

SEVENTEENTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia
Wednesday, January 26, 2022

The Senate was called to order at 1:30 p.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Miss Sydney Kraabel of Lake Washington High School led the Senate in the Pledge of Allegiance. Miss Kraabel was a guest of Senator Dhingra.

Gen Kelsang Rinzin of Tushita Kadampa Buddhist Center, Olympia offered the prayer.

MOTIONS

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

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 25, 2022

SB 5515 Prime Sponsor, Senator Dozier: Encouraging economic growth by providing a state business tax credit for new employment positions in the hospitality industry. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5515 be substituted therefor, and the substitute bill do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Brown; Frockt; Lovick and Wilson, L.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa, Vice Chair.

Referred to Committee on Ways & Means.

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SB 5609 Prime Sponsor, Senator Trudeau: Eliminating fingerprinting at juvenile dispositions. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Saldaña and Trudeau.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Dozier and McCune.

Referred to Committee on Rules for second reading.

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SB 5620 Prime Sponsor, Senator Wilson, L.: Concerning medicaid expenditures. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill

No. 5620 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Vice Chair, Capital and Keiser.

Referred to Committee on Rules for second reading.

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SB 5654 Prime Sponsor, Senator Robinson: Ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by eliminating the expiration date of its business and occupation tax exemption. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

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SB 5694 Prime Sponsor, Senator Stanford: Recognizing Indian tribes as among the governmental entities with which the department of corrections may enter into agreements on matters to include the housing of inmates convicted in tribal court. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Rules for second reading.

January 25, 2022

SB 5725 Prime Sponsor, Senator Mullet: Concerning powers of the legislative committee on economic development and international relations. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

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SB 5728 Prime Sponsor, Senator Holy: Concerning the state's portion of civil asset forfeiture collections. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5728 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

Referred to Committee on Rules for second reading.

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SB 5729 Prime Sponsor, Senator Nguyen: Creating a good cause exception to administrative hearing deadlines for applicants or recipients of certain public assistance benefits. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5729 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Rules for second reading.

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SB 5745 Prime Sponsor, Senator Liias: Increasing the personal needs allowance for persons receiving state financed care. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: Do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

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SB 5760 Prime Sponsor, Senator Wellman: Updating and expanding the motion picture competitiveness program. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5760 be substituted therefor, and the substitute bill do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Ways & Means.

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SB 5764 Prime Sponsor, Senator Randall: Concerning apprenticeships and higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5764 be substituted therefor, and the substitute bill do pass. Signed by Senators Randall, Chair; Nobles, Vice

Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Ways & Means.

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SB 5770 Prime Sponsor, Senator Mullet: Providing Washington state convention economy grants. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5770 be substituted therefor, and the substitute bill do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Ways & Means.

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SB 5771 Prime Sponsor, Senator Holy: Including certain residents who do not have a high school diploma or credential and the number of students expected to enroll in basic education for adults courses at community and technical colleges in caseload forecast council forecasting. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Referred to Committee on Ways & Means.

January 25, 2022

SB 5785 Prime Sponsor, Senator Lovelett: Concerning transitional food assistance. Reported by Committee on Human Services, Reentry & Rehabilitation

MAJORITY recommendation: That Substitute Senate Bill No. 5785 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, C., Chair; Gildon, Ranking Member; Nguyen, Vice Chair; Dozier; McCune; Saldaña and Trudeau.

Referred to Committee on Ways & Means.

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SB 5810 Prime Sponsor, Senator Mullet: Concerning insurance regulation. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: That Substitute Senate Bill No. 5810 be substituted therefor, and the substitute bill do pass. Signed by Senators Dozier, Ranking Member; Mullet, Chair; Hasegawa, Vice Chair; Brown; Frockt; Lovick and Wilson, L.

Referred to Committee on Rules for second reading.

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SJM 8006 Prime Sponsor, Senator Hasegawa: Concerning a national infrastructure bank. Reported by Committee on Business, Financial Services & Trade

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Frockt and Lovick.

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MINORITY recommendation: Do not pass. Signed by Senators Dozier, Ranking Member; Brown and Wilson, L.

Referred to Committee on Rules for second reading.

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SHB 1732 Prime Sponsor, Committee on Appropriations: Delaying the implementation of the long-term services and supports trust program by 18 months. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Billig; Braun; Carlyle; Conway; Dhingra; Gildon; Hasegawa; Hunt; Keiser; Mullet; Muzzall; Pedersen; Rivers; Van De Wege; Wagoner; Warnick and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

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ESHB 1733 Prime Sponsor, Committee on Appropriations: Establishing voluntary exemptions to the long-term services and supports trust program for certain populations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Billig; Carlyle; Conway; Dhingra; Hasegawa; Hunt; Keiser; Mullet; Pedersen; Van De Wege and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Ranking Minority Member, Capital; Braun; Gildon; Muzzall; Rivers; Wagoner and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Senator Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated.

