82.32.755, 82.32.760, 82.66.010, 82.66.020, 82.66.040, 82.66.050, 82.66.060, and 82.66.901; and providing an effective date."

Senator Schoesler spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1135 by Senators Schoesler and Keiser to Senate Bill No. 5402.

The motion by Senator Schoesler carried and striking floor amendment no. 1135 was adopted by voice vote.

MOTION

On motion of Senator Schoesler, the rules were suspended, Engrossed Senate Bill No. 5402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5402.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5402 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and

Zeiger

Absent: Senator Ericksen
Excused: Senator Fortunato

ENGROSSED SENATE BILL NO. 5402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

SECOND READING

SENATE BILL NO. 6288, by Senators Dhingra, Pedersen, Frockt, Carlyle, Wilson, C., Kuderer, Das, Hunt, Lovelett, Nguyen and Saldaña

Creating the Washington office of firearm violence prevention.

MOTION

On motion of Senator Dhingra, Substitute Senate Bill No. 6288 was substituted for Senate Bill No. 6288 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Muzzall moved that the following floor amendment no. 998 by Senator Muzzall be adopted:

On page 1, beginning on line 1, after "that" strike "firearm"
On page 1, line 11, after "recognizes that" strike "firearm"
On page 1, line 15, after "state." Strike all material through line 17.
On page 1, beginning on line 19, strike "firearm"
On page 1, line 21, after "from" strike "firearm"
On page 2, line 4, after "impacts of" strike "firearm"
On page 2, line 9, after "costs of" strike "firearm"
On page 2, line 14, after "office of" strike "firearm"
On page 2, line 16, after "office of" strike "firearm"
On page 2, line 19, after "reduce" strike "firearm"
On page 2, line 26, after "evidence-based" strike "firearm"
On page 2, beginning on line 30, strike "firearm"
On page 2, beginning on line 33, strike "firearm"
On page 2, line 35, after "of" strike "firearm"
On page 3, line 1, after "Washington" strike "firearm"
On page 3, beginning on line 6, strike "firearm"
On page 3, line 9, after "Washington" strike "firearm"
On page 3, line 12, after "effective" strike "firearm"
On page 3, line 20, after "incidence of" strike "firearm"
On page 3, line 23, after "victimized by" strike "firearm"
On page 3, line 35, after "evidence-based" strike "firearm"
On page 4, line 1, after "proposed" strike "firearm"
On page 4, line 6, after "reducing" strike "firearm"
On page 4, line 14, after "safety of" strike "firearm"
On page 1, line 1 of the title, after "office of", strike "firearm"

Senator Muzzall spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Muzzall and without objection, floor amendment no. 998 by Senator Muzzall on page 1, line 1 to Substitute Senate Bill No. 6288 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendments no. 1118, 1132, 1119, 1120, 1129, 1115, 1117, 1121, 1094 and 1131 to Substitute Senate Bill No. 6288 were withdrawn.

MOTION

Senator Randall moved that the following striking floor amendment no. 1104 by Senator Randall be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that firearm violence is a significant public health and safety concern in Washington. From 2014 to 2018, over one thousand people in Washington were murdered and well over half of those victims were murdered with a gun. Thousands more were hospitalized or treated in emergency departments after surviving gunshot injuries. The legislature recognizes that firearm violence in Washington disproportionately impacts low-income communities and communities of color, with young men of color being particularly vulnerable. This violence imposes a high physical, emotional, and financial toll on families and communities across the state. In Washington, the overall estimate of the annual economic cost of gun violence is three billion eight hundred million dollars.

The legislature recognizes that rates of suicide have been growing in the United States as well as in the state of Washington. Seventy-nine percent of all firearm deaths in Washington state are suicides. More people die of suicide by firearm than by all other means combined.

The legislature intends to establish the Washington office of firearm safety and violence prevention to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts to reduce preventable injuries and deaths from firearm violence. The office will work with government entities, law enforcement agencies, community-based organizations, and individuals through the state to develop evidence-based policies, strategies, and interventions to reduce the impacts of firearm violence in Washington's communities. The office will also administer the Washington firearm violence intervention and prevention grant program which will provide for intentional, coordinated, and sustained investments in evidence-based violence reduction strategies to reduce the human and financial costs of firearm violence and enhance firearm safety.

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

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

(2) "Office" means the Washington office of firearm safety and violence prevention.

NEW SECTION. Sec. 3. (1) The Washington office of firearm safety and violence prevention is created within the department for the purposes of coordinating and promoting effective state and local efforts to reduce firearm violence.

(2) The duties of the office include, but are not limited to:

(a) Working with law enforcement agencies, county prosecutors, researchers, and public health agencies throughout the state to identify and improve upon available data sources, data collection methods, and data-sharing mechanisms. The office will also identify gaps in available data needed for ongoing analysis, policy development, and the implementation of evidence-based firearm violence intervention and prevention strategies;

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

(b) Researching, identifying, and recommending legislative policy options to promote the implementation of statewide evidence-based firearm violence intervention and prevention strategies;

(c) Researching, identifying, and applying for nonstate funding to aid in the research, analysis, and implementation of statewide firearm violence intervention and prevention strategies;

(d) Working with the office of crime victim advocacy to identify opportunities to better support victims of firearm violence, a population that is currently underrepresented among recipients of victim services;

(e) Contract for a statewide helpline, counseling, and referral services for victims, friends, and family members impacted by gun violence and community professionals and providers who engage with them;

(f) Contract with the University of Washington to develop a best practice guide for therapy for gun violence victims;

(g) Administering the Washington firearm violence intervention and prevention grant program as outlined in section 4 of this act.

(3) The office shall report to the appropriate legislative policy committees by December 1st every odd-numbered year on its progress and findings in analyzing data, developing strategies to prevent firearm violence, and recommendations for additional legislative policy options. The first report must be submitted by December 1, 2021.

NEW SECTION. Sec. 4. Subject to the availability of amounts appropriated for this specific purpose, the office shall contract with a level one trauma center in the state of Washington to provide a statewide helpline, counseling, and referral service for victims, friends, and family members impacted by gun violence and community professionals, legal practitioners, health providers, and others who engage with them. The service must be developed in consultation with the office of crime victims advocacy established in RCW 43.280.080, and include the opportunity for brief clinical encounters, problem solving, and referral to the best statewide resources available to meet their needs. The service must become conversant with providers across the state that are trained in evidence-based trauma therapy and establish relationships to ensure specific knowledge of available resources. The office of crime victims advocacy established in RCW 43.280.080 must provide consultation within existing resources.

NEW SECTION. Sec. 5. The office shall contract with the University of Washington department of psychiatry and behavioral sciences to develop a best practice guide for therapy for gun violence victims in collaboration with the Harborview center for sexual assault and traumatic stress. The guide must summarize the state of the knowledge in this area and provide recommendations for areas of focus and action that are meaningful and practical for different constituencies. The guide must be made available to the public online and disseminated across the state to appropriate entities including but not limited to medical examiner's offices, prosecuting attorneys, level one and level two trauma centers, and victim support organizations.

NEW SECTION. Sec. 6. (1) The Washington firearm violence intervention and prevention grant program is created to be administered by the office. The purpose of the program is to improve public health and safety by supporting effective firearm violence reduction initiatives in communities that are disproportionately affected by firearm violence including suicides.

(2) Program grants shall be used to support, expand, and replicate evidence-based violence reduction initiatives, including hospital-based violence intervention programs, evidence-based

street outreach programs, and focused deterrence strategies, that seek to interrupt the cycles of violence, victimization, and retaliation in order to reduce the incidence of firearm violence. These initiatives must be primarily focused on providing violence intervention services to the small segment of the population that is identified as having the highest risk of perpetrating or being victimized by firearm violence.

(3) Program grants shall be made on a competitive basis to cities that are disproportionately impacted by violence, and to community-based organizations that serve the residents of those cities. Where appropriate, two or more cities may submit joint applications to better address regional problems.

(4) An applicant for a program grant shall submit a proposal, in a form prescribed by the office, which must include, but not be limited to, all of the following:

(a) Clearly defined and measurable objectives for the grant;

(b) A statement describing how the applicant proposes to use the grant to implement an evidence-based firearm reduction initiative in accordance with this section;

(c) A statement describing how the applicant proposes to use the grant to enhance coordination of existing violence prevention and intervention programs and minimize duplication of services; and

(d) Evidence indicating that the proposed firearm violence reduction initiative would likely reduce the incidence of firearm violence.

(5) In awarding program grants, the office shall give preference to applicants whose grant proposals demonstrate the greatest likelihood of reducing firearm violence in the applicant's community, without contributing to mass incarceration.

(6) Each city that receives a program grant shall distribute no less than fifty percent of the grant funds to one or more of any of the following types of entities:

(a) Community-based organizations; and

(b) Public agencies or departments, other than law enforcement agencies or departments, that are primarily dedicated to community safety or firearm violence prevention.

(7) The office shall form a grant selection advisory committee including, without limitation, persons who have been impacted by violence, formerly incarcerated persons, and persons with direct experience in implementing evidence-based violence reduction initiatives, including initiatives that incorporate public health and community-based approaches.

(8) Each grantee shall report to the office, in a form and at intervals prescribed by the office, the grantee's progress in achieving the grant objectives.

(9) The office may contract with an independent entity with expertise in evaluating community-based grant-funded programs to evaluate the grant program's effectiveness.

NEW SECTION. Sec. 7. Sections 2 through 6 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the Washington office of firearm safety and violence prevention; adding a new chapter to Title 43 RCW; and creating a new section."

MOTION

Senator Muzzall moved that the following floor amendment no. 1112 by Senator Muzzall be adopted:

On page 1, line 3, after "that" strike "firearm"

On page 1, line 9, after "that" strike "firearm"

On page 1, at the beginning of line 18, strike all material through "combined." on line 20

On page 1, at the beginning of line 22, strike "firearm"
 On page 1, line 25, after "from" strike "firearm"
 On page 1, line 28, after "impacts of" strike "firearm"
 On page 1, line 30, after "Washington" strike "firearm"
 On page 2, line 1, after "costs of" strike "firearm"
 On page 2, line 2, after "enhance" strike "firearm"
 On page 2, line 7, after "office of" strike "firearm"
 On page 2, line 9, after "office of" strike "firearm"
 On page 2, line 12, after "reduce" strike "firearm"
 On page 2, line 19, after "evidence-based" strike "firearm"
 On page 2, at the beginning of line 23, strike "firearm"
 On page 2, at the beginning of line 26, strike "firearm"
 On page 2, line 28, after "victims of" strike "firearm"
 On page 2, line 37, after "Washington" strike "firearm"
 On page 3, at the beginning of line 4, strike "firearm"
 On page 3, line 34, after "Washington" strike "firearm"
 On page 3, line 37, after "effective" strike "firearm"
 On page 4, line 2, after "affected by" strike "firearm"
 On page 4, line 8, after "incidence of" strike "firearm"
 On page 4, line 11, after "victimized by" strike "firearm"
 On page 4, line 23, after "evidence-based" strike "firearm"
 On page 4, line 28, after "proposed" strike "firearm"
 On page 4, line 29, after "incidence of" strike "firearm"
 On page 4, line 33, after "reducing" strike "firearm"
 On page 5, line 3, after "safety or" strike "firearm"
 On page 5, line 19, after "office of" strike "firearm"

Senator Muzzall spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1112 by Senator Muzzall on page 1, line 3 to striking floor amendment no. 1104.

The motion by Senator Muzzall did not carry and floor amendment no. 1112 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following floor amendment no. 1122 by Senator Schoesler be adopted:

On page 1, line 30, after "firearm" strike "violence intervention and prevention" and insert "safety"

On page 2, line 12, after "to" strike "reduce firearm violence" and insert "promote safe firearm practices"

On page 2, beginning on line 37, after "firearm" strike "violence intervention and prevention" and insert "safety"

On page 3, beginning on line 34, after "firearm" strike "violence intervention and prevention" and insert "safety"

Beginning on page 3, line 37, after "firearm" strike "violence reduction" and insert "safety"

Senator Schoesler spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 1, line 30 to striking floor amendment no. 1104.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Hawkins, Hobbs, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

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

Excused: Senator Fortunato.

MOTION

Senator Braun moved that the following floor amendment no. 1133 by Senator Braun be adopted:

On page 2, line 21, after "(b)", strike all material down through "(d)" on line 27

On page 2, line 31, strike "(e)", and insert "(c)"

On page 2, line 35, strike "(f)", and insert "(d)"

On page 2, line 37, strike "(g)", and insert "(e)"

Senator Braun spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1133 by Senator Braun on page 2, line 21 to striking floor amendment no. 1104.

The motion by Senator Braun did not carry and floor amendment no. 1133 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 1124 by Senator Wilson, L. be adopted:

On page 2, line 22, after "statewide" strike "evidence-based" and insert "scientific, peer-reviewed"

Senators Wilson, L. and Short spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1124 by Senator Wilson, L. on page 2, line 22 to striking floor amendment no. 1104.

