

**NINETIETH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Saturday, April 8, 2023

The Senate was called to order at 9:00 o'clock a.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 with the exception of Senator Nobles.

The Sergeant at Arms Color Guard consisting of Interns Mr. Brennan Miller and Mr. John Weixel, presented the Colors. Intern Mr. Christian Bienes-Delrosario led the Senate in the Pledge of Allegiance. The prayer was offered by Reverend Dr. Troy Lynn Carr of Pacific Northwest Conference United Methodist Church, Tacoma.

**MOTION**

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

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

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

April 3, 2023

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

COURTNEY L. WOOTEN, appointed April 3, 2023, for the term ending September 30, 2025, as Member of the Edmonds Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9344.

**MOTIONS**

On motion of Senator Pedersen, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

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

April 7, 2023

MR. PRESIDENT:

The Speaker has signed:

- HOUSE BILL NO. 1030,
- HOUSE BILL NO. 1031,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1073,
- SUBSTITUTE HOUSE BILL NO. 1255,
- SUBSTITUTE HOUSE BILL NO. 1275,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1311,
- SUBSTITUTE HOUSE BILL NO. 1323,
- HOUSE BILL NO. 1370,
- SUBSTITUTE HOUSE BILL NO. 1590,
- HOUSE BILL NO. 1707,
- HOUSE BILL NO. 1712,

HOUSE BILL NO. 1730,  
HOUSE BILL NO. 1792,  
and the same are herewith transmitted.  
BERNARD DEAN, Chief Clerk

April 7, 2023

MR. PRESIDENT:

The Speaker has signed:

- SENATE BILL NO. 5066,
  - SENATE BILL NO. 5070,
  - SENATE BILL NO. 5084,
  - SENATE BILL NO. 5131,
  - ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5236,
  - SUBSTITUTE SENATE BILL NO. 5238,
  - SUBSTITUTE SENATE BILL NO. 5286,
  - SENATE BILL NO. 5390,
  - SUBSTITUTE SENATE BILL NO. 5453,
  - SUBSTITUTE SENATE BILL NO. 5499,
  - SECOND SUBSTITUTE SENATE BILL NO. 5518,
  - SUBSTITUTE SENATE BILL NO. 5542,
- and the same are herewith transmitted.  
MELISSA PALMER, Deputy Chief Clerk

April 7, 2023

MR. PRESIDENT:

The House has passed:

- ENGROSSED SENATE BILL NO. 5015,
  - ENGROSSED SUBSTITUTE SENATE BILL NO. 5082,
  - SUBSTITUTE SENATE BILL NO. 5087,
  - ENGROSSED SUBSTITUTE SENATE BILL NO. 5217,
  - SENATE BILL NO. 5228,
  - SENATE BILL NO. 5242,
  - SENATE BILL NO. 5331,
  - SENATE BILL NO. 5347,
  - SUBSTITUTE SENATE BILL NO. 5415,
  - SENATE BILL NO. 5452,
  - SENATE BILL NO. 5531,
  - ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5582,
  - SENATE BILL NO. 5683,
- and the same are herewith transmitted.  
BERNARD DEAN, Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SHB 1850 by House Committee on Appropriations (originally sponsored by Macri, Schmick, Tharinger, Stokesbary, Ormsby, Bergquist, Schmidt, Chopp, Berg, Bronoske and Thai)  
AN ACT Relating to the hospital safety net program; amending RCW 74.60.005, 74.60.010, 74.60.020, 74.60.030, 74.60.040, 74.60.050, 74.60.080, 74.60.090, 74.60.100, 74.60.110, 74.60.120, 74.60.130, 74.60.150, 74.60.160, 74.60.170, and 74.60.900; repealing RCW 74.60.901 and 74.60.903; and providing contingent effective dates.

Referred to Committee on Ways & Means.

#### MOTIONS

On motion of Senator Pedersen, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

At 9:06 a.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.

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The Senate was called to order at 11:07 a.m. by President Heck.

#### MOTION

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

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Salomon moved that Jeffrey Breckel, Senate Gubernatorial Appointment No. 9137, be confirmed as a Chair of the Salmon Recovery Funding Board.

Senator Salomon spoke in favor of the motion.

#### APPOINTMENT OF JEFFREY BRECKEL

#### MOTION

On motion of Senator Wilson, C., Senator Nobles was excused.

The President declared the question before the Senate to be the confirmation of Jeffrey Breckel, Senate Gubernatorial Appointment No. 9137, as a Chair of the Salmon Recovery Funding Board.

The Secretary called the roll on the confirmation of Jeffrey Breckel, Senate Gubernatorial Appointment No. 9137, as a Chair of the Salmon Recovery Funding Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Nobles

Jeffrey Breckel, Senate Gubernatorial Appointment No. 9137, having received the constitutional majority was declared confirmed as a Chair of the Salmon Recovery Funding Board.

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Saldaña moved that Michelle Gonzalez, Senate Gubernatorial Appointment No. 9247, be confirmed as a member of the Pollution Control/Shorelines Hearings Board.

Senator Saldaña spoke in favor of the motion.

#### APPOINTMENT OF MICHELLE GONZALEZ

The President declared the question before the Senate to be the confirmation of Michelle Gonzalez, Senate Gubernatorial Appointment No. 9247, as a member of the Pollution Control/Shorelines Hearings Board.

The Secretary called the roll on the confirmation of Michelle Gonzalez, Senate Gubernatorial Appointment No. 9247, as a member of the Pollution Control/Shorelines Hearings Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Schoesler

Excused: Senator Nobles

Michelle Gonzalez, Senate Gubernatorial Appointment No. 9247, having received the constitutional majority was declared confirmed as a member of the Pollution Control/Shorelines Hearings Board.

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Randall moved that Jan Yoshiwara, Senate Gubernatorial Appointment No. 9143, be confirmed as a member of the Workforce Education Investment Accountability and Oversight Board.

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

#### APPOINTMENT OF JAN YOSHIWARA

The President declared the question before the Senate to be the confirmation of Jan Yoshiwara, Senate Gubernatorial Appointment No. 9143, as a member of the Workforce Education Investment Accountability and Oversight Board.

The Secretary called the roll on the confirmation of Jan Yoshiwara, Senate Gubernatorial Appointment No. 9143, as a member of the Workforce Education Investment Accountability and Oversight Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres,

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Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Dhingra, Frame, Gildon, Hasegawa, Hawkins, Hunt, Kauffman, Keiser, Kuderer, Lias, Lovelett, Lovick, MacEwen, Mullet, Muzzall, Nguyen, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Excused: Senator Nobles

Voting nay: Senators Braun, Dozier, Fortunato, Holy, King, McCune, Padden, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

Jan Yoshiwara, Senate gubernatorial appointment No. 9143, having received the constitutional majority was declared confirmed as a member of the Workforce Education Investment Accountability and Oversight Board.

Excused: Senator Nobles

MOTION

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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1170, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1170, by House Committee on Appropriations (originally sponsored by Street, Couture, Berry, Ramel, Fitzgibbon, Lekanoff, Duerr, Thai and Pollet)

SECOND READING

Improving climate resilience through updates to the state's integrated climate response strategy.

SUBSTITUTE HOUSE BILL NO. 1085, by House Committee on Environment & Energy (originally sponsored by Mena, Bateman, Reed, Fitzgibbon, Ramel, Peterson, Pollet, Berry, Walen, Doglio, Macri, Simmons, Thai, Cortes, Kloba and Ormsby)

The measure was read the second time.

Reducing plastic pollution.

MOTION

The measure was read the second time.

Senator Short moved that the following floor amendment no. 0325 by Senator Short be adopted:

MOTION

On page 7, after line 25, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 70A.05 RCW to read as follows:

On motion of Senator Nguyen, the rules were suspended, Substitute House Bill No. 1085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Nothing in this chapter creates any new or additional regulatory authority for any state agency."

Senator Nguyen spoke in favor of passage of the bill.

Senator MacEwen spoke on passage of the bill.

Senator Wagoner spoke against passage of the bill.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1085.

The President declared the question before the Senate to be the adoption of floor amendment no. 0325 by Senator Short on page 7, after line 25 to Engrossed Second Substitute House Bill No. 1170.

ROLL CALL

The motion by Senator Short carried and floor amendment no. 0325 was adopted by voice vote.

The Secretary called the roll on the final passage of Substitute House Bill No. 1085 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

MOTION

Voting yea: Senators Billig, Braun, Cleveland, Conway, Dhingra, Frame, Gildon, Hasegawa, Hawkins, Hunt, Kauffman, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Stanford, Torres, Trudeau, Valdez, Van De Wege, Warnick, Wellman, Wilson, C. and Wilson, J.

On motion of Senator Nguyen, the rules were suspended, Engrossed Second Substitute House Bill No. 1170 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen and MacEwen spoke in favor of passage of the bill.

Voting nay: Senators Boehnke, Dozier, Fortunato, Holy, King, MacEwen, McCune, Padden, Short, Wagoner and Wilson, L.

Excused: Senator Nobles

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1170 as amended by the Senate.

ROLL CALL

SUBSTITUTE HOUSE BILL NO. 1085, 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.

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1170 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

SECOND READING

Voting yea: Senators Billig, Boehnke, Cleveland, Conway,

SUBSTITUTE HOUSE BILL NO. 1460, by House Committee on Capital Budget (originally sponsored by Hackney, Waters,

Simmons, Kloba, Pollet, Davis and Macri)

Concerning the department of natural resources land transactions, revenue distributions, and creation and management of a trust land transfer program.

The measure was read the second time.