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

INTRODUCTION AND FIRST READING

SB 5946 by Senator Mullet

AN ACT Relating to protecting consumers from the discontinuance of the London interbank offered rate; adding a new chapter to Title 19 RCW; and declaring an emergency.

Referred to Committee on Business, Financial Services & Trade.

SB 5947 by Senator Stanford

AN ACT Relating to property exempt from execution; amending RCW 6.15.010, 6.15.010, and 51.32.040; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5948 by Senator Brown

AN ACT Relating to records retained pursuant to the statewide city and council jail booking and reporting system and statewide automated victim information and notification system; and adding a new section to chapter 36.28A RCW.

Referred to Committee on State Government & Elections.

SB 5949 by Senators Van De Wege and King

AN ACT Relating to currently credentialed dental auxiliaries; amending RCW 18.29.190, 18.260.010, 18.260.040, and 18.260.090; adding new sections to chapter 18.29 RCW; adding new sections to chapter 18.260 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

SB 5950 by Senator Conway

AN ACT Relating to forgiving the first two payments due under the sales and use tax deferral for historic auto museums in response to operational delays caused by the COVID-19 pandemic; amending RCW 82.32.580; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5951 by Senator Hasegawa

AN ACT Relating to agricultural hemp products to ensure the safe implementation of Washington state's industrial hemp program; adding a new section to chapter 15.140 RCW; and prescribing penalties.

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

MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

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

MOTION

Senator Dhingra moved adoption of the following resolution:

SENATE RESOLUTION

8638

By Senators Dhingra, Das, Cleveland, Hasegawa, Honeyford, Hunt, Kuderer, Lovelett, Nobles, Pedersen, Robinson, Rolfes, Salomon, Stanford, Trudeau, Wellman, and C. Wilson

WHEREAS, January 26, 2022, marks the 73rd Republic Day in India, celebrating the adoption of the Constitution of the

world's largest democracy; and

WHEREAS, India achieved independence from British rule through peaceful and nonviolent resistance; and

WHEREAS, India's Constitution asserts equality before law, and declares "that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India"; and

WHEREAS, India has a strong tradition of maintaining democratic ideals through robust checks on those in power; and

WHEREAS, Washington state has many cultural and economic ties to India, including more than 100,000 Indian Americans living in the state; and

WHEREAS, Indian Americans are small business owners, entrepreneurs, and CEOs of Washington companies, including the founding officers of many Washington-based tech companies; and

WHEREAS, These businesses provide useful services, resources, and jobs to the people of this state; and

WHEREAS, Indian Americans have been emigrating to the West Coast since the 19th century, working in our most vital industries including agriculture, lodging, and trade; and

WHEREAS, Indian Americans reflect the values of inclusion and pluralism through their many cultural and religious identities, including Muslim, Sikh, and Hindu; and

WHEREAS, Indian Americans serve selflessly in our armed forces and in law enforcement, and contribute profoundly to the health care industry and Washington's institutions of higher education;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Republic Day 2022 as a symbol of the shared values of democracy, diversity, and inclusion between the nation of India and both the State of Washington and the United States of America.

Senators Dhingra, Das and Wagoner spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8638.

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

MOTION

On motion of Senator Pedersen, the Senate reverted to the first order of business.

MOTIONS

On motion of Senator Billig and without objection, pursuant to Emergency Senate Rule I, the Committee on Rules was relieved of Substitute House Bill No. 1732 and Engrossed Substitute House Bill No. 1733 and they were placed on the 2nd Reading Calendar.

On motion of Senator Billig and without objection, pursuant to Emergency Senate Rule I, the Committee on Rules was relieved of Substitute Senate Bill No. 5572; Senate Bill No. 5612; Senate Bill No. 5641; Senate Bill No. 5504; Senate Bill No. 5552; and Senate Bill No. 5624 and the bills were placed on the Consent Calendar.

MOTION

At 1:46 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announced a meeting of the Republican Caucus.

The Senate was called to order at 2:44 p.m. by President Heck.

MOTION

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

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Dhingra moved that Lorraine Lee, Senate Gubernatorial Appointment No. 9280, be confirmed as a Chief Administrative Law Judge of the Office of Administrative Hearings.

Senators Dhingra and Padden spoke in favor of passage of the motion.