The motion by Senator Wilson, L. did not carry and floor amendment no. 1124 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 1123 by Senator Wilson, L. be adopted:

On page 2, line 38, after "act" insert ";

(h) Working with the national rifle association, education professionals, urban housing safety officials, clinical psychologists, and firearms safety experts to develop and implement a gun safety program designed for children in prekindergarten through grade five;

(i) Working with the national rifle association, education

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

professionals, urban housing safety officials, clinical psychologists, and firearms safety experts to develop and implement a gun safety program designed for children in grades six through eight;

(j) Working with the national rifle association, education professionals, urban housing safety officials, clinical psychologists, and firearms safety experts to develop and implement a gun safety program designed for children in grades nine through twelve"

Senator Wilson, L. spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1123 by Senator Wilson, L. on page 2, line 38 to striking floor amendment no. 1104.

The motion by Senator Wilson, L. did not carry and floor amendment no. 1123 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 1130 by Senator Braun be adopted:

On page 2, line 38, after "act" insert ";

(h) Reducing instances of firearm deaths by suicide, which comprise over seventy-five percent of firearm deaths in Washington over the last five years. The office shall work collaboratively with the department of health and the Washington action alliance for suicide prevention"

On page 3, line 5, after "must" insert "focus on efforts and progress in reducing instances of firearm death by suicide and"

Senators Braun, Short and Brown spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 2, line 38 to striking floor amendment no. 1104.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Hawkins, Hobbs, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Randall, Rivers, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Pedersen, Rolfes, Saldaña, Salomon, Stanford, Wellman and Wilson, C.

Excused: Senator Fortunato.

WITHDRAWAL OF AMENDMENT

On motion of Senator Becker and without objection, floor amendment no. 1116 by Senator Becker on page 3, line 6 to

striking floor amendment no. 1104 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wagoner and without objection, floor amendment no. 1125 by Senator Wagoner on page 4, line 14 to striking floor amendment no. 1104 was withdrawn.

MOTION

Senator Short moved that the following floor amendment no. 1126 by Senator Short be adopted:

On page 4, line 14, after "violence," insert "to law enforcement agencies in those cities,"

On page 5, beginning on line 1, after "departments" strike all material through "departments," on line 2

Senator Short spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1126 by Senator Short on page 1, line 14 to striking floor amendment no. 1104.

The motion by Senator Short did not carry and floor amendment no. 1126 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 1113 by Senator Padden be adopted:

On page 5, after line 15, insert the following:

"(10) Program grants may not be awarded to any community-based organization owned by a billionaire."

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1113 by Senator Padden on page 5, after line 15 to striking floor amendment no. 1104.

The motion by Senator Padden did not carry and floor amendment no. 1113 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, floor amendment no. 1128 by Senator Braun on page 5, line 17 to striking floor amendment no. 1104 was withdrawn.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1104 by Senator Randall as amended to Substitute Senate Bill No. 6628.

The motion by Senator Randall carried and striking floor amendment no. 1104 as amended was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Substitute Senate Bill No. 6288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Padden, Braun, Walsh, Wagoner and Short spoke against passage of the bill.

Senator Pedersen spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6288.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6288 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

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

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Hobbs, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Billig, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6087, by Senators Keiser, Conway, Das, Hasegawa, Hunt, Kuderer, Pedersen, Randall, Rolfes, Stanford, Saldaña, Wilson, C. and Sheldon

Imposing cost-sharing requirements for coverage of insulin products.

MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 6087 was substituted for Senate Bill No. 6087 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking floor amendment no. 1091 by Senators Keiser and Cleveland be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as required in subsection (2) of this section, a health plan issued or renewed on or after January 1, 2021, that provides coverage for prescription insulin drugs for the treatment of diabetes must cap the total amount that an enrollee is required to pay for a covered insulin drug at an amount not to exceed one

hundred dollars per thirty-day supply of the drug. Prescription insulin drugs must be covered without being subject to a deductible, and any cost sharing paid by an enrollee must be applied toward the enrollee's deductible obligation. Beginning January 1, 2022, for every one hundred dollar increase in the cost of an insulin product for the health plan from the previous plan year, taking into account rebates and other price concessions, the health plan may submit a request to the office of the insurance commissioner, including proper documentation, to raise the cost-sharing amount for a thirty-day supply by five dollars.

(2) If the federal internal revenue service removes insulin from the list of preventive care services which can be covered by a qualifying health plan for a health savings account before the deductible is satisfied, for a health plan that provides coverage for prescription insulin drugs for the treatment of diabetes and is offered as a qualifying health plan for a health savings account, the carrier must establish the plan's cost sharing for the coverage of prescription insulin for diabetes at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from his or her health savings account under internal revenue service laws and regulations. The office of the insurance commissioner must provide written notice of the change in internal revenue service guidance to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office.

(3) This section expires January 1, 2023.

NEW SECTION. Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

(1) Except as required in subsection (2) of this section, a health plan offered to public employees and their covered dependents under this chapter that is issued or renewed by the board on or after January 1, 2021, that provides coverage for prescription insulin drugs for the treatment of diabetes must cap the total amount that an enrollee is required to pay for a covered insulin drug at an amount not to exceed one hundred dollars per thirty-day supply of the drug. Prescription insulin drugs must be covered without being subject to a deductible, and any cost sharing paid by an enrollee must be applied toward the enrollee's deductible obligation. Beginning January 1, 2022, for every one hundred dollar increase in the cost of an insulin product for the health plan from the previous plan year, taking into account rebates and other price concessions, the health plan may submit a request to the office of the insurance commissioner, including proper documentation, to raise the cost-sharing amount for a thirty-day supply by five dollars.

(2) If the federal internal revenue service removes insulin from the list of preventive care services which can be covered by a qualifying health plan for a health savings account before the deductible is satisfied, for a health plan that provides coverage for prescription insulin drugs for the treatment of diabetes and is offered as a qualifying health plan for a health savings account, the health plan offered under this chapter must establish the plan's cost sharing for the coverage of prescription insulin for diabetes at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from his or her health savings account under internal revenue service laws and regulations. The office of the insurance commissioner must provide written notice of the change in internal revenue service guidance to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office.

(3) The authority must monitor the wholesale acquisition cost of all insulin products sold in the state.

(4) This section expires January 1, 2023.

Sec. 3. RCW 48.20.391 and 1997 c 276 s 2 are each amended

to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

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

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All disability insurance contracts providing health care services, delivered or issued for delivery in this state and issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For disability insurance contracts that include pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) ~~((Coverage))~~ Except as provided in section 1 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan, as required by RCW 48.20.028.

Sec. 4. RCW 48.21.143 and 2004 c 244 s 10 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications

of diabetes and its attendant costs.

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

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All group disability insurance contracts and blanket disability insurance contracts providing health care services, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For group disability insurance contracts and blanket disability insurance contracts that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all group disability insurance contracts and blanket disability insurance contracts providing health care services, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the insurer from restricting patients to seeing only health care providers who have signed participating provider agreements with the insurer or an insuring entity under contract with the insurer.

(3) ~~((Coverage))~~ Except as provided in section 1 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The insurer need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plan that provides benefits identical to the schedule of services covered by the basic health plan.

Sec. 5. RCW 48.44.315 and 2004 c 244 s 12 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

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

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin

using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health care service contractors, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health care services contractor from restricting patients to seeing only health care providers who have signed participating provider agreements with the health care services contractor or an insuring entity under contract with the health care services contractor.

(3) ~~((Coverage))~~ Except as provided in section 1 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health care service contractor need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan.

Sec. 6. RCW 48.46.272 and 2004 c 244 s 14 are each amended to read as follows:

The legislature finds that diabetes imposes a significant health risk and tremendous financial burden on the citizens and government of the state of Washington, and that access to the medically accepted standards of care for diabetes, its treatment and supplies, and self-management training and education is crucial to prevent or delay the short and long-term complications of diabetes and its attendant costs.

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

(a) "Person with diabetes" means a person diagnosed by a health care provider as having insulin using diabetes, noninsulin using diabetes, or elevated blood glucose levels induced by pregnancy; and

(b) "Health care provider" means a health care provider as defined in RCW 48.43.005.

(2) All health benefit plans offered by health maintenance organizations, issued or renewed after January 1, 1998, shall provide benefits for at least the following services and supplies

for persons with diabetes:

(a) For health benefit plans that include coverage for pharmacy services, appropriate and medically necessary equipment and supplies, as prescribed by a health care provider, that includes but is not limited to insulin, syringes, injection aids, blood glucose monitors, test strips for blood glucose monitors, visual reading and urine test strips, insulin pumps and accessories to the pumps, insulin infusion devices, prescriptive oral agents for controlling blood sugar levels, foot care appliances for prevention of complications associated with diabetes, and glucagon emergency kits; and

(b) For all health benefit plans, outpatient self-management training and education, including medical nutrition therapy, as ordered by the health care provider. Diabetes outpatient self-management training and education may be provided only by health care providers with expertise in diabetes. Nothing in this section prevents the health maintenance organization from restricting patients to seeing only health care providers who have signed participating provider agreements with the health maintenance organization or an insuring entity under contract with the health maintenance organization.

(3) ~~((Coverage))~~ Except as provided in section 1 of this act, coverage required under this section may be subject to customary cost-sharing provisions established for all other similar services or supplies within a policy.

(4) Health care coverage may not be reduced or eliminated due to this section.

(5) Services required under this section shall be covered when deemed medically necessary by the medical director, or his or her designee, subject to any referral and formulary requirements.

(6) The health maintenance organization need not include the coverage required in this section in a group contract offered to an employer or other group that offers to its eligible enrollees a self-insured health plan not subject to mandated benefits status under this title that does not offer coverage similar to that mandated under this section.

(7) This section does not apply to the health benefit plans that provide benefits identical to the schedule of services covered by the basic health plan."

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 48.20.391, 48.21.143, 48.44.315, and 48.46.272; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and providing expiration dates."

Senator Keiser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1091 by Senators Keiser and Cleveland to Second Substitute Senate Bill No. 6087.

The motion by Senator Keiser carried and striking floor amendment no. 1091 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6087 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and O'Ban spoke in favor of passage of the bill. Senators Becker and Rivers spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6087.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6087 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Excused: Senator Fortunato

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6113, by Senators Keiser, Das, Hasegawa, Hunt, Kuderer, Pedersen, Randall, Rolfes, Van De Wege, Wilson and C.

Creating a central insulin purchasing program.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6113 was substituted for Senate Bill No. 6113 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senators O'Ban, Walsh and Becker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6113.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6113 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

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

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of

the act.

SECOND READING

SENATE BILL NO. 6663, by Senators Brown, Becker and Walsh

Studying dual diagnoses of eating disorder and diabetes mellitus type 1. Revised for 1st Substitute: Concerning dual diagnoses of eating disorder and diabetes mellitus type 1.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 6663 was substituted for Senate Bill No. 6663 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 6663 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6663.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6663 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6663, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5488, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Saldaña, Wilson, C., Keiser and Nguyen)

Concerning the sentencing of persons under the age of twenty-one years at the time of the commission of a crime. Revised for 2nd Substitute: Modifying youth sentencing guidelines.

The bill was read on Third Reading.

MOTION

On motion of Senator Darneille, the rules were suspended and Substitute Senate Bill No. 5488 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5488, by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Darneille, Saldaña, Wilson, C., Keiser and Nguyen)

Concerning the sentencing of persons under the age of twenty-one years at the time of the commission of a crime.

MOTIONS

On motion of Senator Darneille, Second Substitute Senate Bill No. 5488 was substituted for Substitute Senate Bill No. 5488 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Darneille, the rules were suspended, Second Substitute Senate Bill No. 5488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Walsh spoke in favor of passage of the bill.

Senator Rivers spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5488.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5488 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

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

Voting nay: Senators Becker, Braun, Brown, Erickson, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson, L.

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 5488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 5533, by Senators Braun, Darneille and Zeiger

Concerning certificates of parental improvement. Revised for 4th Substitute: Certifying parental improvement.

MOTIONS

On motion of Senator Braun, Fourth Substitute Senate Bill No. 5533 was substituted for Senate Bill No. 5533 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Fourth Substitute Senate Bill No. 5533 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Darneille and Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Fourth Substitute Senate Bill No. 5533.

ROLL CALL

The Secretary called the roll on the final passage of Fourth Substitute Senate Bill No. 5533 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Wagoner

Excused: Senator Fortunato

FOURTH SUBSTITUTE SENATE BILL NO. 5533, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6638, by Senators Wilson, C., Lovelett, Randall, Nguyen, Das and Darneille

Providing reentry services.