#### MOTION

Senator Rolfe moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that some state lands and state forestlands have a low potential for natural resource management or low income-generating potential or are inefficient for the department of natural resources to manage due to geographic location or other factors.

(2) The legislature further finds that some of these lands have high ecological values and public benefits and should be maintained in public ownership as a park, open space, nature preserve, or similar designation to benefit the people of Washington.

(3) The legislature further finds that the department of natural resources needs an effective program to transfer these lands out of trust status to the natural areas program, other public agencies, or tribes, and simultaneously acquire legislative funding to acquire productive replacement lands to improve the revenue-generating performance of the state lands and state forestlands it manages.

(4) The legislature further finds that the trust land transfer program should be established within the department of natural resources with adequate funds to cover the department's expenses for administering the program and completing trust land transfers.

(5) The legislature further finds that there exists an interest by the public and trust beneficiaries that the program be well-documented and transparent, that each potential transfer be examined by the department of natural resources to ensure it is in the best interests of the trust beneficiaries, that an external advisory committee place proposed transfers into a prioritized order using standardized criteria, that the board of natural resources approve submission of the list to the legislature, and that parcels be transferred in order of priority.

**NEW SECTION. Sec. 2.** (1) The department is authorized to create and manage a trust land transfer program. Real property available for the trust land transfer program is economically under-performing state land and state forestland with high ecological or public benefit and deemed appropriate for state parks, fish and wildlife habitats, natural area preserves, natural resources conservation areas, community forests, recreation, or other public purposes.

(2) Underperforming state land and state forestland is land that the department determines has limited potential to generate income in the reasonably foreseeable future due to physical, legal, or access constraints. The department may use the real property transfer authorities under this chapter and chapter 79.22 RCW, as appropriate, to complete transfers under the trust land transfer program.

(3) The department shall use legislative appropriations for approved trust land transfers to acquire replacement real property that will provide long-term, sustainable revenue to the trust beneficiaries or is otherwise desirable to be added to the affected trust and to pay for the department's administrative expenses to complete the transfer, including the cost of department staff time,

appraisals, surveys, environmental reviews, and other similar costs of the program.

(4) Transfers funded by legislative appropriation must be at fair market value, including the value of land, timber, other valuable materials, and improvements owned by the state. The legislative appropriation must be deposited in the natural resources real property replacement account created in RCW 79.17.210 and the parkland trust revolving fund established in RCW 43.30.385, as appropriate.

(5) The department shall prioritize the acquisition of working farms and forests when acquiring replacement real property for state lands transferred under this program when it can be demonstrated that the trust fiduciary obligations can be better fulfilled with these lands. The department shall endeavor to acquire replacement real property as quickly as practicable.

(6) The department shall only submit real properties for trust land transfers to the board or legislature through the process created in section 3 of this act if at least 50 percent of all previous appropriations provided after the effective date of this section for purchase of replacement lands for the trust land transfer program have been utilized to purchase replacement trust lands. The list of properties submitted to the board or legislature for possible trust land transfers through the process created in section 3 of this act may not exceed \$30,000,000 in total property value for each year the list is submitted.

**NEW SECTION. Sec. 3.** The department shall administer the trust land transfer program as follows:

(1) Any citizen, state and federal agencies, counties, cities, towns, tribes, nonprofit organizations, special purpose districts, public development authorities, and other political subdivisions of the state, may nominate a parcel of state land or state forestland for the trust land transfer program. The nomination must be made to the department on forms provided by the department and accompanied by the fee provided under RCW 79.02.250.

(2) The department shall perform an initial review to determine whether the transfer of a nominated parcel is in the best interest of the trust for which the land is held and whether a public agency, as defined in RCW 79.17.200, is willing to take ownership of the parcel and is capable of managing the land for the public benefit. The department may require prenomination review of parcels over 4,500 acres or parcels over an estimated appraised market value of \$15,000,000, including the value of the land, valuable materials, and improvements, if any.

(3) If the department determines through its initial review that transfer would be in the best interest of the trust for which the land is held and a public agency is willing and able to take ownership and manage the land, the department shall consult with potentially affected tribes, consistent with the department's consultation policy to identify and address cultural resource issues.

(4) Following the department's initial review and tribal consultation, the department may submit parcels to an advisory committee that shall evaluate and prioritize nominated parcels according to criteria approved by the board, including social, ecological, economic, and other values. The advisory committee may include representatives of trust beneficiaries, public agencies, tribes, overburdened communities, and vulnerable populations as defined in chapter 70A.02 RCW, and other stakeholders as determined by the department.

(5) The department, with approval of the board, shall determine the final, prioritized list of trust land transfer parcels to submit to the legislature for funding. If a legislative appropriation includes the full fair market value for the trust land transfer parcel, and the board determines that the transfer is in the best interest of the trust for which the land is held, the department shall complete the transfer.

**Sec. 4.** RCW 79.17.020 and 2013 2nd sp.s. c 19 s 7035 are

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each amended to read as follows:

(1) The board of county commissioners of any county and/or the mayor and city council or city commission of any city or town and/or the board shall have authority to exchange, each with the other, or with the federal forest service, the federal government or any proper agency thereof and/or with any private landowner, county land of any character, land owned by municipalities of any character, and state forestland owned by the state under the jurisdiction of the department, for real property of equal value for the purpose of consolidating and blocking up the respective landholdings of any county, municipality, the federal government, or the state of Washington or for the purpose of obtaining lands having commercial recreational leasing potential. The board shall also have the authority to exchange state forestland for the purpose of obtaining land with greater natural resource or income-producing potential, when in the best interest of the state or affected trust. State forestland exchanged under this section may not be used to reduce the publicly owned forestland base.

~~(2)((a) During the biennium ending June 30, 2013, for the purposes of maintaining working farm and forest landscapes or acquiring natural resource lands at risk of development, the department, with approval of the board of natural resources, may exchange any state land and any timber thereon for any land and proceeds of equal value, when it can be demonstrated that the trust fiduciary obligations can be better fulfilled after an exchange is completed. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the forest development account to pay for administrative expenses incurred in carrying out an exchange transaction. These administrative expenses include road maintenance and abandonment expenses. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.~~

~~(b) During the biennium ending June 30, 2015, for the purposes of maintaining working farm and forest landscapes or acquiring natural resource lands at risk of development, the department, with approval of the board of natural resources, may exchange any state land and any timber thereon for any land and proceeds of equal value, when it can be demonstrated that the trust fiduciary obligations can be better fulfilled after an exchange is completed. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the forest development account to pay for administrative expenses incurred in carrying out an exchange transaction. These administrative expenses include road maintenance and abandonment expenses. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.~~

~~(3)) Prior to executing an exchange under this section, and in addition to the public notice requirements set forth in RCW 79.17.050, the department shall consult with legislative members, other state and federal agencies, local governments, tribes, local stakeholders, conservation groups, and any other interested parties to identify and address cultural resource issues, and the potential of the state lands proposed for exchange to be used for open space, park, school, or critical habitat purposes.~~

**Sec. 5.** RCW 79.17.210 and 2018 c 298 s 7005 are each amended to read as follows:

(1) The legislature finds that the department has a need to maintain the real property asset base it manages and needs an

accounting mechanism to complete transactions without reducing the real property asset base.

(2) The natural resources real property replacement account is created in the state treasury. This account shall consist of funds, including the value of land, timber, other valuable materials, and improvements owned by the state, transferred or paid for the disposal or transfer of real property by the department under RCW 79.17.200 and the transfer of state lands or state forestlands into community forest trust lands under RCW 79.155.040. The funds in this account shall be used solely for the acquisition of replacement real property and may be spent only when, and as, authorized by legislative appropriation. ~~((During the 2013-2015 fiscal biennium, funds in the account may also be appropriated for the land purchase in section 3245, chapter 19, Laws of 2013 2nd sp. sess. under the provisions of section 3245, chapter 19, Laws of 2013 2nd sp. sess. and chapter 11, Laws of 2013 2nd sp. sess. During the 2017-2019 fiscal biennium, moneys in the account may also be appropriated for developing and constructing the pipeline in section 3061, chapter 298, Laws of 2018 under the provisions of section 7004, chapter 298, Laws of 2018.))~~

**Sec. 6.** RCW 79.22.060 and 2012 c 166 s 7 are each amended to read as follows:

(1) With the approval of the board, the department may directly transfer or dispose of state forestlands without public auction, if the ~~((lands))~~ transfers are:

~~(a) ((Consist of ten contiguous acres or less;~~

~~(b) Have a value of twenty five thousand dollars or less; or~~

~~(c) Are located in a county with a population of twenty five thousand or less and are encumbered with timber harvest deferrals, associated with wildlife species listed under the federal endangered species act, greater than thirty years in length.~~

~~(2) Disposal under this section may only occur in the following circumstances:~~

~~(a) Transfers in lieu of condemnation;~~

~~(b) Transfers to resolve trespass and property ownership disputes; or~~

~~(c) In counties with a population of twenty five thousand or less, transfers to public agencies.~~

~~(3)) In lieu of condemnation or to resolve trespass and property ownership disputes and the lands consist of 10 contiguous acres or less or have a value of \$25,000 or less; or~~

~~(b) To public agencies as defined in RCW 79.17.200.~~

~~(2) Real property to be transferred or disposed of under this section shall be transferred or disposed of only after appraisal and for at least fair market value, and only if the transaction is in the best interest of the state or affected trust. Valuable materials attached to lands ~~((transferred to public agencies under subsection (2)(e) of this section))~~ to be transferred under subsection (1)(b) of this section must be appraised at the fair market value without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act, if any.~~

~~((4)) (3)(a) Except as provided in ~~((b) of)~~ this subsection, the proceeds from real property transferred or disposed of under this section shall be deposited into the parkland trust revolving fund and be solely used to buy replacement ~~((land within the same county as the property transferred or disposed))~~ forestland for the benefit of the county from which the property was transferred or disposed and pay for the department's administrative expenses to complete the transfer, including the cost of department staff time, appraisals, surveys, environmental reviews, and other similar costs of the transfer. The legislative authority of the county from which the real property was transferred or disposed under subsection (1)(b) of this section may request in writing that the department distribute a percentage of the proceeds associated~~

with valuable materials. Upon such a request, and subject to prior approval by the board, the department shall distribute the requested percentage of proceeds associated with valuable materials as provided in RCW 79.64.110.