APPOINTMENT OF LORRAINE LEE

The President declared the question before the Senate to be the confirmation of Lorraine Lee, Senate Gubernatorial Appointment No. 9280, as a Chief Administrative Law Judge of the Office of Administrative Hearings.

The Secretary called the roll on the confirmation of Lorraine Lee, Senate Gubernatorial Appointment No. 9280, as a Chief Administrative Law Judge of the Office of Administrative Hearings and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Lorraine Lee, Gubernatorial Appointment No. 9280, having received the constitutional majority was declared confirmed as a Chief Administrative Law Judge of the Office of Administrative Hearings.

MOTION

Senator Wellman moved that Brent L. Stark, Gubernatorial Appointment No. 9057, be confirmed as a member of the Washington State School for the Blind Board of Trustees.

Senators Wellman and Hawkins spoke in favor of passage of the motion.

APPOINTMENT OF BRENT L. STARK

The President declared the question before the Senate to be the confirmation of Brent L. Stark, Gubernatorial Appointment No. 9057, as a member of the Washington State School for the Blind Board of Trustees.

The Secretary called the roll on the confirmation of Brent L.

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Stark, gubernatorial appointment No. 9057, as a member of the Washington State School for the Blind Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Brent L. Stark, gubernatorial appointment No. 9057, having received the constitutional majority was declared confirmed as a member of the Washington State School for the Blind Board of Trustees.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1732, by House Committee on Appropriations (originally sponsored by Sullivan, Chopp, Johnson, J., Walen, Chapman, Berry, Cody, Dolan, Fey, Macri, Peterson, Ryu, Santos, Senn, Shewmake, Wylie, Simmons, Callan, Slatter, Ramos, Bergquist, Tharinger, Valdez, Thai, Pollet, Morgan, Taylor, Stonier, Ortiz-Self, Gregerson, Davis, Riccelli, Ormsby, Duerr, Orwall, Bateman, Kloba and Frame)

Delaying the implementation of the long-term services and supports trust program by 18 months.

The measure was read the second time.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 968 by Senator Wilson, L. be adopted:

On page 3, line 34, after "solvency;" strike "and" and insert "~~(and)~~"

On page 3, line 37, after "2019" insert "and"

(d) By December 1, 2022, perform an actuarial audit and valuation of the long-term services and supports trust fund that incorporates the impact of the exemptions granted by the employment security department"

Senator Wilson, L. spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 968 by Senator Wilson, L. on page 3, line 34 to Substitute House Bill No. 1732.

The motion by Senator Wilson, L. did not carry and floor amendment no. 968 was not adopted by voice vote.

MOTION

On motion of Senator Billig, the rules were suspended, Substitute House Bill No. 1732 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Billig spoke in favor of passage of the bill. Senators Braun, Fortunato and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1732.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1732 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators McCune, Padden and Wilson, J.

SUBSTITUTE HOUSE BILL NO. 1732, 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 Pedersen, Substitute House Bill No. 1732 was immediately transmitted to the House of Representatives.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1733, by House Committee on Appropriations (originally sponsored by Paul, Macri, Johnson, J., Leavitt, Bronoske, Chapman, Senn, Berry, Cody, Dolan, Fey, Peterson, Ryu, Santos, Shewmake, Wylie, Simmons, Callan, Chopp, Slatter, Ramos, Bergquist, Tharinger, Valdez, Thai, Pollet, Morgan, Taylor, Stonier, Ortiz-Self, Gregerson, Riccelli, Davis, Ormsby, Duerr, Orwall, Bateman, Kloba and Frame)

Establishing voluntary exemptions to the long-term services and supports trust program for certain populations.

The measure was read the second time.

MOTION

Senator Wagoner moved that the following floor amendment no. 971 by Senator Wagoner be adopted:

On page 2, after line 38, insert the following:

"**Sec. 2.** RCW 50B.04.085 and 2021 c 113 s 5 are each amended to read as follows:

(1) An employee who attests that the employee has long-term care insurance purchased before ~~((November 1, 2021))~~ February 1, 2023, may apply for an exemption from the premium assessment under RCW 50B.04.080. An exempt employee may not become a qualified individual or eligible beneficiary and is permanently ineligible for coverage under this title.

(2)(a) The employment security department must accept applications for exemptions only from October 1, 2021, through December 31, ~~((2022))~~ 2023.

(b) Only employees who are eighteen years of age or older may apply for an exemption.

(3) The employment security department is not required to verify the attestation of an employee that the employee has long-term care insurance.

(4) Approved exemptions will take effect on the first day of the quarter immediately following the approval of the exemption.

(5) Exempt employees are not entitled to a refund of any premium deductions made before the effective date of an approved exemption.