MOTION

On motion of Senator Wilson, C., Engrossed Substitute Senate Bill No. 6638 was substituted for Senate Bill No. 6638 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wilson, C. moved that the following striking floor amendment no. 1105 by Senator Wilson, C. be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 7.** (1) The legislature finds that it is critical to successful community reintegration and recovery for persons who are being released from prison, jail, juvenile rehabilitation, or other state institutions to have access to supportive services and for those who have behavioral health services needs to receive targeted assistance. This act employs multiple strategies to improve reentry services for these individuals. It provides for suspension of medicaid benefits to end before a person's release from custody so that medical assistance benefits can be made available immediately upon the person's

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

release and so that authorized medicaid services can be provided before the person's release if the state receives a medicaid waiver. It creates a reentry services modality within the community behavioral health services act and directs the Washington state health care authority to apply for a section 1115 medicaid waiver so that the state can leverage federal funding to provide reentry services before the person's release. It provides persons applying for a conditional release under chapter 10.77 RCW with access to the same community support services available to persons receiving community services under a less restrictive alternative order under chapter 71.05 RCW. Finally, it removes stigmatizing language from the program created under RCW 72.09.370 and 71.24.470 and creates a work group to advise the state how to use strategies based on evidence-based, research-based, and promising practices to expand the provision of cost-effective reentry services to new populations.

(2) The legislature finds that the support for patients and communities act, H.R. 6 115th Cong. Sec. 271 (2018), provided federal recognition of the importance of providing transition services to persons who are soon to be former inmates of public institutions. This act requires the secretary of health and human services to issue a state medicaid director letter by October 2019 regarding opportunities for states to apply for a section 1115 waiver to improve care transitions by providing medicaid services up to thirty days before a person's expected release. This guidance has not yet been released. New York state and the District of Columbia have already submitted section 1115 waiver applications which remain pending in the year 2019 in anticipation of this opportunity.

Sec. 8. RCW 74.09.670 and 2016 c 154 s 2 are each amended to read as follows:

(1) The authority is directed to suspend, rather than terminate, medical assistance benefits by July 1, 2017, for persons who are incarcerated or committed to a state hospital or other institution or facility. This must include the ability for a person to apply for medical assistance in suspense status during incarceration or civil commitment, and may not depend upon knowledge of the release date of the person. The authority must provide a progress report describing program design and a detailed fiscal estimate to the governor and relevant committees of the legislature by December 1, 2016.

(2) When a release date is scheduled for an individual whose medical assistance benefits are suspended under this section, the medical assistance benefits of a person may be restored up to ninety days prior to the person's release to facilitate reentry services, provided that no federal funds may be expended during this period for purposes not permitted by the state's agreements with the federal government.

(3) Starting January 1, 2022, the medical assistance benefits of a person that have been suspended under this section must be restored up to ninety days and not less than seven days prior to the person's scheduled release to facilitate reentry services, provided that no federal funds may be expended during this period for purposes not permitted by the state's agreements with the federal government.

(4) For the purpose of this section, "reentry services" has the same meaning as under RCW 71.24.025.

Sec. 9. RCW 71.24.025 and 2019 c 325 s 1004 and 2019 c 324 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

(4) "Authority" means the Washington state health care authority.

(5) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(6) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(7) "Behavioral health provider" means a person licensed under chapter 18.57, 18.57A, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(8) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(9) "Child" means a person under the age of eighteen years.

(10) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(11) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(12) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(13) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(14) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(15) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(16) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

(17) "Department" means the department of health.

(18) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

(19) "Director" means the director of the authority.

(20) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(21) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(6).

(22) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (23) of this section.

(23) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(24) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal

organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(25) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

(26) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

(27) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(28) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(29) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

(30) "Mental health peer respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

(31) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

(32) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (10), (39), and (40) of this section.

(33) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

(34) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (23) of this section but does not meet the full criteria for evidence-based.

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

(35) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(36) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(37) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

(38) "Secretary" means the secretary of the department of health.

(39) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(40) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services

organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(41) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

(42) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(43) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

(44) "Reentry services" means targeted services to support community reintegration and recovery for a person with an identified behavioral health services need who is scheduled or expected to be released from a prison, jail, juvenile rehabilitation facility, state hospital, or other institution or facility within ninety days. "Reentry services" also means targeted services provided to such a person following release to support the person's recovery and stability in the community. "Reentry services" may include:

(a) Engagement, assessment, recovery support, and release planning provided up to ninety days prior to a scheduled or expected release provided by behavioral health clinicians, certified peer counselors, or both;

(b) Intensive case management, peer bridger services, or both provided during the period beginning immediately upon the person's release which may decrease in intensity over time depending on the specific needs of the individual;

(c) Coordination of mental health services, assistance with unfunded medical expenses, assistance obtaining substance use

disorder treatment, housing, employment services, educational or vocational training, transportation, independent living skills, parenting education, anger management services, peer services, and such other services as the case manager deems necessary; and (d) Provision of services under contract through the reentry community services program under RCW 72.09.370 and 71.24.470.

NEW SECTION. Sec. 10. (1) The health care authority shall, after the release of federal guidance, apply for a section 1115 medicaid waiver to provide reentry services as defined under RCW 71.24.025 through the state medicaid program to persons who are expecting to be released from a public institution and are otherwise eligible to receive medical assistance. The authority shall consult with the work group established under section 10 of this act about the details of the application and how to maximize support for Washington state reentry programs within the limitations of what the centers of medicare and medicaid services are likely to approve.

(2) In developing its application, the health care authority must explicitly consider how to best leverage the 1115 medicaid waiver application for the following purposes:

(a) To provide federal funding support for the state-only portions of the reentry community services program under RCW 72.09.370 and 71.24.470;

(b) To provide sustainable funding for cost-effective or cost-neutral reentry or diversion services provided by pilot programs funded by contempt fines in *Trueblood, et al., v. DSHS, et al.*, No. 15-35462; and

(c) To accommodate the special needs of persons in jail who tend to stay for short periods of time and not have access to a documented anticipated release date.

(3) The authority shall consider how evaluations of the reentry community services program created under RCW 72.09.370 and 71.24.470 conducted by the Washington state institute for public policy may be used to establish an evidence base for its waiver application demonstrating the potential for delivering cost-effective reentry services in the state of Washington.

(4) The health care authority shall update the governor and appropriate committees of the legislature in writing upon submission of its section 1115 medicaid waiver application, at the point at which such application obtains final approval or denial from the centers for medicaid and medicare services, and at other critical junctures at the discretion of the health care authority.

Sec. 11. RCW 71.24.385 and 2019 c 325 s 1023 and 2019 c 264 s 6 are each reenacted and amended to read as follows:

(1) Within funds appropriated by the legislature for this purpose, behavioral health administrative services organizations and managed care organizations, as applicable, shall develop the means to serve the needs of people:

(a) With mental disorders residing within the boundaries of their regional service area. Elements of the program may include:

- (i) Crisis diversion services;
- (ii) Evaluation and treatment and community hospital beds;
- (iii) Residential treatment;
- (iv) Programs for intensive community treatment;
- (v) Outpatient services, including family support;
- (vi) Peer support services;
- (vii) Community support services;
- (viii) Resource management services; ~~(and)~~
- (ix) Reentry services; and

(x) Supported housing and supported employment services.

(b) With substance use disorders and their families, people incapacitated by alcohol or other psychoactive chemicals, and intoxicated people.

(i) Elements of the program shall include, but not necessarily be limited to, a continuum of substance use disorder treatment

services that includes:

- (A) Withdrawal management;
- (B) Residential treatment; and
- (C) Outpatient treatment.

(ii) The program may include peer support, supported housing, supported employment, crisis diversion, recovery support services, reentry services, or technology-based recovery supports.

(iii) The authority may contract for the use of an approved substance use disorder treatment program or other individual or organization if the director considers this to be an effective and economical course to follow.

(2)(a) The managed care organization and the behavioral health administrative services organization shall have the flexibility, within the funds appropriated by the legislature for this purpose and the terms of their contract, to design the mix of services that will be most effective within their service area of meeting the needs of people with behavioral health disorders and avoiding placement of such individuals at the state mental hospital. Managed care organizations and behavioral health administrative services organizations are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.

(b) Managed care organizations and behavioral health administrative services organizations may allow reimbursement to providers for services delivered through a partial hospitalization or intensive outpatient program. Such payment and services are distinct from the state's delivery of wraparound with intensive services under the *T.R. v. Strange and Birch* settlement agreement.

(3)(a) Treatment provided under this chapter must be purchased primarily through managed care contracts.

(b) Consistent with RCW 71.24.580, services and funding provided through the criminal justice treatment account are intended to be exempted from managed care contracting.

Sec. 12. RCW 10.77.150 and 2010 c 263 s 5 are each amended to read as follows:

(1) Persons examined pursuant to RCW 10.77.140 may make application to the secretary for conditional release. The secretary shall, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, forward to the court of the county which ordered the person's commitment the person's application for conditional release as well as the secretary's recommendations concerning the application and any proposed terms and conditions upon which the secretary reasonably believes the person can be conditionally released. Conditional release may also contemplate partial release for work, training, or educational purposes.

(2) In instances in which persons examined pursuant to RCW 10.77.140 have not made application to the secretary for conditional release, but the secretary, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, reasonably believes the person may be conditionally released, the secretary may submit a recommendation for release to the court of the county that ordered the person's commitment. The secretary's recommendation must include any proposed terms and conditions upon which the secretary reasonably believes the person may be conditionally released. Conditional release may also include partial release for work, training, or educational purposes. Notice of the secretary's recommendation under this subsection must be provided to the person for whom the secretary has made the recommendation for release and to his or her attorney.

(3)(a) The court of the county which ordered the person's commitment, upon receipt of an application or recommendation for conditional release with the secretary's recommendation for

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

conditional release terms and conditions, shall within thirty days schedule a hearing. The court may schedule a hearing on applications recommended for disapproval by the secretary.

(b) The prosecuting attorney shall represent the state at such hearings and shall have the right to have the patient examined by an expert or professional person of the prosecuting attorney's choice. If the committed person is indigent, and he or she so requests, the court shall appoint a qualified expert or professional person to examine the person on his or her behalf.

(c) The issue to be determined at such a hearing is whether or not the person may be released conditionally without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security.

(d) The court, after the hearing, shall rule on the secretary's recommendations, and if it disapproves of conditional release, may do so only on the basis of substantial evidence. The court may modify the suggested terms and conditions on which the person is to be conditionally released. Pursuant to the determination of the court after hearing, the committed person shall thereupon be released on such conditions as the court determines to be necessary, or shall be remitted to the custody of the secretary. If the order of conditional release includes a requirement for the committed person to report to a community corrections officer, the order shall also specify that the conditionally released person shall be under the supervision of the secretary of corrections or such person as the secretary of corrections may designate and shall follow explicitly the instructions of the secretary of corrections including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer prior to making any change in the offender's address or employment. If the order of conditional release includes a requirement for the committed person to report to a community corrections officer, the community corrections officer shall notify the secretary or the secretary's designee, if the person is not in compliance with the court-ordered conditions of release.

(4) If the court determines that receiving regular or periodic medication or other medical treatment shall be a condition of the committed person's release, then the court shall require him or her to report to a physician or other medical or mental health practitioner for the medication or treatment. In addition to submitting any report required by RCW 10.77.160, the physician or other medical or mental health practitioner shall immediately upon the released person's failure to appear for the medication or treatment or upon a change in mental health condition that renders the patient a potential risk to the public report to the court, to the prosecuting attorney of the county in which the released person was committed, to the secretary, and to the supervising community corrections officer.

(5) Any person, whose application for conditional release has been denied, may reapply after a period of six months from the date of denial.

(6) A licensed or certified behavioral health agency as defined under RCW 71.24.025 that provides community behavioral health services to a person placed on conditional release under this section or agrees to provide such services upon the person's conditional release shall provide equivalent services to the person as it would provide to a person who is court ordered to receive less restrictive alternative treatment under RCW 71.05.585. A licensed or certified behavioral health agency must participate in reentry planning when a person is recommended for conditional release under this section and may provide reentry services as defined in RCW 71.24.025 in coordination with state hospital staff and the person's managed care organization, behavioral health administrative services organization, or private insurance

carrier.

Sec. 13. RCW 72.09.370 and 2019 c 325 s 5025 are each amended to read as follows:

(1) The ~~((offender))~~ reentry community ~~((safety))~~ services program is established to provide intensive services to ~~((offenders))~~ incarcerated persons identified under this subsection and to thereby promote successful reentry, public safety, and recovery. The secretary shall identify ~~((offenders))~~ persons in confinement or partial confinement who: (a) Are reasonably believed to ~~((be dangerous))~~ present a danger to themselves or others if released to the community without supportive services; and (b) have a mental disorder. In determining ~~((an offender's dangerousness))~~ whether an incarcerated person may meet these criteria, the secretary shall consider behavior known to the department and factors, based on research, that are linked to ~~((an increased))~~ risk ~~((for))~~ of dangerousness ~~((of offenders))~~ for persons with mental illnesses who are involved with the criminal justice system and shall include consideration of ~~((an offender's))~~ the person's substance use disorder or history of substance abuse.