(b) The proceeds from real property transferred or disposed of under ~~((subsections (1)(e) and (2)(e) of))~~ this section for the purpose of participating in the state forestland pool created under RCW 79.22.140 must be deposited into the parkland trust revolving fund and used to buy replacement forestland for the benefit of that county, as provided in RCW 79.64.110 and located within any county participating in the land pool or under a county agreement as provided in RCW 79.22.140.

(c) Except as otherwise provided in this subsection, in counties with a population of ~~((twenty five thousand))~~ 25,000 or less, the portion of the proceeds associated with valuable materials on state forestland transferred under ~~((subsections (1)(e) and (2)(e) of))~~ this section must be distributed as provided in RCW 79.64.110. If requested in writing by the legislative authority of a county participating in the state forestland pool created under RCW 79.22.140, the portion of the proceeds associated with valuable materials on state forestland transferred under ~~((subsections (1)(e) and (2)(e) of))~~ this section must be deposited in the parkland trust revolving fund and used to buy replacement forestland for the benefit of that county, as provided in RCW 79.64.110, and located within any county participating in the land pool or under a county agreement as provided in RCW 79.22.140.

**Sec. 7.** RCW 43.30.385 and 2014 c 32 s 2 are each amended to read as follows:

(1) The parkland trust revolving fund is to be utilized by the department for the purpose of acquiring real property, including all reasonable costs associated with these acquisitions, as a replacement for the property transferred to the state parks and recreation commission, as directed by the legislature in order to maintain the land base of the affected trusts or under RCW 79.22.060 and to receive voluntary contributions for the purpose of operating and maintaining public use and recreation facilities, including trails, managed by the department.

(2)(a) Proceeds from transfers of real property to the state parks and recreation commission or other proceeds identified from transfers of real property as directed by the legislature shall be deposited in the parkland trust revolving fund.

(b) ~~((Except as otherwise provided in this subsection, the))~~ Subject to RCW 79.22.060(3), proceeds from real property transferred or disposed under RCW 79.22.060 must be used solely to purchase replacement forestland, that must be actively managed as a working forest, ~~((within the same county as the property))~~ for the benefit of the county from which the property was transferred or disposed. ~~((If the real property was transferred under RCW 79.22.060 (1)(e) and (2)(e) from within a county participating in the state forestland pool created under RCW 79.22.140, replacement forestland may be located within any county participating in the land pool.))~~

(c) Disbursement from the parkland trust revolving fund to acquire replacement property and for operating and maintaining public use and recreation facilities shall be on the authorization of the department.

(d) The proceeds from the recreation access pass account created in RCW 79A.80.090 must be solely used for the purpose of operating and maintaining public use and recreation facilities, including trails, managed by the department.

(3) In order to maintain an effective expenditure and revenue control, the parkland trust revolving fund is subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

(4) The department is authorized to solicit and receive voluntary contributions for the purpose of operating and

maintaining public use and recreation facilities, including trails, managed by the department. The department may seek voluntary contributions from individuals and organizations for this purpose. Voluntary contributions will be deposited into the parkland trust revolving fund and used solely for the purpose of public use and recreation facilities operations and maintenance. Voluntary contributions are not considered a fee for use of these facilities.

**Sec. 8.** RCW 79.64.110 and 2021 c 334 s 995 and 2021 c 145 s 3 are each reenacted and amended to read as follows:

(1) Any moneys derived from the lease of state forestlands or from the sale of valuable materials, oils, gases, coal, minerals, or fossils from those lands, except as provided in RCW 79.64.130, or the appraised value of these resources when transferred to a public agency under RCW 79.22.060, ~~((except as provided in RCW 79.22.060(4).))~~ must be distributed as follows:

(a) For state forestlands acquired through RCW 79.22.040 or by exchange or as replacement for lands acquired through RCW 79.22.040:

(i) The expense incurred by the state for administration, reforestation, and protection, not to exceed ~~((twenty five))~~ 25 percent, which rate of percentage shall be determined by the board, must be returned to the forest development account created in RCW 79.64.100. During the 2017-2019, 2019-2021, and 2021-2023 fiscal biennia, the board may increase the ~~((twenty five))~~ 25 percent limitation up to ~~((twenty seven))~~ 27 percent.

(ii) Any balance remaining must be paid to the county in which the land is located or, ~~((for))~~ if the land acquired under RCW 79.22.040 was exchanged, transferred, or disposed, payment must be made to the county from which the land was exchanged, transferred, or disposed. For counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board. Payments made under this subsection are to be paid, distributed, and prorated ~~((except as otherwise provided in this section.))~~ to the various funds in the same manner as general taxes are paid and distributed during the year of payment. However, ~~((in order to test county flexibility in distributing state forestland revenue.))~~ a county may in its discretion pay, distribute, and prorate payments made under this subsection of moneys derived from state forestlands acquired by exchange ~~((between July 28, 2019, and June 30, 2020))~~ or as replacement lands, for lands acquired through RCW 79.22.040, ~~((within the same county.))~~ in the same manner as general taxes are paid and distributed during the year of payment for the former state forestlands that were subject to the exchange.

(iii) Any balance remaining, paid to a county with a population of less than ~~((sixteen thousand))~~ 16,000, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(iv) With regard to moneys remaining under this subsection (1)(a), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ~~((ten))~~ 10 days between each payment date.

(b) For state forestlands acquired through RCW 79.22.010 or by exchange or as replacement lands for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(i) Fifty percent shall be placed in the forest development account.

(ii) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board, and according

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to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 (1) and (2) and the levy rate for any school district enrichment levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ~~((ten))~~ 10 days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

(2) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

**Sec. 9.** RCW 79.19.020 and 2003 c 334 s 526 are each amended to read as follows:

The department, with the approval of the board, may purchase property at fair market value to be held in a land bank, which is hereby created within the department. Property so purchased shall be property which would be desirable for addition to the public lands of the state because of the potential for natural resource or income production of the property. ~~((The total acreage held in the land bank shall not exceed one thousand five hundred acres.))~~

**Sec. 10.** RCW 79.19.030 and 2004 c 199 s 215 are each amended to read as follows:

The department, with the approval of the board, may:

(1) Exchange property held in the land bank for any other lands of equal value administered by the department, including ~~((any))~~ state lands ~~((held in trust))~~ and state forestlands;

(2) Exchange property held in the land bank for property of equal or greater value which is owned publicly or privately, and which has greater potential for natural resource or income production or which could be more efficiently managed by the department, however, no power of eminent domain is hereby granted to the department; ~~((and))~~

(3) ~~((Sell property held in the land bank in the manner provided by law for the sale of state lands))~~ Except as provided in subsection (4) of this section, sell property that has been exchanged into and is held in the land bank as provided under RCW 79.11.340 without any requirement of platting and ~~((to))~~ use the proceeds to acquire property for the land bank which has greater potential for natural resource or income production or which would be more efficiently managed by the department; and

(4) If a department lessee owns and resides in a house located on land that has been exchanged into and is held in the land bank, sell the land directly to the lessee for the appraised fair market value of the land and use the proceeds of the sale as provided in subsection (3) of this section. If the lessee does not purchase the land for the appraised fair market value, the department shall sell the land as provided under subsection (3) of this section.

**Sec. 11.** RCW 79.11.340 and 2003 c 334 s 399 are each amended to read as follows:

(1) Except as provided in RCW 79.10.030(2), the department shall manage and control all lands acquired by the state by escheat, deed of sale, gift, devise, or under RCW 79.19.010 through 79.19.110, except such lands that are conveyed or devised to the state for a particular purpose.

(2) ~~((When))~~ Except as provided in RCW 79.19.030(4), when the department determines to sell the lands, they ~~((shall))~~ may initially be offered for sale either at public auction or direct ~~((sale))~~ transfer to public agencies as provided in this chapter.

(3) ~~((If the lands are not sold at public auction, the))~~ The department may, with approval of the board, market the lands

through persons licensed under chapter 18.85 RCW or through other commercially feasible means at a price not lower than the land's appraised value.

(4) Necessary marketing costs may be paid from the sale proceeds. For the purpose of this subsection, necessary marketing costs include reasonable costs associated with advertising the property and paying commissions.

(5) Proceeds of the sale shall be deposited into the appropriate fund in the state treasury unless the grantor in any deed or the testator in case of a devise specifies that the proceeds of the sale be devoted to a particular purpose.

**Sec. 12.** RCW 79.22.140 and 2012 c 166 s 3 are each amended to read as follows:

(1) The board may create a state forestland pool, to be managed in accordance with this section, if the board determines that creation of a land pool is in the best interest of the state or affected trust, based on an analysis prepared by the department under RCW 79.22.150. ~~((The land pool may not contain more than ten thousand acres of state forestland at any one time.))~~

(2) A county is eligible to participate in a land pool if the board determines it ~~((=~~

~~((a))~~ ~~Has a population of twenty five thousand or less; and~~

~~((b))~~ ~~Has~~ has existing state forestlands encumbered with timber harvest deferrals, associated with wildlife species listed under the federal endangered species act, more than ~~((thirty))~~ 30 years in length.