(6) An exempt employee must provide written notification to all current and future employers of an approved exemption.

(7) If an exempt employee fails to notify an employer of an exemption, the exempt employee is not entitled to a refund of any premium deductions made before notification is provided.

(8) Employers must not deduct premiums after being notified by an employee of an approved exemption.

(a) Employers must retain written notifications of exemptions received from employees.

(b) An employer who deducts premiums after being notified by the employee of an exemption is solely responsible for refunding to the employee any premiums deducted after the notification.

(c) The employer is not entitled to a refund from the employment security department for any premiums remitted to the employment security department that were deducted from exempt employees.

(9) The department must adopt rules necessary to implement and administer the activities specified in this section related to the program, including rules on the submission and processing of applications under this section."

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

On page 1, line 1 of the title, after "Relating to" strike "establishing"

On page 1, beginning on line 2 of the title, after "program" strike all material through "report" on line 4

On page 1, line 9 of the title, after "visa" insert "and extending the application for the long-term care insurance exemption"

On page 1, line 9 of the title, after "50B.04.080" insert ", 50B.04.085,"

Senators Wagoner, Muzzall, Fortunato and Dozier spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 971 by Senator Wagoner on page 2, after line 38 to Engrossed Substitute House Bill No. 1733.

The motion by Senator Wagoner did not carry and floor amendment no. 971 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 967 by Senator Wilson, L. be adopted:

On page 3, at the beginning of line 3, strike "(1)"

Beginning on page 3, line 5, after "employee" strike all material through "act" on page 6, line 37

On page 1, line 1 of the title, after "Relating to" strike "establishing"

On page 1, beginning on line 2 of the title, after "program" strike "for certain populations identified in the long-term services and supports trust commission's 2022 recommendations report"

On page 1, beginning on line 9 of the title, after "50B.04.080" strike "and 50B.04.050"

Senator Wilson, L. spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 967 by Senator Wilson, L. on page 3, line 3 to Engrossed Substitute House Bill No. 1733.

The motion by Senator Wilson, L. did not carry and floor amendment no. 967 was not adopted by voice vote.

MOTION

Senator Gildon moved that the following floor amendment no. 972 by Senator Gildon be adopted:

On page 3, line 11, after "(b)" insert "A retired veteran or retirement eligible veteran who has served in the armed services of the United States and is eligible for retirement or has retired from the armed services either after a duration of service necessary to qualify for veterans benefits or due to a disability qualification for veterans benefits;

(c)"

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

On page 1, at the beginning of line 3 of the title, strike "identified in the long-term services and supports trust commission's 2022 recommendations report"

On page 1, line 8 of the title, after "Washington," insert "retired veterans and retirement eligible veterans,"

Senators Gildon, Wagoner, Fortunato and Short spoke in favor of adoption of the amendment.

Senators Rolfes, Keiser and Conway spoke against adoption of the amendment.

Senator Wagoner 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 Gildon on page 3, line 11 to Engrossed Substitute House Bill No. 1733.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Gildon and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

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

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

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 1733 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.

Senator Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the

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final passage of Engrossed Substitute House Bill No. 1733.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1733 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Gildon, Hasegawa, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Roberson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Brown, Dozier, Fortunato, Hawkins, Holy, Honeyford, McCune, Padden, Schoesler, Warnick and Wilson, J.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1733, 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 Pedersen, Engrossed Substitute House Bill No. 1733 was immediately transmitted to the House of Representatives.

MOTION

Senator Short moved that the Senate advance to the 9th order of business for the purposes of relieving the Committee on Health & Long-Term Care of Senate Bill No. 5503, concerning a study of financial products available through the private market to replace the long-term services and supports trust program.

Senator Short demanded a roll call.

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

Senator Short spoke in favor of the motion.

Senator Pedersen spoke against the motion.

MOTION

On motion of Senator Wagoner, Senator Brown was excused.

The President declared the question before the Senate to be the motion by Senator Short to advance to the 9th order of business.

ROLL CALL

The Secretary called the roll on the motion by Senator Short and the motion did not carry by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

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

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Roberson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Van De Wege, Wellman, Wilson, C.

Excused: Senator Brown

MOTION

At 3:48 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Warnick announced a meeting of the Republican Caucus.

The Senate was called to order at 4:50 p.m. by President Heck.

MOTION

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 26, 2022

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1732,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1733,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1732,
and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1733.

MOTION

On motion of Senator Pedersen, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pedersen moved that Quinn R. Dalan, Senate Gubernatorial Appointment No. 9199, be confirmed as a member of the Washington State Women's Commission.

Senators Pedersen and Hunt spoke in favor of passage of the motion.