(2) Prior to release of ~~((an offender))~~ a person identified under this section, a team consisting of representatives of the department of corrections, the health care authority, and, as necessary, the indeterminate sentence review board, divisions or administrations within the department of social and health services, specifically including the division of developmental disabilities, the appropriate managed care organization ~~((contracted with the health care authority, the appropriate))~~ or behavioral health administrative services organization, and ~~((the))~~ reentry community services providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the ~~((offender))~~ incarcerated person upon release. In developing the plan, the ~~((offender))~~ person shall be offered assistance in executing a mental health advance directive under chapter 71.32 RCW, after being fully informed of the benefits, scope, and purposes of such directive. The team may include a school district representative for ~~((offenders))~~ incarcerated persons under the age of twenty-one. The team shall consult with the ~~((offender's))~~ person's counsel, if any, and, as appropriate, the ~~((offender's))~~ person's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 72.09.712 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific ~~((offender))~~ incarcerated person. The team may recommend: (a) That the ~~((offender))~~ person be evaluated by ~~((the))~~ a designated crisis responder, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or substance use disorder or abuse treatment.

(3) Prior to release of an ~~((offender))~~ incarcerated person identified under this section, the team shall determine whether or not an evaluation by a designated crisis responder is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate designated crisis responder. The supporting documentation shall include the ~~((offender's))~~ person's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a designated crisis responder is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a designated crisis responder shall occur on the day of release if requested by the team, based upon new information or a change in the ~~((offender's))~~ person's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the designated crisis responder determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the ~~((offender))~~ person only to a state hospital or to a consenting evaluation and treatment facility or secure withdrawal management and stabilization facility. The department shall arrange transportation of the ~~((offender))~~ person to the hospital or facility.

(7) If the designated crisis responder believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the ~~((offender))~~ person to appear at an evaluation and treatment facility or secure withdrawal management and stabilization facility. If a summons is issued, the ~~((offender))~~ person shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified ~~((evaluation and treatment))~~ facility.

(8) The secretary shall adopt rules to implement this section.

Sec. 14. RCW 71.24.470 and 2019 c 325 s 1030 are each amended to read as follows:

(1) The director shall contract, to the extent that funds are appropriated for this purpose, for case management services and such other services as the director deems necessary to assist ~~((offenders))~~ incarcerated persons identified under RCW 72.09.370 for participation in the ~~((offender))~~ reentry community ~~((safety))~~ services program. The contracts may be with any qualified and appropriate entities.

(2) The case manager has the authority to assist these ~~((offenders))~~ individuals in obtaining the services, as set forth in the plan created under RCW 72.09.370(2), for up to five years. The services may include coordination of mental health services, assistance with unfunded medical expenses, assistance obtaining substance use disorder treatment, housing, employment services, educational or vocational training, independent living skills, parenting education, anger management services, peer services, and such other services as the case manager deems necessary.

(3) The legislature intends that funds appropriated for the purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section are to supplement and not to supplant general funding. Funds appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212, and this section are not to be considered available resources as defined in RCW 71.24.025 and are not subject to the priorities, terms, or conditions in the appropriations act established pursuant to RCW 71.24.035.

(4) The ~~((offender))~~ reentry community ~~((safety))~~ services program was formerly known as the community integration assistance program.

Sec. 15. RCW 71.24.480 and 2019 c 325 s 1031 are each amended to read as follows:

(1) A licensed or certified behavioral health agency acting in the course of the ~~((provider's))~~ agency's duties under this chapter ~~((-is))~~ and its individual employees are not liable for civil damages resulting from the injury or death of another caused by a participant in the ~~((offender))~~ reentry community ~~((safety))~~ services program who is a client of the ~~((provider or organization))~~ agency, unless the act or omission of the ~~((provider or organization))~~ agency or employee constitutes:

- (a) Gross negligence;
- (b) Willful or wanton misconduct; or
- (c) A breach of the duty to warn of and protect from a client's threatened violent behavior if the client has communicated a

serious threat of physical violence against a reasonably ascertainable victim or victims.

(2) In addition to any other requirements to report violations, the licensed or certified behavioral health agency shall report ~~((an offender's))~~ a reentry community services program participant's expressions of intent to harm or other predatory behavior, regardless of whether there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment.

(3) A licensed or certified behavioral health agency's mere act of treating a participant in the ~~((offender))~~ reentry community ~~((safety))~~ services program is not negligence. Nothing in this subsection alters the licensed or certified behavioral health agency's normal duty of care with regard to the client.

(4) The limited liability provided by this section applies only to the conduct of licensed or certified behavioral health agencies and their employees and does not apply to conduct of the state.

(5) For purposes of this section, "participant in the ~~((offender))~~ reentry community ~~((safety))~~ services program" means a person who has been identified under RCW 72.09.370 as ~~((an offender))~~ a person who: (a) Is reasonably believed to ~~((be dangerous))~~ present a danger to himself or herself or others if released to the community without supportive services; and (b) has a mental disorder.

NEW SECTION. Sec. 16. A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall convene a reentry services work group to consider ways to improve reentry services for persons with an identified behavioral health services need. The work group shall:

(a) Advise the authority on its waiver application under section 4 of this act;

(b) Consider how to expand, replicate, or adapt the essential elements of the reentry community services program under RCW 72.09.370 and 71.24.470 while preserving those aspects most essential to stable reentry and recovery to provide reentry community services to:

(i) A larger set of persons incarcerated in prison including up to all persons releasing from prison who are reasonably believed to present either a high risk of violent recidivism, a high risk of nonviolent recidivism, or both in combination with a mental disorder or a substance use disorder, or other subsets of persons at the discretion of the work group;

(ii) Persons who are committed to a state hospital or long-term involuntary behavioral health treatment facility under chapter 10.77 RCW or RCW 71.05.280(3), who are reasonably believed to be ready for safe discharge to an appropriate community placement;

(iii) Persons expecting release from confinement under chapter 13.40 RCW;

(iv) Persons expecting release from confinement in jail; and/or

(v) Other populations recommended by the work group;

(c) Evaluate whether it would be better for administration of contracts for services under the reentry community services program remain at the state level or instead be administered by managed care organizations or behavioral health administrative services organizations;

(d) Identify the costs and savings that could be realized through expanding or replicating the reentry community services program as described under (b) of this subsection or through other means of providing reentry services;

(e) Evaluate the sustainability of promising reentry services or diversion services provided by pilot programs funded by contempt fines in *Trueblood, et al., v. DSHS, et al.*, No. 15-35462;

(f) Recommend means of funding and staffing expanded reentry services; and

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

(g) Consider how peer services can be incorporated into the reentry services programs.

(2) The authority shall invite participation in the work group by stakeholders including but not limited to representatives from: Disability rights Washington; behavioral health advocacy organizations; behavioral health peers; reentry community services providers; community behavioral health agencies; advocates for persons with developmental disabilities; the department of corrections; the department of children, youth, and families; the Washington association of sheriffs and police chiefs; prosecutors; defense attorneys; the Washington state association of counties; King county behavioral health and recovery division; the department of social and health services; state hospital employees who serve patients committed under chapters 10.77 and 71.05 RCW; the public safety review panel under RCW 10.77.270; managed care organizations; behavioral health administrative services organizations; the Washington statewide reentry council; the Washington state senate and house of representatives; and the Washington state institute for public policy.

(3) The work group must provide a progress report to the governor and appropriate committees of the legislature by December 1, 2020, and a final report by December 1, 2021.

NEW SECTION. Sec. 17. The Washington state health care authority shall revise its contracts with managed care organizations and behavioral health administrative services organizations to require those entities to ensure that providers that contract to provide services through the reentry community services program under RCW 72.09.370 and 71.24.330 are available to their eligible clients in every regional service area.

NEW SECTION. Sec. 18. The Washington state institute for public policy shall update its previous evaluations of the reentry community services program under RCW 72.09.370 and 71.24.470, considering impacts on both recidivism and the use of public services. The institute shall collaborate with the work group established under section 10 of this act to determine research parameters and additional research questions that would support the work of the work group including, but not limited to, the potential cost, benefit, and risks to the state of expanding or replicating the reentry community services program; and what modifications to the program are most and least likely to prove advantageous based on the current state of knowledge about evidence-based, research-based, and promising programs. The department of corrections, health care authority, administrative office of the courts, King county, and department of social and health services must cooperate with the institute to facilitate access to data or other resources necessary to complete this work. The institute must provide a preliminary report by December 1, 2020, and a final report by November 1, 2021, to the governor and relevant committees of the legislature."

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "amending RCW 74.09.670, 10.77.150, 72.09.370, 71.24.470, and 71.24.480; reenacting and amending RCW 71.24.025 and 71.24.385; adding a new section to chapter 71.24 RCW; and creating new sections."

MOTION

Senator Padden moved that the following floor amendment no. 1141 by Senator Padden be adopted:

On page 1, line 22, after "Finally, it", strike all material through "71.24.470 and" on page 1, line 24.

On page 16, starting at line 1, strike all of sections 7, 8, and 9 and insert the following:

"**Sec. 7.** RCW 72.09.370 and 2019 c 325 s 5025 are each amended to read as follows:

(1) The ~~((offender))~~ reentry community ~~((safety))~~ services program is established to provide intensive services to offenders identified under this subsection and to thereby promote successful reentry, public safety, and recovery. The secretary shall identify offenders in confinement or partial confinement who: (a) Are reasonably believed to ~~((be dangerous))~~ present a danger to themselves or others if released to the community without supportive services; and (b) have a mental disorder. In determining an offender's dangerousness, the secretary shall consider behavior known to the department and factors, based on research, that are linked to ~~((an increased))~~ risk ~~((for))~~ of dangerousness of offenders with mental illnesses who are involved with the criminal justice system and shall include consideration of an offender's substance use disorder or history of substance abuse.

(2) Prior to release of an offender identified under this section, a team consisting of representatives of the department of corrections, the health care authority, and, as necessary, the indeterminate sentence review board, divisions or administrations within the department of social and health services, specifically including the division of developmental disabilities, the appropriate managed care organization ~~((contracted with the health care authority, the appropriate))~~ or behavioral health administrative services organization, and the providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the offender upon release. In developing the plan, the offender shall be offered assistance in executing a mental health advance directive under chapter 71.32 RCW, after being fully informed of the benefits, scope, and purposes of such directive. The team may include a school district representative for ~~offenders~~ under the age of twenty-one. The team shall consult with the offender's counsel, if any, and, as appropriate, the offender's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 72.09.712 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific offender. The team may recommend: (a) That the offender be evaluated by ~~((the))~~ a designated crisis responder, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or substance use disorder or abuse treatment.

(3) Prior to release of an offender identified under this section, the team shall determine whether or not an evaluation by a designated crisis responder is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate designated crisis responder. The supporting documentation shall include the offender's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a designated crisis responder is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a designated crisis responder shall occur on the day of release if requested by the team, based upon new information or a change in the offender's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the designated crisis responder determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the offender only to a state hospital or to a consenting evaluation and treatment facility or secure withdrawal management and stabilization facility. The department shall arrange transportation of the offender to the hospital or facility.

(7) If the designated crisis responder believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the offender to appear at an evaluation and treatment facility or secure withdrawal management and stabilization facility. If a summons is issued, the offender shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified ~~((evaluation and treatment))~~ facility.

(8) The secretary shall adopt rules to implement this section.

Sec. 8. RCW 71.24.470 and 2019 c 325 s 1030 are each amended to read as follows:

(1) The director shall contract, to the extent that funds are appropriated for this purpose, for case management services and such other services as the director deems necessary to assist offenders identified under RCW 72.09.370 for participation in the ~~((offender))~~ reentry community ~~((safety))~~ services program. The contracts may be with any qualified and appropriate entities.

(2) The case manager has the authority to assist these offenders in obtaining the services, as set forth in the plan created under RCW 72.09.370(2), for up to five years. The services may include coordination of mental health services, assistance with unfunded medical expenses, assistance obtaining substance use disorder treatment, housing, employment services, educational or vocational training, independent living skills, parenting education, anger management services, peer services, and such other services as the case manager deems necessary.

(3) The legislature intends that funds appropriated for the purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section are to supplement and not to supplant general funding. Funds appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212, and this section are not to be considered available resources as defined in RCW 71.24.025 and are not subject to the priorities, terms, or conditions in the appropriations act established pursuant to RCW 71.24.035.

(4) The ~~((offender))~~ reentry community ~~((safety))~~ services program was formerly known as the community integration assistance program.

Sec. 9. RCW 71.24.480 and 2019 c 325 s 1031 are each amended to read as follows:

(1) A licensed or certified behavioral health agency acting in the course of the ~~((provider's))~~ agency's duties under this chapter ~~((is))~~ and its individual employees are not liable for civil damages resulting from the injury or death of another caused by a participant in the ~~((offender))~~ reentry community ~~((safety))~~ services program who is a client of the ~~((provider or organization))~~ agency, unless the act or omission of the ~~((provider or organization))~~ agency or employee constitutes:

- (a) Gross negligence;
- (b) Willful or wanton misconduct; or
- (c) A breach of the duty to warn of and protect from a client's threatened violent behavior if the client has communicated a serious threat of physical violence against a reasonably ascertainable victim or victims.