(3) All lands in the land pool are state forestlands and must be managed in the same manner and with the same responsibilities as other state forestlands. Proceeds from the state forestland pool must, except as provided in RCW 79.64.110, be distributed under RCW 79.22.010 and 79.22.040.

(4)(a) A county may participate in the land pool only if it is eligible, as determined under subsection (2) of this section, and the board receives a written request to do so by the legislative authority of that county.

(b) The board shall end any further participation of a county in the land pool if it receives a written request to do so by the legislative authority of that county. If the board receives such a request, that county's interest in the land pool as a beneficiary remains, but no new contributions of asset value may be made to the land pool on behalf of the county and no new lands may be purchased in that county for the land pool.

(5)(a) If a land pool is created by the board, the department and the participating counties must develop a funding strategy for acquiring land to include in the land pool.

(b) The department and participating counties may pursue funding for the transfer of state forestland encumbered by long-term wildlife-related harvest deferrals within the participating counties into status as a natural area preserve under chapter 79.70 RCW or a natural resources conservation area under chapter 79.71 RCW, and use the value of the transferred land to acquire working forestlands to include in the land pool.

(c) The department and participating counties may pursue other land acquisition funding strategies.

(6) The department may acquire replacement state forestland located outside of counties participating in a state forestland pool when the department has transferred some or all of the encumbered state forestlands of the counties to natural area status under chapter 79.70 or 79.71 RCW.

(a) Counties participating in a state forestland pool that desire to have the department acquire replacement lands in a designated county not included in the state forestland pool shall provide the department an agreement entered with the designated county that meets the following requirements:

(i) The designated county shall not object to forest practices

undertaken on the replacement state forestland in conformity with all applicable laws and rules:

(ii) The counties participating in the state forestland pool acknowledge that they shall pass through the payment in lieu of taxes to which they are entitled, under RCW 79.70.130 or 79.71.130, to the designated county in which replacement lands are purchased, on an acre for acre basis;

(iii) If the designated county desires to terminate the agreement, the designated county shall be required to pay the department the fair market value of the replacement forestlands, including the value of valuable materials attached to the lands, at the time of termination based on an appraisal accepted by the department and approved by the board; and

(iv) The board of county commissioners for the designated county and each county participating in the state forestland pool approves the agreement in the manner provided by RCW 42.30.060.

(b) When the department receives an agreement meeting the requirements of (a) of this subsection, the department shall make reasonable efforts to acquire working forestlands within the designated county to include in the state forestland pool.

(c) The counties participating in the state forestland pool shall pass through the payment in lieu of taxes to which they are entitled under RCW 79.70.130 or 79.71.130, based on the encumbered state forestlands within their counties transferred to natural area status, to the designated county in which the replacement state forestlands are located, on an acre for acre basis.

(d) Whenever the board of county commissioners of the county in which the replacement state forestlands are located determines to terminate the agreement described in (a) of this subsection, the board of county commissioners shall notify the department and the counties participating in the state forestland pool. The department shall transfer the replacement state forestlands to the county upon receipt of the fair market value of the lands, including the value of valuable materials attached to the lands, as determined by appraisal and approved by the board. The proceeds shall be placed in the parkland trust revolving fund and be solely used by the department to buy replacement land within the counties participating in the subject state forestland pool or another county with which the participating counties have entered an agreement under (a) of this subsection.

(e) The authority provided by this subsection to acquire replacement state forestlands located outside of the counties participating in a state forestland pool does not preclude the department from acquiring replacement lands within the counties participating in the state forestland pool as necessary to fully replace the encumbered state forestlands transferred under RCW 79.22.060(1)(b).

**Sec. 13.** RCW 79.19.050 and 2003 c 334 s 529 are each amended to read as follows:

~~((The legislature may authorize appropriation of funds from the forest development account or the resource management cost account for the purposes of this chapter.))~~ Income from the sale ~~((or management))~~ of property in the land bank shall be ~~((returned as a recovered expense to the forest development account or the resource management cost account))~~ deposited in the land bank account created in section 14 of this act and may be used to acquire property under RCW 79.19.020.

**NEW SECTION. Sec. 14.** A new section is added to chapter 79.19 RCW to read as follows:

The land bank account is created in the state treasury. To this account shall be deposited such funds as the legislature directs or appropriates. Expenditures from this account may be used only to acquire property under RCW 79.19.020. Expenditures from this account may be made only after appropriation.

**NEW SECTION. Sec. 15.** Sections 2 and 3 of this act are each added to chapter 79.17 RCW and codified with the subchapter heading "part 4, trust land transfer program.""

On page 1, line 2 of the title, after "management;" strike the remainder of the title and insert "amending RCW 79.17.020, 79.17.210, 79.22.060, 43.30.385, 79.19.020, 79.19.030, 79.11.340, 79.22.140, and 79.19.050; reenacting and amending RCW 79.64.110; adding a new section to chapter 79.19 RCW; adding new sections to chapter 79.17 RCW; and creating a new section."

#### MOTION

Senator Kauffman moved that the following floor amendment no. 0352 by Senator Kauffman be adopted:

On page 1, line 14, after "or" insert "federally recognized Indian"

On page 3, line 8, after "towns," insert "federally recognized Indian"

On page 3, line 27, after "affected" insert "federally recognized Indian"

On page 3, line 34, after "agencies," insert "federally recognized Indian"

On page 5, line 22, after "governments," insert "federally recognized Indian"

Senators Kauffman, Salomon and Muzzall spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0352 by Senator Kauffman on page 1, line 14 to the committee striking amendment.

The motion by Senator Kauffman carried and floor amendment no. 0352 was adopted by voice vote.

#### MOTION

Senator Rolfes moved that the following floor amendment no. 0350 by Senator Rolfes be adopted:

On page 2, line 10, after "legal," strike "or access" and insert "access, or other"

Senators Rolfes, Muzzall and Salomon spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0350 by Senator Rolfes on page 2, line 10 to the committee striking amendment.

The motion by Senator Rolfes carried and floor amendment no. 0350 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Substitute House Bill No. 1460.

The motion by Senator Rolfes carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

On motion of Senator Salomon, the rules were suspended, Substitute House Bill No. 1460 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Salomon, Short, Muzzall and Rolfes spoke in favor of passage of the bill.

Senator Wagoner spoke against passage of the bill.



The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1460 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1460 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Cleveland, Conway, Dhingra, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Warnick, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Boehnke, Dozier, Fortunato, MacEwen, McCune, Schoesler, Wagoner and Wilson, J.

Excused: Senator Nobles

SUBSTITUTE HOUSE BILL NO. 1460, as amended by the Senate, 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

SECOND SUBSTITUTE HOUSE BILL NO. 1032, by House Committee on Appropriations (originally sponsored by Dent, Chapman, Ryu, Reed, Graham, Ramel, Pollet, Griffey, Reeves, Tharinger, Wylie, Springer, Kloba and Donaghy)

Mitigating the risk of wildfires through electric utility planning and identification of best management practices appropriate to each electric utility's circumstances.

The measure was read the second time.

#### MOTION

On motion of Senator MacEwen, the rules were suspended, Second Substitute House Bill No. 1032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators MacEwen and Nguyen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1032.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1032 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Nobles

SECOND SUBSTITUTE HOUSE BILL NO. 1032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216, by House Committee on Appropriations (originally sponsored by Fitzgibbon, Doglio, Berry, Reed, Simmons, Macri, Fosse and Pollet)

Concerning clean energy siting.

The measure was read the second time.

#### MOTION

Senator Nguyen moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. STATEMENT OF LEGISLATIVE INTENT.** (1) The legislature finds that efficient and effective siting and permitting of new clean energy projects throughout Washington is necessary to: Fight climate change and achieve the state's greenhouse gas emission limits; improve air quality; grow family-wage clean energy jobs and innovative clean energy businesses that provide economic benefits across the state; and make available secure domestic sources of the clean energy products needed to transition off fossil fuels.

(2) The legislature intends to: Enable more efficient and effective siting and permitting of clean energy projects with policies and investments that protect the environment, overburdened communities, and tribal rights, interests, and resources, including cultural resources; bring benefits to the communities that host clean energy projects; and facilitate the rapid transition to clean energy that is required to avoid the worst impacts of climate change on Washington's people and places. There is no single solution for improved siting and permitting processes. Rather, a variety of efforts and investments will help bring together state, local, tribal, and federal governments, communities, workers, clean energy project developers, and others to succeed in this essential task. The legislature intends to make biennial appropriations to support tribal review of clean energy project proposals, permit applications, and environmental reviews, as well as tribal participation in up-front planning for clean energy projects, such as nonproject environmental impact statements for clean energy projects as described in this act.

(3) Efficient and effective siting and permitting will benefit from early and meaningful community and tribal engagement, and from up-front planning including identification of areas of higher and lower levels of impact, and nonproject environmental review that identifies measures to avoid, minimize, and mitigate project impacts.

(4) Incorporating the principles and strategies identified in subsections (1), (2), and (3) of this section, the legislature intends to invest in, facilitate, and require better coordinated, faster environmental review and permitting decisions by state and local governments.