APPOINTMENT OF QUINN R. DALAN

The President declared the question before the Senate to be the confirmation of Quinn R. Dalan, Senate Gubernatorial Appointment No. 9199, as a member of the Washington State Women's Commission.

The Secretary called the roll on the confirmation of Quinn R. Dalan, Senate Gubernatorial Appointment No. 9199, as a member of the Washington State Women's Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Roberson,

Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Brown

Quinn R. Dalan, Senate Gubernatorial Appointment No. 9199, having received the constitutional majority was declared confirmed as a member of the Washington State Women's Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Dhingra moved that Rhonda Salvesen, Senate Gubernatorial Appointment No. 9230, be confirmed as a member of the Clemency and Pardons Board.

Senators Dhingra and Wilson, C. spoke in favor of passage of the motion.

APPOINTMENT OF RHONDA SALVESEN

The President declared the question before the Senate to be the confirmation of Rhonda Salvesen, Senate Gubernatorial Appointment No. 9230, as a member of the Clemency and Pardons Board.

The Secretary called the roll on the confirmation of Rhonda Salvesen, Senate Gubernatorial Appointment No. 9230, as a member of the Clemency and Pardons Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Brown

Rhonda Salvesen, Senate Gubernatorial Appointment No. 9230, having received the constitutional majority was declared confirmed as a member of the Clemency and Pardons Board.

MOTION

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

SECOND READING

SENATE BILL NO. 5548, by Senators Pedersen, Wagoner, Dhingra and Mullet

Concerning the uniform unregulated child custody transfer act.

MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 5548 was substituted for Senate Bill No. 5548 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 966 by Senator Padden be adopted:

On page 2, line 27, after "amended." insert "This chapter only applies to adoption or placement for adoption of a child who resides in a foreign country at the time of adoption or placement."

On page 2, beginning on line 30, after "section" strike ", sections 202 and 203 of this act, and RCW 26.33.400 (as recodified by this act)" and insert "and sections 202 through 204 of this act"

Beginning on page 4, line 27, strike all of section 204 and insert the following:

"NEW SECTION. Sec. 204. ADVERTISEMENTS FOR ADOPTION OR OTHER CUSTODY TRANSFER. (1) For the purposes of this section and unless the context clearly requires otherwise, "advertisement" means communication by newspaper, radio, television, handbills, placards or other print, broadcast, or the electronic medium.

(2) No person or entity shall cause to be published for circulation, or broadcast on a radio or television station, within the geographic borders of this state, an advertisement of a child or children offered or wanted for adoption or other custody transfer, or shall hold himself or herself out through such advertisement as having the ability to place, locate, dispose, or receive a child or children for adoption or other custody transfer unless such person or entity is:

(a) A duly authorized agent, contractee, or employee of the department or a children's agency or institution licensed by the department to care for and place children;

(b) A person who has a completed preplacement report as set forth in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable recommendation as to the fitness of the person to be an adoptive parent, or such person's duly authorized uncompensated agent, or such person's attorney who is licensed to practice in the state. Verification of compliance with the requirements of this section shall consist of a written declaration by the person or entity who prepared the preplacement report.

Nothing in this section prohibits an attorney licensed to practice in Washington state from advertising his or her availability to practice or provide services related to the adoption or other custody transfer of children.

(3)(a) A violation of subsection (2) of this section is a matter affecting the public interest and constitutes an unfair or deceptive act or practice in trade or commerce for the purpose of applying chapter 19.86 RCW.

(b) The attorney general may bring an action in the name of the state against any person violating the provisions of this section in accordance with the provisions of RCW 19.86.080.

(c) Nothing in this section applies to any radio or television station or any publisher, printer, or distributor of any newspaper, magazine, billboard, or other advertising medium which accepts advertising in good faith without knowledge of its violation of any provision of this section after an attempt to verify the advertising is in compliance with this section."

On page 6, beginning on line 8, after "through" strike "203 of this act and RCW 26.33.400 (as recodified by this act)" and insert "204 of this act"

On page 6, beginning on line 20, strike all of sections 306 and 307 and insert the following:

"Sec. 306. RCW 26.33.400 and 2006 c 248 s 4 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, "advertisement" means communication by newspaper, radio, television, handbills, placards or other print, broadcast, or the electronic medium. This definition applies throughout this

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section.