(2) In addition to any other requirements to report violations, the licensed or certified behavioral health agency shall report an offender's expressions of intent to harm or other predatory behavior, regardless of whether there is an ascertainable victim, in progress reports and other established processes that enable

courts and supervising entities to assess and address the progress and appropriateness of treatment.

(3) A licensed or certified behavioral health agency's mere act of treating a participant in the ~~((offender))~~ reentry community ~~((safety))~~ services program is not negligence. Nothing in this subsection alters the licensed or certified behavioral health agency's normal duty of care with regard to the client.

(4) The limited liability provided by this section applies only to the conduct of licensed or certified behavioral health agencies and their employees and does not apply to conduct of the state.

(5) For purposes of this section, "participant in the ~~((offender))~~ reentry community ~~((safety))~~ services program" means a person who has been identified under RCW 72.09.370 as an offender who: (a) Is reasonably believed to ~~((be dangerous))~~ present a danger to himself or herself or others if released to the community without supportive services; and (b) has a mental disorder."

Senators Padden, Walsh, Short, Sheldon and Wagoner spoke in favor of adoption of the amendment to the striking amendment.

Senator Wilson, C. spoke against adoption of the amendment to the striking amendment.

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 1, line 22 to striking floor amendment no. 1105.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Padden and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

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

Excused: Senator Fortunato.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1105 by Senator Wilson, C. to Substitute Senate Bill No. 6638.

The motion by Senator Wilson, C. carried and striking floor amendment no. 1105 was adopted by voice vote.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Engrossed Substitute Senate Bill No. 6638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wilson, C. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6638.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6638 and the bill passed the Senate by

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Padden, Sheldon, Short and Wilson, L.

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6638, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:34 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 7:28 p.m. by President Habib.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Liias moved that Jeffery Estes, Senate Gubernatorial Appointment No. 9159, be confirmed as a member of the State Board of Education.

Senator Liias spoke in favor of the motion.

APPOINTMENT OF JEFFERY ESTES

The President declared the question before the Senate to be the confirmation of Jeffery Estes, Senate Gubernatorial Appointment No. 9159, as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Jeffery Estes, Senate Gubernatorial Appointment No. 9159, as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senators Becker and Ericksen

Excused: Senator Fortunato

Jeffery Estes, Senate Gubernatorial Appointment No. 9159, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

PERSONAL PRIVILEGE

Senator Liias: "Thank you Mr. President. I was a little overcome with whimsy when we were talking about Mr. Estes' confirmation and I neglected to note that he has been a leader in Governor Inslee's STEM Education Innovation Alliance Advisory Board and that he spent four years on the State Board of Education and brings a lot of education experience and I wanted to make sure that was part of the record as well.

MOTION

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

SECOND READING

SENATE BILL NO. 6115, by Senators Takko, Warnick, Hobbs, Van De Wege, Wilson, L. and Sheldon

Concerning off-road vehicle registrations.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 6115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6115.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6115 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6068, by Senators Warnick, Mullet, Wilson, L., Takko, Short, Liias and Honeyford

Concerning sales and use tax exemptions for large private airplanes.

MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 6068

was substituted for Senate Bill No. 6068 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 6068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6068.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6068 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6528, by Senators Lovelett, McCoy, Takko, Das, Hasegawa, Rolfes, Van De Wege, Wilson and C.

Concerning the prevention of derelict vessels.

MOTIONS

On motion of Senator Lovelett, Second Substitute Senate Bill No. 6528 was substituted for Senate Bill No. 6528 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Lovelett, the rules were suspended, Second Substitute Senate Bill No. 6528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6528.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6528 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes,

Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 6528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Habib: "Ladies and Gentleman, I just want to take a moment, and I want to make sure Senator Liias is paying attention. I want to take a moment because you all, I know you see these orders of consideration and you know the floor leader works so hard on them. But, what you may not notice is that there is often a narrative arc, that only a literary trained mind would pick up on. And I just want to point out for example on this particular order of consideration, we go from off-road vehicles and collector vehicles and private airplanes to derelict vessels and then to human remains disposition and then to survivor options. Okay, so it may be a little bit of a dark imagination, at this hour, I just want you to recognize the brilliance of Senator Liias who puts these together for you."

SECOND READING

SENATE BILL NO. 6501, by Senator Padden

Concerning the unlawful disposition of human remains. Revised for 1st Substitute: Concerning the disposition of human remains and cremation.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 6501 was substituted for Senate Bill No. 6501 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 6501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6501.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6501 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6501, having received the constitutional majority, was declared passed. There being no

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6417, by Senators Holy and Van De Wege

Allowing retirees to change their survivor option election after retirement.

The measure was read the second time.

MOTION

On motion of Senator Holy, the rules were suspended, Senate Bill No. 6417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6417.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6417 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6632, by Senator Takko

Providing additional funding for the business licensing service program administered by the department of revenue.

MOTIONS

On motion of Senator Takko, Substitute Senate Bill No. 6632 was substituted for Senate Bill No. 6632 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Takko, the rules were suspended, Substitute Senate Bill No. 6632 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6632.

ROLL CALL

The Secretary called the roll on the final passage of Substitute

2020 REGULAR SESSION

Senate Bill No. 6632 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

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

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Randall, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6632, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6478, by Senators Nguyen, Darneille, Stanford, Saldaña, Dhingra, Das and Hasegawa

Revising economic assistance programs.

MOTIONS

On motion of Senator Nguyen, Second Substitute Senate Bill No. 6478 was substituted for Senate Bill No. 6478 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nguyen, the rules were suspended, Second Substitute Senate Bill No. 6478 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nguyen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6478.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6478 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

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

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson, L.

Excused: Senator Fortunato

SECOND SUBSTITUTE SENATE BILL NO. 6478, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6057, by Senators Stanford, Rivers, Wilson, C., Conway, King and Nguyen

Concerning price differentials in the sale of marijuana.

The measure was read the second time.

MOTION

On motion of Senator Stanford, the rules were suspended, Senate Bill No. 6057 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stanford and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6057.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6057 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Carlyle, Conway, Ericksen, Hasegawa, Honeyford, O'Ban, Padden, Saldaña, Sheldon, Wagoner, Warnick and Zeiger

Excused: Senator Fortunato

SENATE BILL NO. 6057, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6206, by Senators Rivers, King and Stanford

Creating a certificate of compliance for marijuana business premises that meet the statutory qualifications at the time of application.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 6206 was substituted for Senate Bill No. 6206 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 6206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6206.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6206 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Short, Stanford, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Carlyle, Conway, Ericksen, Honeyford, Padden, Salomon, Sheldon and Van De Wege

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 6206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6442, by Senators Saldaña, Wilson, C., Salomon, McCoy, Wellman, Stanford, Hasegawa, Kuderer, Pedersen, Nguyen, Frockt and Das

Concerning private detention facilities. Revised for 1st Substitute: Concerning the private detainment of individuals.

MOTION

On motion of Senator Saldaña, Substitute Senate Bill No. 6442 was substituted for Senate Bill No. 6442 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Saldaña moved that the following floor amendment no. 1109 by Senator Saldaña be adopted:

On page 1, line 8, after "prisons" strike "and detention facilities"

On page 1, line 14, after "prisons" strike "and detention facilities"

On page 1, line 21, after "prisons" strike "and detention facilities"

On page 2, line 2, after "prisons" strike "and detention facilities"

On page 2, beginning on line 20, after "prisons" strike all material through "facilities" on line 21

On page 2, line 28, after "prisons" strike "and detention facilities"

Beginning on page 2, line 30, strike all material through page 4, line 7

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

On page 7, beginning on line 28, strike all material through line 29

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

On page 8, line 1, after "CLAUSE." strike "Parts I and II of this act are" and insert "This act is"

On page 8, line 4, after "and" strike "take" and insert "takes"

On page 8, beginning on line 9, strike all of section 305

On page 1, at the beginning of line 4 of the title, strike "adding a new chapter to Title 70 RCW;"

Senator Saldaña spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1109 by Senator Saldaña on

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

page 1, line 8 to Engrossed Substitute Senate Bill No. 6442.

The motion by Senator Saldaña carried and floor amendment no. 1109 was adopted by voice vote.

MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed Substitute Senate Bill No. 6442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Saldaña spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Walsh: "I was wondering if the ICE facility is that what your amendment has done is taken that out?"

Senator Saldaña: "Yes, so what this amendment does, it takes out, we were looking to try to end the, any private prisons and for-profit prisons in the state of Washington, regardless of whether it was one that we as a state were using or whether is was a federal or local jurisdictions that were using it. At this point we have decided that the best way forward is to take care for what we as the state of Washington can take care of, which is particularly when we as a state are incarcerating. So, it does remove that piece that would address any federal detention centers at this point."

Senator Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6442.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6442 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Stanford, Takko, Van De Wege, Walsh, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6404, by Senators Frockt, O'Ban, Dhingra, Becker, Kuderer, Rivers, Lovelett, Wellman, Pedersen, Nguyen, Darneille, Hasegawa, McCoy, Wilson, C., Das, Conway and Saldaña

Adopting prior authorization and appropriate use criteria in patient care.

MOTION

On motion of Senator Frockt, Engrossed Substitute Senate Bill No. 6404 was substituted for Senate Bill No. 6404 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Frockt moved that the following striking floor amendment no. 1103 by Senator Frockt be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) By October 1, 2020, and annually thereafter, for individual and group health plans issued by a carrier that covers at least one percent of the covered lives in the state, the carrier shall report to the commissioner the following aggregated and deidentified data related to the carrier's prior authorization practices and experience for the prior plan year:

(a) Lists of the ten inpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(b) Lists of the ten outpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(c) Lists of the ten inpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(d) Lists of the ten outpatient mental health and substance use

disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved; and

(e) The average determination response time in hours for prior authorization requests to the plan with respect to each code listed in (a) through (d) of this subsection for each of the following categories of prior authorization:

(i) Expedited decisions;

(ii) Standard decisions; and

(iii) Extenuating circumstances decisions.

(2) The commissioner shall provide the data collected under subsection (1) of this section to the prior authorization work group. The data provided to the work group must be aggregated and deidentified, and may not identify the name of the carrier that submitted the data.

(3) In support of the prior authorization work group, the commissioner may request additional information from carriers reporting data under this section.

(4) The commissioner shall develop standardized reports of the aggregated and deidentified data submitted under subsection (1) of this section and make the reports available upon request to interested parties.

(5) The commissioner shall post recommendations from the prior authorization work group made under section 2 of this act on the commissioner's web site.

(6) The commissioner may adopt rules to implement this section. In adopting rules, the commissioner must consult stakeholders including carriers, health care practitioners, health care facilities, and patients.

(7) For the purpose of this section, "prior authorization" means a mandatory process that a carrier or its designated or contracted representative requires a provider or facility to follow before a service is delivered, to determine if a service is a benefit and meets the requirements for medical necessity, clinical appropriateness, level of care, or effectiveness in relation to the applicable plan, including any term used by a carrier or its designated or contracted representative to describe this process.

NEW SECTION. Sec. 2. A new section is added to chapter 70.250 RCW to read as follows:

(1)(a) The prior authorization work group is created to enhance the understanding and use of prior authorization in Washington state. The prior authorization work group must be hosted and staffed by the collaborative.

(b) By September 1, 2020, the governor shall appoint fifteen members of the prior authorization work group to be comprised of representatives from health care providers, hospitals, clinics, carriers, the office of the insurance commissioner, and the health care authority. Except for the representative of the office of the insurance commissioner, all appointed representatives must be clinicians with at least fifty percent representing providers, hospitals, and clinics, and at least twenty-five percent representing carriers. One representative must be a behavioral health provider or from a behavioral health organization. The appointed members of the prior authorization work group shall select the work group chair.

(2)(a) By January 1, 2021, and annually thereafter, the prior authorization work group shall select and review not less than five medical or surgical services, which may include mental health and substance use disorder services, subject to prior authorization by insurance carriers. The prior authorization work group shall conduct its review and issue prior authorization recommendations by December 31st of the year in which the review began.

(b) The prior authorization work group shall establish subcommittees to focus on specific services selected for review. Each subcommittee must be comprised of practicing clinicians with expertise relevant to the specific medical or surgical service selected for review. Each subcommittee must include at least two members of the specialty or subspecialty society most experienced with the service identified for review. Subcommittee members are not required to be members of the prior authorization work group. Each subcommittee shall make recommendations to the prior authorization work group related to the recommendations in subsection (3) of this section.

(c) In 2021 the prior authorization work group shall review, as one of the services selected, noninvasive cardiac diagnostic imaging procedures.