(5) Therefore, it is the intent of the legislature to support efficient, effective siting and permitting of clean energy projects through a variety of interventions, including:

(a) Establishing an interagency clean energy siting

coordinating council to improve siting and permitting of clean energy projects;

(b) Creating a designation for clean energy projects of statewide significance;

(c) Creating a fully coordinated permit process for clean energy projects;

(d) Improving processes for review of clean energy projects under the state environmental policy act;

(e) Requiring preparation of separate nonproject environmental impact statements for green electrolytic and renewable hydrogen projects and colocated battery energy storage facilities, onshore utility-scale wind energy projects and colocated battery energy storage facilities, and for solar energy projects and colocated battery energy storage facilities, with the goal of preparing these nonproject reviews by June 30, 2025; and

(f) Requiring the Washington State University energy program to complete by June 30, 2025, a siting information process for pumped storage projects in Washington.

#### PART 1

### INTERAGENCY CLEAN ENERGY SITING COORDINATING COUNCIL

NEW SECTION. **Sec. 101.** INTERAGENCY CLEAN ENERGY SITING COORDINATING COUNCIL. (1) The interagency clean energy siting coordinating council is created. The coordinating council is cochaired by the department of commerce and the department of ecology with participation from the following:

- (a) The office of the governor;
- (b) The energy facility site evaluation council;
- (c) The department of fish and wildlife;
- (d) The department of agriculture;
- (e) The governor's office of Indian affairs;
- (f) The department of archaeology and historic preservation;
- (g) The department of natural resources;
- (h) The department of transportation;
- (i) The utilities and transportation commission;
- (j) The governor's office for regulatory innovation and assistance;

(k) Staff from the environmental justice council; and

(l) Other state and federal agencies invited by the department of commerce and the department of ecology with key roles in siting clean energy to participate on an ongoing or ad hoc basis.

(2) The department of commerce and department of ecology shall assign staff in each agency to lead the coordinating council's work and provide ongoing updates to the governor and appropriate committees of the legislature, including those with jurisdiction over the environment, energy, or economic development policy.

(3) For purposes of this section and section 102 of this act, "coordinating council" means the interagency clean energy siting coordinating council created in this section.

NEW SECTION. **Sec. 102.** INTERAGENCY CLEAN ENERGY SITING COORDINATING COUNCIL DUTIES. (1) The responsibilities of the coordinating council include, but are not limited to:

(a) Identifying actions to improve siting and permitting of clean energy projects as defined in section 201 of this act, including through review of the recommendations of the department of ecology and department of commerce's *2022 Low Carbon Energy Facility Siting Improvement Report*, creating implementation plans and timelines, and making recommendations for needed funding or policy changes;

(b) Tracking federal government efforts to improve clean energy project siting and permitting, including potential federal funding sources, and identifying state agency actions to improve coordination across state, local, and federal processes or to pursue

supportive funding;

(c) Conducting outreach to parties with interests in clean energy siting and permitting for ongoing input on how to improve state agency processes and actions;

(d) Establishing work groups as needed to focus on specific energy types such as solar, wind, battery storage, or emerging technologies, or specific geographies for clean energy project siting;

(e) The creation of advisory committees deemed necessary to inform the development of items identified in (a) through (d) of this subsection;

(f) Supporting the governor's office of Indian affairs in creating and updating annually, or when requested by a federally recognized Indian tribe, a list of contacts at federally recognized Indian tribes, applicable tribal laws on consultation from federally recognized Indian tribes, and tribal preferences regarding outreach about clean energy project siting and permitting, such as outreach by developers directly, by state government in the government-to-government relationship, or both;

(g) Supporting the department of archaeology and historic preservation, the governor's office of Indian affairs, the department of commerce, and the energy facility site evaluation council in developing and providing to clean energy project developers a training on consultation and engagement processes for federally recognized Indian tribes. The governor's office of Indian affairs must collaborate with federally recognized Indian tribes in the development of the training;

(h) Supporting the department of archaeology and historic preservation in updating the statewide predictive archaeological model to provide clean energy project developers information about where archaeological resources are likely to be found and the potential need for archaeological investigations; and

(i) Supporting and promptly providing information to the department of ecology in support of the nonproject reviews required under section 303 of this act.

(2) The coordinating council shall provide an annual report beginning October 1, 2024, to the governor and the appropriate committees of the legislature summarizing: Progress on efficient, effective, and responsible siting and permitting of clean energy projects; areas of additional work, including where clean energy project siting and permitting outcomes are not broadly recognized as efficient, effective, or responsible; resource needs; recommendations for future nonproject environmental impact statements for categories of clean energy projects; and any needed policy changes to help achieve the deployment of clean energy necessary to meet the state's statutory greenhouse gas emissions limits, chapter 70A.45 RCW, and the clean energy transformation act requirements, chapter 19.405 RCW, and to support achieving the state energy strategy adopted by the department of commerce.

(3) The coordinating council shall:

(a) Advise the department of commerce in:

(i) Contracting with an external, independent third party to:

(A) Carry out an evaluation of state agency siting and permitting processes for clean energy projects and related federal and state regulatory requirements, including the energy facility site evaluation council permitting process authorized in chapter 80.50 RCW;

(B) Identify successful models used in other states for the siting and permitting of projects similar to clean energy projects, including local and state government programs to prepare build ready clean energy sites; and

(C) Develop recommendations for improving these processes, including potential policy changes and funding, with the goal of more efficient, effective siting of clean energy projects; and

(ii) Reporting on the evaluation and recommendations in (a)(i) of this subsection to the governor and the legislature by July 1,

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(b) Pursue development of a consolidated clean energy application similar to the joint aquatic resources permit application for, at a minimum, state permits needed for clean energy projects. The department of ecology shall lead this effort and engage with federal agencies and local governments to explore inclusion of federal and local permit applications as part of the consolidated application. The department may design a single consolidated application for multiple clean energy project types, may design separate applications for individual clean energy technologies, or may design an application for related resources. The department of ecology shall provide an update on its development of consolidated permit applications for clean energy projects to the governor and legislature by December 31, 2024. The consolidated permit application process must be available, but not required, for clean energy projects;

(c) Explore development of a consolidated permit for clean energy projects. The department of ecology shall lead this effort and, in consultation with federally recognized Indian tribes, explore options including a clean energy project permit that consolidates department of ecology permits only, or that consolidates permits from multiple state and local agencies. The permit structure must identify criteria or conditions that must be met for projects to use the consolidated permit. The department of ecology may analyze criteria or conditions as part of a nonproject review under chapter 43.21C RCW. The department of ecology shall update the legislature on its evaluation of consolidated permit options and make recommendations by October 1, 2024;

(d) Determine priorities for categories of clean energy projects to be the focus of new nonproject environmental impact statements under chapter 43.21C RCW for the legislature to fund subsequent to the nonproject environmental impact statements specified in section 302 of this act; and

(e) Consider and provide recommendations to the legislature on additional benefits that could be provided to projects designated as clean energy projects of statewide significance under section 203 of this act.

## PART 2

### CLEAN ENERGY PROJECTS OF STATEWIDE SIGNIFICANCE AND CLEAN ENERGY COORDINATED PERMITTING PROCESS

NEW SECTION. **Sec. 201.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alternative energy resource" has the same meaning as defined in RCW 80.50.020.

(2) "Alternative jet fuel" means a fuel that can be blended and used with conventional petroleum jet fuels without the need to modify aircraft engines and existing fuel distribution infrastructure and that meets the greenhouse gas emissions reduction requirements that apply to biomass-derived fuels as defined in RCW 70A.65.010. "Alternative jet fuel" includes jet fuels derived from coprocessed feedstocks at a conventional petroleum refinery.

(3) "Applicant" means a person applying to the department of commerce for designation of a development project as a clean energy project of statewide significance under this chapter.

(4)(a) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting a clean energy project with the existing energy supply, processing, or distribution system including, but not limited to, battery energy storage communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary storage and transmission equipment, off-line storage or venting required

for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages of at least 115,000 volts to connect a clean energy project to the northwest power grid.

(b) Common carrier railroads or motor vehicles are not associated facilities.

(5) "Clean energy product manufacturing facility" means a facility or a project at any facility that exclusively or primarily manufactures the following products or components primarily used by such products:

(a) Vehicles, vessels, and other modes of transportation that emit no exhaust gas from the onboard source of power, other than water vapor;

(b) Charging and fueling infrastructure for electric, hydrogen, or other types of vehicles that emit no exhaust gas from the onboard source of power, other than water vapor;

(c) Renewable or green electrolytic hydrogen, including preparing renewable or green electrolytic hydrogen for distribution as an energy carrier or manufacturing feedstock, or converting it to a green hydrogen carrier;

(d) Equipment and products used to produce energy from alternative energy resources;

(e) Equipment and products used to produce nonemitting electric generation as defined in RCW 19.405.020;

(f) Equipment and products used at storage facilities;

(g) Equipment and products used to improve energy efficiency;

(h) Semiconductors or semiconductor materials as defined in RCW 82.04.2404; and

(i) Projects or facility upgrades undertaken by emissions-intensive, trade-exposed industries as classified in RCW 70A.65.110 for which the facility can demonstrate expected reductions in overall facility greenhouse gas emissions faster than the rate of decline of free allowances allocated to emissions-intensive, trade-exposed industries under chapter 70A.65 RCW and assist in meeting compliance obligations under chapter 70A.65 RCW.