(2) No person or entity shall cause to be published for circulation, or broadcast on a radio or television station, within the geographic borders of this state, an advertisement of a child or children offered or wanted for adoption or other custody transfer, or shall hold himself or herself out through such advertisement as having the ability to place, locate, dispose, or receive a child or children for adoption or other custody transfer unless such person or entity is:

(a) A duly authorized agent, contractee, or employee of the department or a children's agency or institution licensed by the department to care for and place children;

(b) A person who has a completed preplacement report as set forth in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable recommendation as to the fitness of the person to be an adoptive parent, or such person's duly authorized uncompensated agent, or such person's attorney who is licensed to practice in the state. Verification of compliance with the requirements of this section shall consist of a written declaration by the person or entity who prepared the preplacement report.

Nothing in this section prohibits an attorney licensed to practice in Washington state from advertising his or her availability to practice or provide services related to the adoption or other custody transfer of children.

(3)(a) A violation of subsection (2) of this section is a matter affecting the public interest and constitutes an unfair or deceptive act or practice in trade or commerce for the purpose of applying chapter 19.86 RCW.

(b) The attorney general may bring an action in the name of the state against any person violating the provisions of this section in accordance with the provisions of RCW 19.86.080.

(c) Nothing in this section applies to any radio or television station or any publisher, printer, or distributor of any newspaper, magazine, billboard, or other advertising medium which accepts advertising in good faith without knowledge of its violation of any provision of this section after an attempt to verify the advertising is in compliance with this section."

On page 1, line 3 of the title, strike "recodifying RCW 26.33.400; repealing RCW 26.33.370;"

Senator Padden spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 966 by Senator Padden on page 2, line 27 to Substitute Senate Bill No. 5548.

The motion by Senator Padden did not carry and floor amendment no. 966 was not adopted by voice vote.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 5548 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Wagoner spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5548.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5548 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland,

Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 5548, 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. 5496, by Senators Muzzall and Cleveland

Concerning health professional monitoring programs.

MOTIONS

On motion of Senator Muzzall, Substitute Senate Bill No. 5496 was substituted for Senate Bill No. 5496 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Muzzall, the rules were suspended, Substitute Senate Bill No. 5496 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Muzzall 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. 5496.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5496 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 5496, 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. 5529, by Senators Cleveland, Keiser, Dhingra and Wilson, C.

Concerning self-directed care.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 5529 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall 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. 5529.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5529 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Brown

SENATE BILL NO. 5529, 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. 5634, by Senator Carlyle

Updating the utilities and transportation commission's regulatory fees.

The measure was read the second time.

MOTION

On motion of Senator Carlyle, the rules were suspended, Senate Bill No. 5634 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle spoke in favor of passage of the bill.

Senators Sheldon, Short and King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5634.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5634 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

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

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

Excused: Senator Brown

SENATE BILL NO. 5634, 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. 5512, by Senators Honeyford, Hasegawa, Lovick, Mullet, Randall, Rolfes and Wagoner

Designating a state nickname.

The measure was read the second time.

MOTION

Senator Rolfes moved that the following floor amendment no. 952 by Senator Rolfes be adopted:

On page 1, after line 7, insert the following:

"NEW SECTION. **Sec. 2.** Nothing in this act shall be construed as creating a requirement for any entity to update or revise any existing materials, documents, or publications."

On page 1, line 1 of the title, after "nickname" strike the remainder of the title and insert "adding a new section to chapter 1.20 RCW; and creating a new section."

Senators Rolfes and Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 952 by Senator Rolfes on page 1, after line 7 to Senate Bill No. 5512.

The motion by Senator Rolfes carried and floor amendment no. 952 was adopted by voice vote.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Senate Bill No. 5512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford 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. 5512.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5512 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Brown

ENGROSSED SENATE BILL NO. 5512, 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.

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SENATE BILL NO. 5508, by Senators Liias, Muzzall, Cleveland, Frockt, Hunt, Lovick, Mullet, Randall, Robinson and Stanford

Concerning the insurance guaranty fund.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Senate Bill No. 5508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Muzzall 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. 5508.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5508 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Brown

SENATE BILL NO. 5508, 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. 5490, by Senators Pedersen, Padden, Dhingra, Mullet and Nobles

Creating the interbranch advisory committee.

MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 5490 was substituted for Senate Bill No. 5490 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rolfes moved that the following floor amendment no. 954 by Senator Rolfes be adopted:

On page 3, beginning on line 1, after "will be" strike "jointly provided by the legislative branch and" and insert "provided by"

Senator Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 954 by Senator Rolfes on page 3, line 1 to Substitute Senate Bill No. 5490.

The motion by Senator Rolfes carried and floor amendment no.

954 was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute Senate Bill No. 5490 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Wagoner, Senator McCune was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5490.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5490 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brown and McCune

ENGROSSED SUBSTITUTE SENATE BILL NO. 5490, 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. 5514, by Senators Dozier, Mullet, Short and Wilson, J.