(d) The prior authorization work group shall consider the prior authorization data collected in section 1 of this act and shall select and prioritize services for review based on the following criteria:

(i) The volume of the service as indicated by prior authorization requests;

(ii) Indications based on medical literature that prior authorization is not appropriate for a service;

(iii) The potential for negative impact on patient care caused by prior authorization delays; and

(iv) Input from health care providers, health care facilities, insurance carriers, and health insurance purchasers.

(3) For each service identified in subsection (2) of this section, the prior authorization work group shall assess the following areas and make corresponding recommendations:

(a) Whether the utilization and approval patterns and medical literature justify the use of a prior authorization requirement for the service. If not, the prior authorization work group shall recommend no prior authorization be required for the service;

(b) Whether adoption of uniform appropriate use criteria or evidence-based criteria confirmed through a clinical decision support mechanism for the service in lieu of prior authorization is appropriate. If so, the prior authorization work group shall identify and select appropriate criteria for the service. The prior authorization work group shall consider the availability and cost of the clinical decision support mechanisms and possible alternative methods of validation in its recommendation. If the work group recommends the use of appropriate use criteria, the work group shall recommend adoption of appropriate use criteria developed by a federally qualified provider-led entity pursuant to 42 C.F.R. 414.94 as it existed on February 1, 2020;

(c) Whether an appropriate federal policy or initiative exists for the service. Any recommendations by the prior authorization work group should align with criteria used for federal initiatives and approval mechanisms under the medicare program; and

(d) The prior authorization work group shall consider the services as provided to both adult and pediatric patients and when appropriate, provide separate recommendations regarding the service for adult and pediatric patients.

(4) The prior authorization work group shall review and make updates as necessary to the recommendations made pursuant to subsection (3) of this section based on evidence that a recommendation no longer reflects relevant evidence-based guidelines.

(5) Beginning December 1, 2021, the work group must annually report on its recommendations to the health care

committees of the legislature.

(6) For purposes of this section:

(a) "Prior authorization" means a mandatory process that a carrier or its designated or contracted representative requires a provider or facility to follow before a service is delivered, to determine if a service is a benefit and meets requirements for medical necessity, clinical appropriateness, level of care, or effectiveness in relation to the applicable plan, including any term used by a carrier or its designated or contracted representative to describe this process.

(b) "Appropriate use criteria" means criteria developed or endorsed by a provider-led entity to assist health care practitioners in making the most appropriate treatment decision for a specific clinical condition for an individual. To the extent feasible, such criteria must be evidence-based.

(c) "Clinical decision support mechanism" means a tool for use by clinicians that communicates selected appropriate use criteria information to the user and assists clinicians in making the most appropriate treatment decision for a patient's specific clinical condition.

(d) "Qualified provider-led entity" means a professional medical specialty society or organization."

On page 1, line 3 of the title, after "criteria;" strike the remainder of the title and insert "adding a new section to chapter 48.43 RCW; and adding a new section to chapter 70.250 RCW."

MOTION

Senator Frockt moved that the following floor amendment no. 1139 by Senator Frockt be adopted:

On page 4, line 4, after "carriers," insert "a patient advocacy group,"

On page 4, line 5, after "representative of" insert "the patient advocacy group and"

Senators Frockt and O'Ban spoke in favor of adoption of the amendment to the striking amendment.

POINT OF INQUIRY

Senator Schoesler: "Thank you Mr. President. What is a patient advocacy group and what would an example of one of those be?"

Senator Frockt: "The cancer could be, diabetes society, could be cancer society, could be blood disorder society, something of that nature. There are many, dozens."

Senator Schoesler: "With so many, how could we choose?"

The President declared the question before the Senate to be the adoption of floor amendment no. 1139 by Senator Frockt on page 4, line 4 to striking floor amendment no. 1103.

The motion by Senator Frockt carried and floor amendment no. 1139 was adopted by voice vote.

MOTION

Senator O'Ban moved that the following floor amendment no. 1137 by Senator O'Ban be adopted:

On page 5, after line 4, insert the following:

"(e) Recommendations of the prior authorization work group require the affirmative vote of sixty percent of its members."

Senators O'Ban and Frockt spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1137 by Senator O'Ban on page 5, line 4 to striking floor amendment no. 1103.

The motion by Senator O'Ban carried and floor amendment no. 1137 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1103 by Senator Frockt as amended to Substitute Senate Bill No. 6404.

The motion by Senator Frockt carried and striking floor amendment no. 1103 as amended was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 6404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, O'Ban and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6404.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6404 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Fortunato

ENGROSSED SUBSTITUTE SENATE BILL NO. 6404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6574, by Senators Takko and Short

Clarifying the respective administrative powers, duties, and responsibilities of the growth management hearings board and the environmental land use and hearings office.

MOTION

On motion of Senator Takko, Engrossed Substitute Senate Bill No. 6574 was substituted for Senate Bill No. 6574 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Short moved that the following floor amendment no. 1061 by Senators Short and Takko be adopted:

On page 2, line 36, after "board" insert "including making case assignments to board members in accordance with the board's rules of procedure in order to achieve a fair and balanced workload among all board members"

On page 3, beginning on line 34, after "unless the" strike "board ((~~administrative officer~~) chair" and insert "((~~board-administrative officer~~) director of the environmental and land use hearings office"

On page 3, beginning on line 35, after "determines" strike "that there is an emergency including, but not limited to," and insert "((~~that there is an emergency including, but not limited to~~)) otherwise due to caseload management determinations or"

On page 3, line 37, after "absence," insert "or"

On page 3, line 37, after "vacancy" strike ", or significant workload imbalance" and insert "((~~or significant workload imbalance~~))"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1061 by Senators Short and Takko on page 2, line 36 to Engrossed Substitute Senate Bill No. 6574.

The motion by Senator Short carried and floor amendment no. 1061 was adopted by voice vote.

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Substitute Senate Bill No. 6574 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill. Senator Honeyford spoke against passage of the bill.

MOTION

On motion of Senator Rivers, Senator Sheldon was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6574.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6574 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Muzzall, Nguyen, O'Ban, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Hasegawa, Honeyford, Mullet, Padden and Schoesler

Excused: Senators Fortunato and Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 6574, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8017, by Senators Hasegawa, Hunt, Billig, Saldaña, Stanford, Wilson and C.

Addressing compacts of free association.

MOTIONS

On motion of Senator Hasegawa, Substitute Senate Joint Memorial No. 8017 was substituted for Senate Joint Memorial No. 8017 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hasegawa, the rules were suspended, Substitute Senate Joint Memorial No. 8017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa and Rivers spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Substitute Senate Joint Memorial No. 8017.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8017 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato and Sheldon

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6095, by Senator Keiser

Excluding the common carrier licensees from the definition of retailer for the purposes of the three-tier system. Revised for 1st Substitute: Describing permissible common carrier activities under the three-tier system.

MOTION

On motion of Senator Keiser, Engrossed Substitute Senate Bill No. 6095 was substituted for Senate Bill No. 6095 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking floor amendment no. 1143 by Senators Keiser and King be adopted:

Strike everything after the enacting clause and insert the following:

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

"Sec. 1. RCW 66.28.310 and 2019 c 149 s 1 are each amended to read as follows:

(1)(a) Nothing in RCW 66.28.305 prohibits an industry member from providing retailers, including common carriers licensed under RCW 66.24.395, branded promotional items which are of nominal value, singly or in the aggregate. Such items include but are not limited to: Trays, lighters, blotters, postcards, pencils, coasters, menu cards, meal checks, napkins, clocks, mugs, glasses, bottles or can openers, corkscrews, matches, printed recipes, shirts, hats, visors, and other similar items. Branded promotional items:

(i) Must be used exclusively by the retailer, including common carriers licensed under RCW 66.24.395, or its employees in a manner consistent with its license;

(ii) Must bear imprinted advertising matter of the industry member only, except imprinted advertising matter of the industry member can include the logo of a professional sports team which the industry member is licensed to use;

(iii) May be provided by industry members (~~(only)~~) to: (A) Common carriers licensed under RCW 66.24.395 for use by their employees or ticketed passengers; or (B) retailers, other than common carriers licensed under RCW 66.24.395, and their employees and may not be provided by or through retailers or their employees to retail customers; and

(iv) May not be targeted to or appeal principally to youth.

(b) An industry member is not obligated to provide any such branded promotional items, and a retailer, including common carriers licensed under RCW 66.24.395, may not require an industry member to provide such branded promotional items as a condition for selling any alcohol to the retailer, including common carriers licensed under RCW 66.24.395.

(c) Any industry member or retailer or any other person asserting that the provision of branded promotional items as allowed in (a) of this subsection has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or is otherwise inconsistent with the criteria in (a) of this subsection may file a complaint with the board. Upon receipt of a complaint the board may conduct such investigation as it deems appropriate in the circumstances. If the investigation reveals the provision of branded promotional items has resulted in or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety or is otherwise inconsistent with (a) of this subsection the board may issue an administrative violation notice to the industry member, to the retailer, or both. The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

(2) Nothing in RCW 66.28.305 prohibits:

(a) An industry member from providing to a special occasion licensee and a special occasion licensee from receiving services for:

(i) Installation of draft beer dispensing equipment or advertising;

(ii) Advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event; or

(iii) Pouring or dispensing of spirits by a licensed domestic distiller or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310; or

(b) Special occasion licensees from paying for beer, wine, or spirits immediately following the end of the special occasion event; or

(c) Wineries, breweries, or distilleries that are participating in a special occasion event from paying reasonable booth fees to the special occasion licensee.

(3) Nothing in RCW 66.28.305 prohibits industry members from performing, and retailers from accepting the service of building, rotating, and restocking displays and stockroom inventories; rotating and rearranging can and bottle displays of their own products; providing point of sale material and brand signs; pricing case goods of their own brands; and performing such similar business services consistent with board rules, or personal services as described in subsection (5) of this section.

(4) Nothing in RCW 66.28.305 prohibits:

(a) Industry members from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites;

(b) Retailers from listing on their internet web sites information related to industry members whose products those retailers sell or promote, including direct links to the industry members' web sites;

(c) Manufacturers, distributors, or their licensed representatives from using web sites or social media accounts in their name to post, repost, or share promotional information or images about events featuring a product of the manufacturer's own production or a product sold by the distributor, held at an on-premises licensed liquor retailer's location or a licensed special occasion event. The promotional information may include links to purchase event tickets. Manufacturers, distributors, or their licensed representatives may not pay a third party to enhance viewership of a specific post. Industry members, or their licensed representatives, are not obligated to post, repost, or share information or images on a web site or on social media. A licensed liquor retailer may not require an industry member or their licensed representative to post, repost, or share information or images on a web site or on social media as a condition for selling any alcohol to the retailer or participating in a retailer's event; or

(d) Industry members and retailers from producing, jointly or together with regional, state, or local industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, industry members, and their products.

(5) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder to retailers, including common carriers licensed under RCW 66.24.395, when the personal services are (a) conducted at a licensed premises, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, a specialty wine shop license, a special occasion license, a grocery store license with a tasting endorsement, a common carrier license under RCW 66.24.395, or a private club license. A domestic winery or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee, including common carrier licensees under RCW 66.24.395, may not require a domestic winery or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee, or as a condition for including any product of the domestic winery or certificate of approval holder in any tasting conducted by the licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any domestic winery or certificate of approval holder or any distributor. Nothing in this section prohibits wineries, breweries, microbreweries, certificate of approval holders, and retail licensees from identifying the producers on private labels authorized under RCW 66.24.400, 66.24.425,

66.24.450, 66.24.360, and 66.24.371.

(6) Nothing in RCW 66.28.305 prohibits an industry member from entering into an arrangement with any holder of a sports entertainment facility license or an affiliated business for brand advertising at the licensed facility or promoting events held at the sports entertainment facility as authorized under RCW 66.24.570.

(7) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic brewery, microbrewery, or beer certificate of approval holder to grocery store licensees with a tasting endorsement, or common carrier licensees under RCW 66.24.395, when the personal services are (a) conducted at a licensed premises in conjunction with a tasting event, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities. A domestic brewery, microbrewery, or beer certificate of approval holder is not obligated to perform any such personal services, and a grocery store licensee may not require the performance of any personal service as a condition for including any product in any tasting conducted by the licensee.

(8) Nothing in RCW 66.28.305 prohibits an arrangement between a domestic winery and a restaurant licensed under RCW 66.24.320 or 66.24.400 to waive a corkage fee.

(9) Nothing in this section prohibits professional sports teams who hold a retail liquor license or their agents from accepting bona fide liquor advertising from manufacturers, importers, distributors, or their agents for use in the sporting arena. Professional sports teams who hold a retail liquor license or their agents may license the manufacturer, importer, distributor, or their agents to use the name and trademarks of the professional sports team in their advertising and promotions, under the following conditions:

(a) Such advertising must be paid for by said manufacturer, importer, distributor, or their agent at the published advertising rate or at a reasonable fair market value.

(b) Such advertising may carry with it no express or implied offer on the part of the manufacturer, importer, distributor, or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand.