(6) "Clean energy project" means the following facilities together with their associated facilities:

(a) Clean energy product manufacturing facilities;

(b) Electrical transmission facilities;

(c) Facilities to produce nonemitting electric generation or electric generation from renewable resources, as defined in RCW 19.405.020, except for:

(i) Hydroelectric generation that includes new diversions, new impoundments, new bypass reaches, or the expansion of existing reservoirs constructed after May 7, 2019, unless the diversions, bypass reaches, or reservoir expansions are necessary for the operation of a pumped storage facility that: (A) Does not conflict with existing state or federal fish recovery plans; and (B) complies with all local, state, and federal laws and regulations; and

(ii) Hydroelectric generation associated with facilities or persons that have been the subject of an enforcement action, penalty order, or settled any enforcement action or penalty order with any agreement to pay a penalty or pay for or conduct mitigation under chapter 90.48 or 77.55 RCW during the preceding 15 years that resulted in the payment of a penalty of at least \$100,000 or conducting mitigation with a value of at least \$100,000;

(d) Storage facilities;

(e) Facilities or projects at any facilities that exclusively or primarily process biogenic feedstocks into biofuel as defined in RCW 80.50.020;

(f) Biomass energy facilities as defined in RCW 19.405.020; or  
 (g) Facilities or projects at any facilities that exclusively or primarily process alternative jet fuel.

(7) "Electrical transmission facilities" has the same meaning as defined in RCW 80.50.020, except excluding electrical transmission facilities that primarily or solely serve facilities that generate electricity from fossil fuels.

(8) "Fully coordinated permit process" means a comprehensive coordinated permitting assistance approach supported by a written agreement between the project proponent, the department of ecology, and the participating agencies.

(9) "Fully coordinated project" means a clean energy project subject to the fully coordinated permit process.

(10) "Green electrolytic hydrogen" has the same meaning as defined in RCW 80.50.020.

(11) "Green hydrogen carrier" has the same meaning as defined in RCW 80.50.020.

(12) "Overburdened community" has the same meaning as defined in RCW 70A.02.010.

(13) "Permit" means any permit, license, certificate, use authorization, or other form of governmental review or approval required in order to construct, expand, or operate a project in the state of Washington.

(14) "Permit agency" means any state or local agency authorized by law to issue permits.

(15) "Project proponent" means a person, business, or any entity applying for or seeking a permit or permits in the state of Washington.

(16) "Reasonable costs" means direct and indirect expenses incurred by the department of ecology, participating agencies, or local governments in carrying out the coordinated permit process established in this chapter, including the initial assessment, environmental review, and permitting. "Reasonable costs" includes work done by agency or local government staff or consultants hired by agencies or local governments to carry out the work plan. "Reasonable costs" may also include other costs agreed to between the applicant and the department of ecology, participating agencies, or local governments.

(17) "Renewable hydrogen" has the same meaning as defined in RCW 80.50.020.

(18) "Renewable natural gas" has the same meaning as defined in RCW 80.50.020.

(19) "Renewable resource" has the same meaning as defined in RCW 80.50.020.

(20) "Storage facility" has the same meaning as defined in RCW 80.50.020.

**NEW SECTION. Sec. 202. CLEAN ENERGY PROJECTS OF STATEWIDE SIGNIFICANCE—APPLICATION PROCESS.** (1) The department of commerce shall develop an application for the designation of clean energy projects as clean energy projects of statewide significance.

(2) An application to the department of commerce by an applicant under this section must include:

- (a) Information regarding the location of the project;
- (b) Information sufficient to demonstrate that the project qualifies as a clean energy project;
- (c) An explanation of how the project is expected to contribute to the state's achievement of the greenhouse gas emission limits in chapter 70A.45 RCW and is consistent with the state energy strategy adopted by the department of commerce, as well as any contribution that the project is expected to make to other state regulatory requirements for clean energy and greenhouse gas emissions, including the requirements of chapter 19.405, 70A.30, 70A.60, 70A.65, 70A.535, or 70A.540 RCW;
- (d) An explanation of how the project is expected to contribute to the state's economic development goals, including information

regarding the applicant's average employment in the state for the prior year, estimated new employment related to the project, estimated wages of employees related to the project, and estimated time schedules for completion and operation;

(e) A plan for engagement and information sharing with potentially affected federally recognized Indian tribes;

(f) A description of potential community benefits and impacts from the project, a plan for community engagement in the project development, and an explanation of how the applicant might use a community benefit agreement or other legal document that stipulates the benefits that the developer agrees to fund or furnish, in exchange for community support of a project; and

(g) Other information required by the department of commerce.  
**NEW SECTION. Sec. 203. CLEAN ENERGY PROJECTS OF STATEWIDE SIGNIFICANCE—DEPARTMENT OF COMMERCE DECISION.** (1)(a) The department of commerce, in consultation with natural resources agencies and other state agencies identified as likely to have a role in siting or permitting a project, must review applications received under section 202 of this act. Within 14 business days of receiving the application, the department of commerce must mail or provide in person a written determination that the application is complete, or if the application is incomplete, an opportunity to meet with the department of commerce to determine what is necessary to make the application complete. Within seven business days after an applicant has submitted additional information identified by the department of commerce as being necessary for a complete application, the department of commerce must notify the applicant whether the application is complete or what additional information is necessary.

(b) When the application is complete, the director of the department of commerce must determine within 60 business days whether to designate an applicant's project as a clean energy project of statewide significance.

(c) A determination of completeness does not preclude the department of commerce from requesting additional information if new information is required or substantial changes in the proposed project occur.

(2) The department of commerce may designate a clean energy project of statewide significance taking into consideration:

- (a) Whether the project qualifies as a clean energy project;
- (b) Whether the project will: Contribute to achieving state emission reduction limits under chapter 70A.45 RCW; be consistent with the state energy strategy adopted by the department of commerce; contribute to achieving other state requirements for clean energy and greenhouse gas emissions reductions; and support the state's economic development goals;
- (c) Whether the level of applicant need for coordinated state assistance, including for siting and permitting and the complexity of the project, warrants the designation of a project;
- (d) Whether the project is proposed for an area or for a clean energy technology that has been reviewed through a nonproject environmental review process, or least-conflict siting process including, but not limited to, the processes identified in sections 303 and 306 of this act, and whether the project is consistent with the recommendations of such processes;
- (e) Whether the project is anticipated to have potential near-term or long-term significant positive or adverse impacts on environmental and public health, including impacts to:
  - (i) State or federal endangered species act listed species in Washington;
  - (ii) Overburdened communities; and
  - (iii) Rights, interests, and resources, including tribal cultural resources, of potentially affected federally recognized Indian tribes; and
- (f) Input received from potentially affected federally

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recognized Indian tribes, which the department must solicit and acknowledge the receipt of.

(3) In determining whether to approve an application, the department of commerce must consider information contained in an application under section 202 of this act demonstrating an applicant's tribal outreach and engagement, engagement with the department of archaeology and historic preservation, and engagement with the governor's office of Indian affairs.

(4)(a) The department of commerce may designate an unlimited number of projects of statewide significance that meet the criteria of this section.

(b) An applicant whose application to the department of commerce under this chapter is not successful is eligible to reapply.

**NEW SECTION. Sec. 204. CLEAN ENERGY COORDINATED PERMITTING PROCESS—DEPARTMENT OF ECOLOGY DUTIES.** An optional, fully coordinated permit process is established for clean energy projects that do not apply to the energy facility site evaluation council under chapter 80.50 RCW. In support of the coordinated permitting process for clean energy projects, the department of ecology must:

(1) Act as the central point of contact for the project proponent for the coordinated permitting process for projects that do not apply to the energy facility site evaluation council under chapter 80.50 RCW and communicate with the project proponent about defined issues;

(2) Conduct an initial assessment of the proposed project review and permitting actions for coordination purposes as provided in section 205 of this act;

(3) Ensure that the project proponent has been informed of all the information needed to apply for the state and local permits that are included in the coordinated permitting process;

(4) Facilitate communication between project proponents and agency staff to promote timely permit decisions and promote adherence to agreed schedules;

(5) Verify completion among participating agencies of administrative review and permit procedures, such as providing public notice;

(6) Assist in resolving any conflict or inconsistency among permit requirements and conditions;

(7) Consult with potentially affected federally recognized Indian tribes as provided in section 209 of this act in support of the coordinated permitting process;

(8) Engage with potentially affected overburdened communities as provided in section 209 of this act;

(9) Manage a fully coordinated permitting process; and

(10) Coordinate with local jurisdictions to assist with fulfilling the requirements of chapter 36.70B RCW and other local permitting processes.

**NEW SECTION. Sec. 205. CLEAN ENERGY COORDINATED PERMITTING PROCESS INITIAL ASSESSMENT.** (1) Upon the request of a proponent of a clean energy project, the department of ecology must conduct an initial assessment to determine the level of coordination needed, taking into consideration the complexity of the project and the experience of those expected to be involved in the project application and review process.

(2) The initial project assessment must consider the complexity, size, and need for assistance of the project and must address as appropriate:

(a) The expected type of environmental review;

(b) The state and local permits or approvals that are anticipated to be required for the project;

(c) The permit application forms and other application requirements of the participating permit agencies;

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(d) The anticipated information needs and issues of concern of each participating agency; and

(e) The anticipated time required for the environmental review process under chapter 43.21C RCW and permit decisions by each participating agency, including the estimated time required to determine if the permit applications are complete, to conduct the environmental review under chapter 43.21C RCW, and conduct permitting processes for each participating agency. In determining the estimated time required, full consideration must be given to achieving the greatest possible efficiencies through any concurrent studies and any consolidated applications, hearings, and comment periods.

(3) The outcome of the initial assessment must be documented in writing, furnished to the project proponent, and be made available to the public.

(4) The initial assessment must be completed within 60 days of the clean energy project proponent's request to the department under this section, unless information on the project is not complete.