Increasing the frequency of county legislative meetings at alternate locations.

The measure was read the second time.

MOTION

On motion of Senator Dozier, the rules were suspended, Senate Bill No. 5514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dozier and Kuderer 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. 5514.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5514 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon,

Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sefzik, Sheldon, Short, Stanford, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Honeyford and Schoesler
Excused: Senators Brown and McCune

SENATE BILL NO. 5514, 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. 5499, by Senators Cleveland, Muzzall, Randall and Wilson, C.

Concerning credentialing of medical assistant-hemodialysis technicians.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 5499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Muzzall 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. 5499.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5499 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Brown and McCune

SENATE BILL NO. 5499, 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. 5042, by Senators Salomon, Billig, Kuderer, Liias and Wilson, C.

Concerning the effective date of certain actions taken under the growth management act.

The measure was read the second time.

MOTION

Senator Short moved that the following floor amendment no. 963 by Senator Short be adopted:

Beginning on page 1, line 5, strike all of section 1 and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that affordable housing is one of the greatest challenges facing our state today. Providing missing middle housing for the workforce is essential for resolving the homeless crisis and getting people into homes at all income levels. In order to build more houses, it is important to create certainty in the legal framework for permitting housing. As important as it is to have public review of legislative decisions regarding planning, it is equally important to have certainty built into the permitting process to enable no break in the housing supply.

The legislature also finds that there is a need for certainty to support a legislative action. Judicial review of acts is to aid in interpretation of the law and should not be abused as a way to change the outcomes of legislative actions. Standing for review actions should be narrow and limited to people who have a personal interest in the outcome of the legislative action. Without stricter sideboards on who can promote appeals, development and new housing will grind to a halt, exacerbating this housing crisis.

Therefore, the legislature intends to set the effective date of these impactful planning actions to a time that will allow for the appropriate review of growth planning decisions to balance the need for more types of housing intended under this act."

Senators Short and Schoesler spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 963 by Senator Short on page 1, line 5 to Senate Bill No. 5042.

The motion by Senator Short did not carry and floor amendment no. 963 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following floor amendment no. 958 by Senator Warnick be adopted:

On page 2, at the beginning of line 9, insert "(1)"

On page 2, at the beginning of line 17, strike "(1)" and insert "(a)"

On page 2, at the beginning of line 21, strike "(2)" and insert "(b)"

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

"(2) This act shall not apply to jurisdictions where 30 percent of the available housing supply is not affordable for incomes at 80 percent of the adjusted median income."

Senator Warnick spoke in favor of adoption of the amendment.

Senator Salomon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 958 by Senator Warnick on page 2, line 9 to Senate Bill No. 5042.

The motion by Senator Warnick did not carry and floor amendment no. 958 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 964 by Senator Short be adopted:

On page 2, beginning on line 12, after "RCW 36.70A.170,"

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strike all material through "36.70A.070(5)(d)," on line 13

Senator Short spoke in favor of adoption of the amendment.

Senator Lovelett spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 964 by Senator Short on page 2, line 12 to Senate Bill No. 5042.

The motion by Senator Short did not carry and floor amendment no. 964 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 956 by Senator Braun be adopted:

On page 2, at the beginning of line 16, strike all material through "(1)" on line 17

On page 2, beginning on line 20, after "36.70A.290(2)" strike all material through "order" on line 22

Senators Braun, Short, Gildon and Fortunato spoke in favor of adoption of the amendment.

Senators Kuderer and Billig spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 956 by Senator Braun on page 2, line 16 to Senate Bill No. 5042.

The motion by Senator Braun did not carry and floor amendment no. 956 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 970 by Senator Short be adopted:

On page 2, after line 16, strike all material through "order." on line 22 and insert the following:

"(1) Upon final action taken by the legislative body of the city or county responsible for approving the action; or

(2) If a petition for review under this chapter is timely filed, upon issuance of the final decision."

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

"**Sec. 3.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to read as follows:

(1) The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance with RCW 36.70A.5801, an action expanding an urban growth area designated under RCW 36.70A.110, removes the designation of agricultural, forest, or mineral resource lands designated under RCW 36.70A.170, creates or expands a limited area of more intensive rural development designated under RCW 36.70A.070(5)(d), establishes a new fully contained community under RCW 36.70A.350, or creates or expands a master planned resort designated under RCW 36.70A.360;

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

(c) That the approval of a work plan adopted under RCW 36.70A.735(1)(a) is not in compliance with the requirements of the program established under RCW 36.70A.710;

(d) That regulations adopted under RCW 36.70A.735(1)(b) are not regionally applicable and cannot be adopted, wholly or partially, by another jurisdiction; or

(e) That a department certification under RCW 36.70A.735(1)(c) is erroneous.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within sixty days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, the board shall consider the implications of any such adjustment to the population forecast for the entire state.