(10) Nothing in RCW 66.28.305 prohibits a licensed domestic brewery or microbrewery from providing branded promotional items which are of nominal value, singly or in the aggregate, to a nonprofit charitable corporation or association exempt from taxation under 26 U.S.C. Sec. 501(c)(3) of the internal revenue code as it existed on July 24, 2015, for use consistent with the purpose or purposes entitling it to such exemption.

(11) Nothing in RCW 66.28.305 prohibits a common carrier licensed under RCW 66.24.395 from:

(a) Transporting liquor without charge or at a discounted rate when the liquor was purchased by a ticketed passenger and is not intended to be sold for resale;

(b) Displaying or distributing information about an industry member, provided the industry member did not pay the common carrier to have the information displayed or distributed;

(c) Sponsoring any public or private event including those hosted by or otherwise affiliated with an industry member;

(d) Engaging in joint promotional activities with an industry member, provided the industry member does not pay the common carrier or a third party to participate in the joint promotional activity and any branded promotional items provided by the industry member are of nominal value;

(e) Accepting payment from an industry member for

advertising, provided:

(i) The advertising appears in a publication produced and distributed to passengers of the common carrier;

(ii) The amount of the payment is consistent with the advertising rates paid by other advertisers purchasing similar advertisements in the same publication; and

(iii) The payment is not used as an inducement to purchase the products of the industry member paying for the advertising nor does it result in the exclusion of products of other industry members.

(12) Nothing in RCW 66.28.305 prohibits an industry member, subject to the requirements of its license, from entering into an agreement to provide tastings with or without charge to passengers of a common carrier holding a license under RCW 66.24.395.

Sec. 2. RCW 66.24.395 and 1997 c 321 s 25 are each amended to read as follows:

(1)(a) There shall be a license that may be issued to corporations, associations, or persons operating as federally licensed commercial common passenger carriers engaged in interstate commerce, in or over territorial limits of the state of Washington on passenger trains, vessels, or airplanes. Such license shall permit the sale of spirituous liquor, wine, and beer at retail for passenger consumption within the state upon one such train passenger car, vessel, or airplane, while in or over the territorial limits of the state. Such license shall include the privilege of transporting into and storing within the state such liquor for subsequent retail sale to passengers in passenger train cars, vessels or airplanes. The fees for such master license shall be seven hundred fifty dollars per annum (class CCI-1): PROVIDED, That upon payment of an additional sum of five dollars per annum per car, or vessel, or airplane, the privileges authorized by such license classes shall extend to additional cars, or vessels, or airplanes operated by the same licensee within the state, and a duplicate license for each additional car, or vessel, or airplane shall be issued: PROVIDED, FURTHER, That such licensee may make such sales and/or service upon cars, or vessels, or airplanes in emergency for not more than five consecutive days without such license: AND PROVIDED, FURTHER, That such license shall be valid only while such cars, or vessels, or airplanes are actively operated as common carriers for hire in interstate commerce and not while they are out of such common carrier service.

(b) Alcoholic beverages sold and/or served for consumption by such interstate common carriers while within or over the territorial limits of this state shall be subject to such board markup and state liquor taxes in an amount to approximate the revenue that would have been realized from such markup and taxes had the alcoholic beverages been purchased in Washington: PROVIDED, That the board's markup shall be applied on spirituous liquor only. Such common carriers shall report such sales and/or service and pay such markup and taxes in accordance with procedures prescribed by the board.

(2) Alcoholic beverages sold and delivered in this state to interstate common carriers for use under the provisions of this section shall be considered exported from the state, subject to the conditions provided in subsection (1)(b) of this section. Interstate common carriers licensed under this section may purchase alcoholic beverages outside the territorial limits of the state of Washington and import such alcoholic beverages into the state of Washington for sales and service aboard passenger trains, vessels, or airplanes. The storage facilities for liquor within the state by common carriers licensed under this section shall be subject to written approval by the board.

(3) Interstate common carriers licensed under this section may provide complimentary alcoholic beverages to passengers aboard

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

passenger trains, vessels, or airplanes."

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "and amending RCW 66.28.310 and 66.24.395."

Senators Keiser and King spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 1143 by Senators Keiser and King to Substitute Senate Bill No. 6095.

The motion by Senator Keiser carried and striking floor amendment no. 1143 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, King and Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6095.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6095 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato and Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 6095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6238, by Senators Hunt, Kuderer, Wilson, C. and Sheldon

Requiring local ballot measure statement committee members to be registered voters in the jurisdiction voting on the measure.

The measure was read the second time.

MOTION

Senator Hunt moved that the following floor amendment no. 1047 by Senator Hunt be adopted:

On page 1, at the beginning of line 19, after "the" strike "area" and insert "jurisdiction"

Senator Hunt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the

adoption of floor amendment no. 1047 by Senator Hunt on page 1, line 19 to Senate Bill No. 6238.

The motion by Senator Hunt carried and floor amendment no. 1047 was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Senate Bill No. 6238 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6238.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6238 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Honeyford, O'Ban, Padden and Short

Excused: Senators Fortunato and Sheldon

ENGROSSED SENATE BILL NO. 6238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6286, by Senators Frockt, Pedersen and Mullet

Permitting athlete agents to provide some benefits to student athletes.

The measure was read the second time.

MOTION

On motion of Senator Frockt, the rules were suspended, Senate Bill No. 6286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6286.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6286 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer,

Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Honeyford and Short

Excused: Senators Fortunato and Sheldon

SENATE BILL NO. 6286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5679, by Senators Hasegawa, Conway and Darneille

Concerning the mitigation of public facilities in certain cities.

MOTIONS

On motion of Senator Hasegawa, Substitute Senate Bill No. 5679 was substituted for Senate Bill No. 5679 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hasegawa, the rules were suspended, Substitute Senate Bill No. 5679 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa, King, Short and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5679.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5679 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato and Sheldon

SUBSTITUTE SENATE BILL NO. 5679, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6211, by Senators Dhingra, Padden, Nguyen, Das and Hasegawa

Concerning drug offender sentencing.

MOTIONS

On motion of Senator Dhingra, Second Substitute Senate Bill No. 6211 was substituted for Senate Bill No. 6211 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dhingra, the rules were suspended, Second Substitute Senate Bill No. 6211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6211.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6211 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato and Sheldon

SECOND SUBSTITUTE SENATE BILL NO. 6211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5867, by Senators Zeiger, Pedersen, Nguyen, Darneille, Ericksen, Walsh and Kuderer

Resentencing of persons convicted of drug offenses.

MOTIONS

On motion of Senator Zeiger, Substitute Senate Bill No. 5867 was substituted for Senate Bill No. 5867 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Zeiger, the rules were suspended, Substitute Senate Bill No. 5867 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5867.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5867 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato and Sheldon

SUBSTITUTE SENATE BILL NO. 5867, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 6626, by Senators Conway, O'Ban, Hunt, Zeiger, Hobbs, Becker, Randall, Short, Brown and Wagoner

Creating the position of military spouse liaison.

The measure was read the second time.

MOTION

Senator Randall moved that the following floor amendment no. 1149 by Senators Conway and Randall be adopted:

On page 2, after line 12, insert the following:

NEW SECTION. Sec. 2. (1) The nursing care quality assurance commission shall work with the national council of state boards of nursing and the national licensure compact administrators to develop a plan and timeline to address elements of the nurse licensure compact that currently fail to address concerns regarding:

(a) The financing mechanisms of the interstate compact and how state licensing fees from a multistate license are spent by the compact's governing authority;

(b) What educational and continuing education criteria an applicant must meet to receive a multistate licensure through the nurse licensure compact, especially when a state legislature has determined certain topics to be necessary and therefore required for nurses or all health care professionals;

(c) How the national council for the state boards of nursing and the national licensure compact administrators ensure their applicants and licensees understand what practice rules apply when practicing outside the home state;

(d) How the national council for the state boards of nursing and the national licensure compact administrators track where multistate licensees are practicing; and

(e) What data the interstate national council for the state boards of nursing and the national licensure compact administrators can provide to show that interstate compacts are increasing access to care, helping with health profession shortages in certain states, and improving protection of the public.

(2) The nursing care quality assurance commission shall report to the legislature on progress on the above topics by December 1, 2021.

On page 1, line 2 of the title, after "liaison", insert "adding a new section;"

Senator Randall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1149 by Senators Conway and Randall on page 2, after line 12 to Senate Bill No. 6626.

The motion by Senator Randall carried and floor amendment no. 1149 was adopted by voice vote.

MOTION

Senator Randall moved that the following floor amendment no. 1150 by Senators Conway and Randall be adopted:

On page 2, after line 12, insert the following:

Sec. 2. RCW 43.70.250 and 2019 c 415 s 966 are each amended to read as follows:

(1) It shall be the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business.

(2) The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by the department. Any and all fees or assessments, or both, levied on the state to cover the costs of the operations and activities of the interstate health professions licensure compacts with participating authorities listed under chapter 18.130 RCW shall be borne by the persons who hold licenses issued pursuant to the authority and procedures established under the compacts. All spouses or state-registered domestic partners of service members of any branch of the United States armed forces, national guard, or armed forces reserves shall have application fees, license fees, and any other fees associated with licensing waived by the department. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program and the cost of regulating licensed volunteer medical workers in accordance with RCW 18.130.360, except as provided in RCW 18.79.202. In no case may the secretary increase a licensing fee for an ambulatory surgical facility licensed under chapter 70.230 RCW during the 2019-2021 fiscal biennium, nor may he or she commence the adoption of rules to increase a licensing fee during the 2019-2021 fiscal biennium.

(3) All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

On page 1, line 2 of the title, after "liaison", insert "; and amending RCW 43.70.250"

Senator Randall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1150 by Senators Conway and Randall on page 2, after line 12 to Senate Bill No. 6626.

The motion by Senator Randall carried and floor amendment no. 1150 was adopted by voice vote.

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Senate Bill No. 6626 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6626.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6626 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes,

Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato and Sheldon

ENGROSSED SENATE BILL NO. 6626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6190, by Senators Braun, Keiser and Kuderer

Preserving the developmental disabilities community trust.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 6190 was substituted for Senate Bill No. 6190 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hasegawa moved that the following floor amendment no. 972 by Senator Hasegawa be adopted:

On page 2, line 3, after "lease" strike "or sale"

On page 2, line 4, after "easements," strike "or"

On page 2, beginning on line 4, after "timber" strike "~~((~~or~~ other activities short of sale of the property~~)" and insert ", or other activities short of sale of the property ("

On page 2, line 6, after "~~aet~~)." insert "The sale of public property is prohibited for the purposes of funding the developmental disabilities community trust."

On page 2, line 6, after "lease" strike "or sale"

On page 2, line 15, after "sale" strike "property or"

Senator Hasegawa spoke in favor of adoption of the amendment.

Senators Braun and Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 972 by Senator Hasegawa on page 2, line 3 to Substitute Senate Bill No. 6190.

The motion by Senator Hasegawa did not carry and floor amendment no. 972 was not adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 6190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Keiser spoke in favor of passage of the bill. Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6190.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6190 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Absent: Senator McCoy

Excused: Senators Fortunato and Sheldon

SUBSTITUTE SENATE BILL NO. 6190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6183, by Senators Hunt, Conway, Kuderer, Wilson and C.

Allowing service and overseas voters to use the common access card as a digital signature for proof of identity on certain election materials.

MOTIONS

On motion of Senator Hunt, Substitute Senate Bill No. 6183 was substituted for Senate Bill No. 6183 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hunt, the rules were suspended, Substitute Senate Bill No. 6183 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Zeiger spoke in favor of passage of the bill.

MOTION

On motion of Senator Mullet, Senator McCoy was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6183.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6183 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, O'Ban, Padden, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Stanford, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Fortunato, McCoy and Sheldon

SUBSTITUTE SENATE BILL NO. 6183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6156, by Senators Takko, Wagoner, Saldaña, Conway and Sheldon

Substitute Senate Bill No. 6156 was withdrawn.

Modifying the requirements for collector vehicle registrations.

MOTION

On motion of Senator Takko, Engrossed Substitute Senate Bill No. 6156 was substituted for Senate Bill No. 6156 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Takko moved that the following floor amendment no. 1098 by Senator Takko be adopted:

On page 2, line 34, after "annually," insert "except for personalized collector vehicle license plates."

On page 5, line 8, after "registrations" insert "on or"

On page 5, line 20, after "registrations" insert "on or"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 1098 by Senator Takko on page 2, line 34 to Substitute Senate Bill No. 6156.

The motion by Senator Takko carried and floor amendment no. 1098 was adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 1154 by Senator King be adopted:

On page 3, line 20, strike "\$100.00", and insert "\$70.00"

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1154 by Senator King on page 3, line 20 to Substitute Senate Bill No. 6156.

The motion by Senator King carried and floor amendment no. 1154 was adopted by rising vote.