**NEW SECTION. Sec. 206. CLEAN ENERGY COORDINATED PERMITTING PROCESS REQUIREMENTS AND PROCEDURES.** (1) A project proponent may submit a written request to the department of ecology pursuant to section 208 of this act and a local government development agreement to support local government actions pursuant to section 207 of this act for participation in a fully coordinated permitting process. To be eligible to participate in the fully coordinated permit process:

(a) The project proponent must:

(i) Enter into a cost-reimbursement agreement pursuant to section 208 of this act;

(ii) Provide sufficient information on the project and project site to identify probable significant adverse environmental impacts;

(iii) Provide information on any voluntary mitigation measures; and

(iv) Provide information on engagement actions taken by the proponent with federally recognized Indian tribes, local government, and overburdened communities; and

(b) The department of ecology must determine that the project raises complex coordination, permit processing, or substantive permit review issues.

(2) A project proponent who requests designation as a fully coordinated project must provide the department of ecology with a complete description of the project. The department of ecology may request any information from the project proponent that is necessary to make the designation under this section and may convene a meeting of the likely participating permit agencies.

(3) For a fully coordinated permitting process, the department of ecology must serve as the main point of contact for the project proponent and participating agencies with regard to coordinating the permitting process for the project as a whole. Each participating permit agency must designate a single point of contact for coordinating with the department of ecology. The department of ecology must keep a schedule identifying required procedural steps in the permitting process and highlighting substantive issues as appropriate that must be resolved in order for the project to move forward. In carrying out these responsibilities, the department of ecology must:

(a) Conduct the duties for the coordinated permitting process as described in section 205 of this act;

(b)(i) Reach out to tribal or federal jurisdictions responsible for issuing a permit for the project and invite them to participate in the coordinated permitting process or to receive periodic updates of the project;

(ii) Reach out to local jurisdictions responsible for issuing a

permit for the project and inform them of their obligations under section 207 of this act.

(4) Within 30 days, or longer with agreement of the project proponent, of the date that the department of ecology determines a project is eligible for the fully coordinated permitting process, the department of ecology shall convene a work plan meeting with the project proponent, local government, and the participating permit agencies to develop a coordinated permitting process schedule. The work plan meeting agenda may include any of the following:

(a) Review of the permits that are anticipated for the project;

(b) A review of the permit application forms and other application requirements of the agencies that are participating in the coordinated permitting process;

(c) An estimation of the timelines that will be used by each participating permit agency to make permit decisions, including the estimated time periods required to determine if the permit applications are complete and to review or respond to each application or submittal of new information. In the development of this timeline, full attention must be given to achieving the maximum efficiencies possible through concurrent studies and consolidated applications, hearings, and comment periods; or

(d) An estimation of reasonable costs for the department of ecology, participating agencies, and the county, city, or town in which the project is proposed for environmental review and permitting, based on known information about the project.

(5) Each participating agency and the lead agency under chapter 43.21C RCW must send at least one representative qualified to discuss the applicability and timelines associated with all permits administered by that agency or jurisdiction to the work plan meeting. The department of ecology must notify any relevant federal agency or potentially affected federally recognized Indian tribe of the date of the meeting and invite them to participate in the process.

(6) Any accelerated time period for the consideration of a permit application or for the completion of the environmental review process under chapter 43.21C RCW must be consistent with any statute, rule, or regulation, or adopted state policy, standard, or guideline that requires the participation of other agencies, federally recognized Indian tribes, or interested persons in the application process.

(7) Upon the completion of the work plan meeting under subsection (4) of this section, the department of ecology must finalize the coordinated permitting process schedule, share it in writing with the project proponent, participating state agencies, lead agencies under chapter 43.21C RCW, and cities and counties subject to an agreement specified in section 207 of this act, and make the schedule available to the public.

(8) As part of the coordinated permit process, the developer may prepare a community benefit agreement or other similar document to identify how to mitigate potential community impacts or impacts to tribal rights and resources, including cultural resources. The agreement should include benefits in addition to jobs or tax revenues resulting from the project. Approval of any benefit agreement or other legal document stipulating the benefits that the developer agrees to fund or furnish, in exchange for community or tribal government support of the project, must be made by the local government legislative authority of the county, city, or town in which the project is proposed or by the relevant federally recognized Indian tribal government.

(9) If a lead agency under chapter 43.21C RCW, a permit agency, or the project proponent foresees, at any time, that it will be unable to meet the estimated timelines or other obligations under the schedule agreement, it must notify the department of ecology of the reasons for the delay and offer potential solutions

or an amended timeline. The department of ecology must notify the participating agencies and the project proponent and, upon agreement of all parties, adjust the schedule or, if necessary, schedule another work plan meeting.

(10) The project proponent may withdraw from the coordinated permitting process by submitting to the department of ecology a written request that the process be terminated. Upon receipt of the request, the department of ecology must notify each participating agency that a coordinated permitting process is no longer applicable to the project.

(11)(a) Permitting decisions made by state and local jurisdictions under the fully coordinated permitting process in this chapter are considered final, subject to any appeals process available to applicants or other parties. Applicants utilizing the fully coordinated permitting process in this chapter are not eligible for permitting under chapter 80.50 RCW unless a substantial change is made to the proposed project.

(b) Prior to considering an application under chapter 80.50 RCW from a project applicant that has previously used the fully coordinated permitting process under this chapter for the project, the energy facility site evaluation council must determine that the project applicant has made a substantial change to the project, relative to the project as it was proposed under the fully coordinated permitting process.

**NEW SECTION. Sec. 207. CLEAN ENERGY COORDINATED PERMITTING PROCESS—LOCAL JURISDICTION AGREEMENTS.** (1)(a) Counties and cities with clean energy projects that are determined to be eligible for the fully coordinated permit process shall enter into an agreement with the department of ecology or with the project proponents of clean energy projects for expediting the completion of projects.

(b) For the purposes of this section, "expedite" means that a county or city will develop and implement a method to accelerate the process for permitting and environmental review. Expediting should not disrupt or otherwise delay the permitting and environmental review of other projects or require the county or city to incur additional costs that are not compensated.

(2) Agreements required by this section must include requirements that the county or city coordinate with the department of ecology and conduct environmental review and permitting to align with the work plan described in section 206(4) of this act and:

(a) Expedite permit processing for the design and construction of the project;

(b) Expedite environmental review processing;

(c) Expedite processing of requests for street, right-of-way, or easement vacations necessary for the construction of the project;

(d) Develop and follow a plan for consultation with potentially affected federally recognized Indian tribes; and

(e) Carry out such other actions identified by the department of ecology as needed for the fully coordinated permitting process.

**NEW SECTION. Sec. 208. CLEAN ENERGY COORDINATED PERMITTING PROCESS—COST-REIMBURSEMENT AGREEMENTS.** (1) For a fully coordinated permitting process, a project proponent must enter into a cost-reimbursement agreement with the department of ecology in accordance with RCW 43.21A.690. The cost-reimbursement agreement is to recover reasonable costs incurred by the department of ecology and participating agencies in carrying out the coordinated permitting process.

(2) The cost-reimbursement agreement may include deliverables and schedules for invoicing and reimbursement.

(3) For a fully coordinated permitting process, a project proponent must enter into a development agreement with the county, city, or town in which the project is proposed, in accordance with the authorization and requirements in RCW

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36.70B.170 through 36.70B.210. The development agreement must detail the obligations of the local jurisdiction and the project applicant. It must also include, but not be limited to, the process the county, city, or town will implement for meeting its obligation to expedite the application, other clarifications for project phasing, and an estimate of reasonable costs.

(4) For a fully coordinated permitting process, a project proponent may enter directly into a cost-reimbursement agreement similar to that described in subsection (1) of this section, to reimburse the costs of a federally recognized Indian tribe for reviewing and providing input on the siting and permitting of a clean energy project.

(5) If a project proponent foresees, at any time, that it will be unable to meet its obligations under the agreement, it must notify the department of ecology and state the reasons, along with proposals for resolution.

**NEW SECTION. Sec. 209. CLEAN ENERGY COORDINATED PERMITTING PROCESS—TRIBAL CONSULTATION AND OVERBURDENED COMMUNITY ENGAGEMENT.** (1)(a) The department of ecology must offer early, meaningful, and individual consultation with any affected federally recognized Indian tribe on designated clean energy projects participating in the coordinated permitting process for the purpose of understanding potential impacts to tribal rights, interests, and resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which an Indian tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by state law, or by a state agency. The goal of the consultation process is to support the coordinated permitting process by early identification of tribal rights, interests, and resources, including tribal cultural resources, potentially affected by the project, and identifying solutions, when possible, to avoid, minimize, or mitigate any adverse effects on tribal rights, interests, or resources, including tribal cultural resources, based on environmental or permit reviews.

(b) At the earliest possible date after the initiation of the coordinated permitting process under this chapter, the department of ecology shall engage in a preapplication process with all affected federally recognized Indian tribes potentially impacted by the project.

(i) The department of ecology must notify the department of archaeology and historic preservation, the department of fish and wildlife, and all affected federally recognized Indian tribes potentially impacted by the project. The notification must include geographical location, detailed scope of the proposed project, preliminary proposed project details available to federal, state, or local governmental jurisdictions, and all publicly available materials.

(ii) The department of ecology must also offer to discuss the project with the department of archaeology and historic preservation, the department of fish and wildlife, and all affected federally recognized Indian tribes potentially impacted by the project. Any resultant discussions must include the project's impact to tribal rights, interests, and resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which a tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order.

(iii) All affected federally recognized Indian tribes may submit to the department of ecology a summary of tribal issues, questions, concerns, or other statements regarding the project, which must become part of the official files maintained by the

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department of ecology for the coordinated permitting process. The summary does not limit what issues affected federally recognized Indian tribes may raise in the consultation process.