(6) The rationale for any adjustment that is adopted by the board must be documented and filed with the office of financial management within ten working days after adoption.

(7) If adjusted by the board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as the "board adjusted population projection." None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes."

On page 1, line 2 of the title, after "act;" insert "amending RCW 36.70A.280;"

Senators Short and Mullet spoke in favor of adoption of the amendment.

Senator Lovelett spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 970 by Senator Short on page 2, after line 16 to Senate Bill No. 5042.

The motion by Senator Short did not carry and floor amendment no. 970 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 957 by Senator Rivers be adopted:

On page 2, line 22, after "filed," strike "upon issuance of the board's final order" and insert "then 180 days after the petition is filed"

Senator Rivers spoke in favor of adoption of the amendment.

Senator Salomon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 957 by Senator Rivers on page 2, line 22 to Senate Bill No. 5042.

The motion by Senator Rivers did not carry and floor

amendment no. 957 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, floor amendment no. 959 by Senator Fortunato on page 2, line 22 to Senate Bill No. 5042 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, floor amendment no. 960 by Senator Fortunato on page 2, line 22 to Senate Bill No. 5042 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, floor amendment no. 961 by Senator Fortunato on page 2, line 22 to Senate Bill No. 5042 was withdrawn.

MOTION

Senator Fortunato moved that the following floor amendment no. 962 by Senator Fortunato be adopted:

On page 2, line 22, after "order." insert "A petition for review of a planning decision made pursuant to this act may be filed only by a person who is prejudiced or likely to be prejudiced by the city or county planning under this chapter; and who will suffer actual injury if the contested action is upheld."

Senator Fortunato spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 962 by Senator Fortunato on page 2, line 22 to Senate Bill No. 5042.

The motion by Senator Fortunato did not carry and floor amendment no. 962 was not adopted by voice vote.

MOTION

On motion of Senator Salomon, the rules were suspended, Senate Bill No. 5042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Salomon spoke in favor of passage of the bill.

Senators Short, Fortunato and Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5042.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5042 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

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

Voting nay: Senators Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, Mullet, Muzzall, Padden, Rivers, Schoesler, Sefzik, Sheldon, Short, Wagoner, Warmick,

Wilson, J. and Wilson, L.

Excused: Senators Brown and McCune

SENATE BILL NO. 5042, 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 Pedersen, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5275, by Senate Committee on Housing & Local Government (originally sponsored by Short, Lovelett, Das, Wellman and Wilson, C.)

Enhancing opportunity in limited areas of more intense rural development.

The bill was read on Third Reading.

MOTION

On motion of Senator Short, the rules were suspended and Engrossed Substitute Senate Bill No. 5275 was returned to second reading for the purpose of amendment.

MOTION

Senator Short moved that the following floor striking amendment no. 930 by Senator Short be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.070 and 2021 c 254 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected

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housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including((LH)) but not limited to, duplexes, triplexes, and townhomes;

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes;

(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration of the role of accessory dwelling units in meeting housing needs;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement

to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building

size, scale, use, or intensity ~~((shall be consistent with the character of the existing areas))~~ may be permitted subject to confirmation from all existing providers of public facilities and public services of sufficient capacity of existing public facilities and public services to serve any new or additional demand from the new development or redevelopment. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5) and is consistent with the local character. Any commercial development or redevelopment within a mixed-use area must be principally designed to serve the existing and projected rural population and must meet the following requirements:

(I) Any included retail or food service space must not exceed the footprint of previously occupied space or 5,000 square feet, whichever is greater, for the same or similar use; and

(II) Any included retail or food service space must not exceed 2,500 square feet for a new use;

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas ~~((or uses))~~ of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas ~~((or uses))~~ shall not extend beyond the logical outer boundary of the existing area ~~((or use))~~, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of this subsection (5)(d) ~~((of this subsection))~~, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to

plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for

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counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are

appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130."

On page 1, line 2 of the title, after "development;" strike the remainder of the title and insert "and amending RCW 36.70A.070."

Senators Short and Kuderer spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 930 by Senator Short Engrossed Substitute Senate Bill No. 5275.

The motion by Senator Short carried and floor striking amendment no. 930 was adopted by voice vote.

MOTION

On motion of Senator Short, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5275.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5275 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Liias

Excused: Senators Brown and McCune

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5275, 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 6:58 p.m., on motion of Senator Pedersen, the Senate adjourned until 12:30 p.m. Thursday, January 27, 2022.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

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