MOTION

Senator Honeyford moved that the following floor amendment no. 1148 by Senators Honeyford and Sheldon be adopted:

On page 5, line 10, after "at least", strike "forty", and insert "thirty"

On page 5, line 22, after "at least", strike "forty", and insert "thirty"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1148 by Senators Honeyford and Sheldon on page 5, line 10 to Substitute Senate Bill No. 6156.

The motion by Senator Honeyford did not carry and floor amendment no. 1148 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator King and without objection, floor amendment no. 1063 by Senator King on page 6, line 33 to

MOTION

Senator King moved that the following floor amendment no. 1153 by Senators King and Takko be adopted:

On page 6, line 33, after "department" insert "for initial applications pay the applicable fees in RCW 46.17.005 and 46.17.040 and for renewals pay the applicable fees as specified in this subsection (5)."

(a)(i) If the renewal transaction is conducted by the county auditor, the county auditor shall collect a service fee of five dollars for the registration renewal that will be retained by the county auditor;

(ii) If the renewal transaction is conducted by a subagent appointed by the director, the subagent shall collect a service fee of five dollars for the registration renewal that will be retained by the subagent; and

(iii) The service fee for a registration renewal does not apply to a transaction that is conducted on-line"

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1153 by Senators King and Takko on page 6, line 33 to Substitute Senate Bill No. 6156.

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

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Substitute Senate Bill No. 6156 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and King spoke in favor of passage of the bill.

Senators Conway, Honeyford and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6156.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6156 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Mullet, Nguyen, Pedersen, Saldaña, Salomon, Stanford, Takko, Van De Wege, Wagoner, Wellman and Wilson, C.

Voting nay: Senators Becker, Brown, Conway, Ericksen, Hawkins, Holy, Honeyford, Muzzall, O'Ban, Padden, Randall, Rivers, Rolfes, Schoesler, Short, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Fortunato, McCoy and Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 6156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6551, by Senators Stanford, Saldaña, Darneille, Dhingra, Frockt, Hasegawa, Wilson and C.

Integrating international medical graduates into Washington's health care delivery system.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Becker and without objection, striking floor amendment no. 1110 by Senators Becker and Keiser to Senate Bill No. 6551 was withdrawn.

MOTION

On motion of Senator Stanford, the rules were suspended, Senate Bill No. 6551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stanford, Saldaña and Hasegawa spoke in favor of passage of the bill.

Senator Becker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6551.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6551 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

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

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Fortunato, McCoy and Sheldon

SENATE BILL NO. 6551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Frockt: "Thank you. I just wanted to see if the body could thank the interns who have stayed here late tonight. They kind of drew the short end of the stick and are helping us out tonight, so thank you."

REMARKS BY THE PRESIDENT

President Habib: "But we could also convince ourselves that they are having the times of their lives, I mean this is, this is, this is high drama."

SECOND READING

SENATE BILL NO. 5789, by Senators Liias, Nguyen, Saldaña, Wilson and C.

Establishing additional uses for automated traffic safety

cameras for traffic congestion reduction and increased safety.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5789 was substituted for Senate Bill No. 5789 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hasegawa moved that the following floor amendment no. 1151 by Senator Hasegawa be adopted:

On page 7, line 12, after "(6).", insert "However, the notice of infraction may provide the registered owner of the vehicle the option of a waiver of the infraction if the owner of the vehicle completes a demographic and transit service survey. The waiver option is only available to the first notice of infraction issued to the registered owner under the pilot project. The demographic and transit service survey must be created by the city after consultation with transit service providers. The purpose of the survey is to determine why the individual did not use transit, to capture socioeconomic demographic data on the individual, the individual's trip origin and destination, and other pertinent information related to transportation choices and options available to persons traveling into the city."

On page 7, line 13, strike "However" and insert "Further"

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

Senator King spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 1151 by Senator Hasegawa on page 7, line 12 to Substitute Senate Bill No. 5789.

The motion by Senator Hasegawa did not carry and floor amendment no. 1151 was not adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5789 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Salomon spoke in favor of passage of the bill.

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5789.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5789 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 0; Excused, 3.

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

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Muzzall, O'Ban, Padden, Rivers, Schoesler, Short, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Excused: Senators Fortunato, McCoy and Sheldon

SUBSTITUTE SENATE BILL NO. 5789, having received the constitutional majority, was declared passed. There being no

THIRTY SEVENTH DAY, FEBRUARY 18, 2020

2020 REGULAR SESSION

objection, the title of the bill was ordered to stand as the title of the act.

Caucus.

MOTION

CYRUS HABIB, President of the Senate

At 10:42 p.m., on motion of Senator Lias, the Senate adjourned until 9:00 o'clock a.m. Wednesday, February 19, 2020.

BRAD HENDRICKSON, Secretary of the Senate

Senator Becker announced a meeting of the Republican

1154-S		2311-S2	
Introduction & 1st Reading.....	1	Introduction & 1st Reading.....	2
1182-S2		2326-S	
Messages.....	9	Introduction & 1st Reading.....	2
1191-S2		2338-S	
Messages.....	9	Messages.....	9
1503-S2		2343-S	
Messages.....	15	Introduction & 1st Reading.....	2
1552		2345	
Messages.....	15	Introduction & 1st Reading.....	2
1608-S		2347	
Messages.....	15	Introduction & 1st Reading.....	2
1645-S2		2359-S	
Messages.....	9	Messages.....	9
1651-S2		2378-S	
Messages.....	9	Introduction & 1st Reading.....	2
1694		2380	
Messages.....	15	Introduction & 1st Reading.....	2
1754-S		2384-S	
Messages.....	15	Messages.....	9
1853-S2		2386-S2	
Introduction & 1st Reading.....	1	Introduction & 1st Reading.....	2
1888-S2		2388-S	
Introduction & 1st Reading.....	1	Introduction & 1st Reading.....	2
1894		2390	
Introduction & 1st Reading.....	1	Messages.....	9
2036-S		2396	
Messages.....	15	Messages.....	9
2110		2400	
Messages.....	9	Other Action.....	6
2188		2400-S	
Introduction & 1st Reading.....	1	Introduction & 1st Reading.....	3
2197		2419-S	
Introduction & 1st Reading.....	1	Introduction & 1st Reading.....	3
2252		2426-S	
Introduction & 1st Reading.....	1	Introduction & 1st Reading.....	3
2259		2427-S	
Messages.....	9	Introduction & 1st Reading.....	3
2265-S		2441-S	
Introduction & 1st Reading.....	1	Introduction & 1st Reading.....	3
2305		2443-S	
Introduction & 1st Reading.....	1	Introduction & 1st Reading.....	3
2306-S		2448-S	
Introduction & 1st Reading.....	2	Introduction & 1st Reading.....	3
2308-S		2457-S2	
Messages.....	9	Messages.....	9
2310-S2		2458	
Introduction & 1st Reading.....	2	Messages.....	9

2461	Messages.....	15	2642-S	Introduction & 1st Reading.....	4
2464-S	Messages.....	9	2645-S	Introduction & 1st Reading.....	5
2471-S	Introduction & 1st Reading.....	3	2660-S	Messages.....	15
2474	Introduction & 1st Reading.....	3	2673-S	Messages.....	9
2491	Introduction & 1st Reading.....	3	2677	Introduction & 1st Reading.....	5
2497	Introduction & 1st Reading.....	3	2687	Messages.....	15
2498-S	Messages.....	9	2710	Messages.....	9
2512	Introduction & 1st Reading.....	3	2713-S	Introduction & 1st Reading.....	5
2513-S2	Messages.....	9	2714-S	Introduction & 1st Reading.....	5
2518-S2	Introduction & 1st Reading.....	4	2728-S	Introduction & 1st Reading.....	5
2528-S2	Introduction & 1st Reading.....	4	2737-S2	Introduction & 1st Reading.....	5
2535-S	Introduction & 1st Reading.....	4	2739	Messages.....	9
2554-S	Messages.....	9	2755	Messages.....	15
2565-S	Introduction & 1st Reading.....	4	2763	Introduction & 1st Reading.....	5
2567-S	Messages.....	9	2768-S	Introduction & 1st Reading.....	5
2571-S	Introduction & 1st Reading.....	4	2786-S	Introduction & 1st Reading.....	5
2576-S	Messages.....	15	2789-S	Messages.....	9
2584	Introduction & 1st Reading.....	4	2793-S2	Messages.....	9
2610	Introduction & 1st Reading.....	4	2797	Introduction & 1st Reading.....	5
2613-S	Introduction & 1st Reading.....	4	2849-S	Introduction & 1st Reading.....	5
2621-S	Introduction & 1st Reading.....	4	2870-S2	Introduction & 1st Reading.....	6
2625-S	Introduction & 1st Reading.....	4	2883-S	Introduction & 1st Reading.....	6
2629-S	Introduction & 1st Reading.....	4	2890-S	Introduction & 1st Reading.....	6
2634-S	Messages.....	9	2896	Messages.....	15

2905-S		Third Reading Final Passage	11
Introduction & 1st Reading.....	6	6141-S	
4014-S		Second Reading	7, 8
Introduction & 1st Reading.....	6	Third Reading Final Passage	8
5402		6142-S	
Second Reading	15, 16	Second Reading	15
Third Reading Final Passage	37	Third Reading Final Passage	15
5488-S		6156-S	
Other Action.....	46	Other Action.....	69
Third Reading	45	Second Reading	68, 69
5488-S2		Third Reading Final Passage	69
Second Reading	46	6183-S	
Third Reading Final Passage	46	Second Reading	68
5533-S4		Third Reading Final Passage	68
Second Reading	46	6190-S	
Third Reading Final Passage	46	Second Reading	68
5679-S		Third Reading Final Passage	68
Second Reading	66	6206-S	
Third Reading Final Passage	66	Second Reading	58
5789-S		Third Reading Final Passage	58
Second Reading	70	6211-S2	
Third Reading Final Passage	70	Second Reading	66
5867-S		Third Reading Final Passage	66
Second Reading	66	6238	
Third Reading Final Passage	67	Second Reading	65
6057		Third Reading Final Passage	65
Second Reading	57	6238-S	
Third Reading Final Passage	58	Second Reading	65
6065-S		6239	
Second Reading	8	Second Reading	11
Third Reading Final Passage	8	Third Reading Final Passage	12
6068-S		6261-S	
Second Reading	55	Other Action.....	9
Third Reading Final Passage	56	Second Reading	9
6087-S2		Third Reading Final Passage	9
Second Reading	42	6286	
Third Reading Final Passage	45	Second Reading	65
6095-S		Third Reading Final Passage	65
Second Reading	62	6287-S	
Third Reading Final Passage	65	Second Reading	12
6113-S		Third Reading Final Passage	14
Second Reading	45	6288-S	
Third Reading Final Passage	45	Other Action.....	38, 41
6115		Second Reading	38, 40, 41
Second Reading	55	Third Reading Final Passage	42
Third Reading Final Passage	55	6374	
6139-S2		Second Reading	8
Second Reading	10	Third Reading Final Passage	8

6404-S	Second Reading	59, 61	Second Reading	38, 39, 40, 41
	Third Reading Final Passage	61	6632-S	Second Reading
6415-S	Second Reading	10		57
	Third Reading Final Passage	10		Third Reading Final Passage
6417	Second Reading	57	6638-S	Second Reading
	Third Reading Final Passage	57		46, 53
6442-S	Second Reading	58		Third Reading Final Passage
	Third Reading Final Passage	59	6663-S	Second Reading
6476-S	Second Reading	14, 15		45
	Third Reading Final Passage	15		Third Reading Final Passage
6478-S2	Second Reading	57	8017-S	Second Reading
	Third Reading Final Passage	57		62
6501-S	Second Reading	56		Third Reading Final Passage
	Third Reading Final Passage	56	8684	Adopted.....
6528-S2	Second Reading	56		7
	Third Reading Final Passage	56		Introduced
6551	Other Action.....	70	9154 Koon, Holly	Confirmed
	Second Reading	70		7
	Third Reading Final Passage	70	9155 Whaley, Robert	Confirmed
6561-S2	Second Reading	7		10
	Third Reading Final Passage	7	9159 Estes, Jeffery	Confirmed
6574-S	Second Reading	61, 62		55
	Third Reading Final Passage	62	CHAPLAIN OF THE DAY	
6626	Second Reading	67	Daly, Bishop Thomas, Cathedral of Our Lady	
	Third Reading Final Passage	67	of Lourdes, Spokane	1
6628-S			FLAG BEARERS	
			Repp, Mr. Derek	1
			Sorensen, Miss Brooke	1
			GUESTS	
			Liberty Middle School students, Camas	15
			Lustig, Mr. Seth, Pledge of Allegiance.....	1
			PRESIDENT OF THE SENATE	
			Remarks by the President.....	7, 56, 70
			WASHINGTON STATE SENATE	
			Personal Privilege, Senator Frockt.....	70
			Personal Privilege, Senator Lias	55
			Point of Inquiry, Senator Schoesler	61
			Point of Inquiry, Senator Walsh.....	59