(iv) The notification and offer to initiate discussion must be documented by the department of ecology and delivered to the department of archaeology and historic preservation, the department of fish and wildlife, and to the affected federally recognized Indian tribe or tribes. If the discussions pursuant to (b)(ii) of this subsection do not occur, the department of ecology must document the reason why the discussion or discussions did not occur.

(v) Nothing in this section may be interpreted to require the disclosure of information that is exempt from disclosure pursuant to RCW 42.56.300 or federal law, including section 304 of the national historic preservation act of 1966. Any information that is exempt from disclosure pursuant to RCW 42.56.300 or federal law, including section 304 of the national historic preservation act of 1966, shall not become part of publicly available coordinated permitting process files.

(2) The department of ecology must identify overburdened communities, as defined in RCW 70A.02.010, which may be potentially affected by clean energy projects participating in the coordinated permitting process. The department of ecology must verify these communities have been meaningfully engaged in the regulatory processes in a timely manner by participating agencies and their comments considered for determining potential impacts.

**NEW SECTION. Sec. 210. MISCELLANEOUS.** (1) Nothing in this chapter:

(a) Prohibits an applicant, a project proponent, a state agency, a local government, or a federally recognized Indian tribe from entering into a nondisclosure agreement to protect confidential business information, trade secrets, financial information, or other proprietary information;

(b) Limits or affects other statutory provisions specific to any state agency related to that agency's procedures and protocols related to the identification, designation, or disclosure of information identified as confidential business information, trade secrets, financial information, or other proprietary information;

(c) Limits or affects the provisions of chapter 42.56 RCW as they apply to information or nondisclosure agreements obtained by a state agency under this chapter; or

(d) Relieves the responsible official under chapter 43.21C RCW for an action of the official's responsibilities under that chapter.

(2) The decisions by the department of commerce to designate a clean energy project of statewide significance must be made available to the public. Regardless of any exemptions otherwise set forth in RCW 42.56.270, publicly shared information must include the designee's name, a brief description of the project, the intended project location, a description of climate and economic development benefits to the state and communities therein, a tribal engagement plan, a community engagement plan, and a community benefit agreement if applicable.

(3) The department of commerce may terminate a designation of a clean energy project of statewide significance for reasons that include, but are not limited to, failure to comply with requirements of the designation or the emergence of new information that significantly alters the department of commerce's assessment of the applicant's application, project, or project proponent. The department of commerce must notify the applicant, project proponent, and the department of ecology of the termination in writing within 30 days.

(4) Nothing in this chapter affects the jurisdiction of the energy facility site evaluation council under chapter 80.50 RCW.

(5) This chapter does not limit or abridge the powers and duties

granted to a participating permit agency under the law or laws that authorizes or requires the agency to issue a permit for a project. Each participating permit agency retains its authority to make all decisions on all substantive matters with regard to the respective component permit that is within its scope of its responsibility including, but not limited to, the determination of permit application completeness, permit approval or approval with conditions, or permit denial.

**NEW SECTION. Sec. 211.** A new section is added to chapter 80.50 RCW to read as follows:

Applicants utilizing the fully coordinated permitting process under chapter 43.--- RCW (the new chapter created in section 402 of this act) are not eligible for permitting under this chapter unless a substantial change is made to the proposed project. Prior to considering an application under this chapter from a project applicant that has previously used the fully coordinated permitting process under chapter 43.--- RCW (the new chapter created in section 402 of this act) for that project, the council must determine that the project applicant has made a substantial change to the project, relative to the project as it was proposed under the fully coordinated permitting process.

**Sec. 212.** RCW 80.50.140 and 1988 c 202 s 62 are each amended to read as follows:

(1)(a) The following decisions are subject to judicial review pursuant to the provisions of chapter 34.05 RCW and this section:

(i) A final decision pursuant to RCW 80.50.100 on an application for certification ((shall be subject to judicial review pursuant to provisions of chapter 34.05 RCW and this section)); or

(ii) A land use decision as defined in RCW 36.70C.020, a final decision on a permit or other similar approval required under chapter 90.58 RCW, or any decision that would otherwise have been subject to the jurisdiction of the pollution control hearings board under RCW 43.21B.110, and which is necessary for a clean energy project as defined in section 201 of this act.

(b) Petitions for review of such a decision shall be filed in the Thurston county superior court. All petitions for review of a decision under RCW 80.50.100 or decision relating to any permit as set forth in this subsection for a clean energy project as defined in section 201 of this act shall be consolidated into a single proceeding before the Thurston county superior court. The Thurston county superior court shall certify the petition for review to the supreme court upon the following conditions:

((~~(a)~~)) (i) Review can be made on the administrative record;

((~~(b)~~)) (ii) Fundamental and urgent interests affecting the public interest and development of energy facilities are involved which require a prompt determination;

((~~(c)~~)) (iii) Review by the supreme court would likely be sought regardless of the determination of the Thurston county superior court; and

((~~(d)~~)) (iv) The record is complete for review.

The Thurston county superior court shall assign a petition for review of a decision under RCW 80.50.100 or a decision relating to any permit as set forth in this subsection (1) for a clean energy project as defined in section 201 of this act for hearing at the earliest possible date and shall expedite such petition in every way possible. If the court finds that review cannot be limited to the administrative record as set forth in ((~~subparagraph (a)~~)) (b)(i) of this subsection because there are alleged irregularities in the procedure before the council or other permitting authority not found in the record, but finds that the standards set forth in ((~~subparagraphs~~)) (b)((~~-, (c), and (d)~~)) (ii), (iii), and (iv) of this subsection are met, the court shall proceed to take testimony and determine such factual issues raised by the alleged irregularities and certify the petition and its determination of such factual issues to the supreme court. Upon certification, the supreme court shall

assign the petition for hearing at the earliest possible date, and it shall expedite its review and decision in every way possible.

(2) Objections raised by any party in interest concerning procedural error by the council shall be filed with the council within ((~~sixty~~)) 60 days of the commission of such error, or within ((~~thirty~~)) 30 days of the first public hearing or meeting of the council at which the general subject matter to which the error is related is discussed, whichever comes later, or such objection shall be deemed waived for purposes of judicial review as provided in this section.

(3) The rules and regulations adopted by the council shall be subject to judicial review pursuant to the provisions of chapter 34.05 RCW.

**Sec. 213.** RCW 36.70C.030 and 2010 1st sp.s. c 7 s 38 are each amended to read as follows:

(1) This chapter replaces the writ of certiorari for appeal of land use decisions and shall be the exclusive means of judicial review of land use decisions, except that this chapter does not apply to:

(a) Judicial review of:

(i) Land use decisions made by bodies that are not part of a local jurisdiction;

(ii) Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial body created by state law, such as the shorelines hearings board or the growth management hearings board;

(b) Judicial review of applications for a writ of mandamus or prohibition; ((~~or~~))

(c) Claims provided by any law for monetary damages or compensation. If one or more claims for damages or compensation are set forth in the same complaint with a land use petition brought under this chapter, the claims are not subject to the procedures and standards, including deadlines, provided in this chapter for review of the petition. The judge who hears the land use petition may, if appropriate, preside at a trial for damages or compensation; or

(d) A land use decision relating to a clean energy project as defined in section 201 of this act and subject to the review proceedings set forth in RCW 80.50.140.

(2) The superior court civil rules govern procedural matters under this chapter to the extent that the rules are consistent with this chapter.

**Sec. 214.** RCW 90.58.180 and 2011 c 277 s 4 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a petition for review within ((~~twenty-one~~)) 21 days of the date of filing of the decision as defined in RCW 90.58.140(6).

Within seven days of the filing of any petition for review with the board as provided in this section pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the department, the office of the attorney general, and the local government. The department and the attorney general may intervene to protect the public interest and ensure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the petition for review filed pursuant to this section. The shorelines hearings board shall schedule review proceedings on the petition for review without regard as to whether the period for the department or the attorney general to intervene has or has not expired.

(2) The department or the attorney general may obtain review of any final decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written petition with the shorelines hearings board and the appropriate local government within ((~~twenty-one~~)) 21 days from



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the date the final decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within ~~((one hundred eighty))~~ 180 days after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be extended by the board for a period of ~~((thirty))~~ 30 days upon a showing of good cause or may be waived by the parties.

(4) Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within ~~((thirty))~~ 30 days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

(5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

- (a) Is clearly erroneous in light of the policy of this chapter; or
- (b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or
- (c) Is arbitrary and capricious; or
- (d) Was developed without fully considering and evaluating all material submitted to the department during public review and comment; or
- (e) Was not adopted in accordance with required procedures.

(6) If the board makes a determination under subsection (5)(a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision.

(7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within ~~((thirty))~~ 30 days after the date of final decision by the shorelines hearings board.

(8) The review proceedings authorized in subsections (1) and (2) of this section do not apply to any decision required under this chapter relating to a clean energy project as defined in section 201 of this act and subject to the review proceedings set forth in RCW 80.50.140.

**Sec. 215.** RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

(4) Notwithstanding subsections (1) through (3) of this section, the hearings board does not have jurisdiction to hear and decide appeals involving any matter under this section if the matter is related to a clean energy project as defined in section 201 of this act. The review proceedings set forth in RCW 80.50.140 apply to matters listed in this section but which involve clean energy projects as defined in section 201 of this act.

### PART 3

#### PERMITTING AND ENVIRONMENTAL REVIEW PROVISIONS FOR CLEAN ENERGY PROJECTS

NEW SECTION. Sec. 301. A new section is added to chapter 43.21C RCW to read as follows:

##### SEPA CLEAN ENERGY FACILITIES.

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

(a) "Alternative energy resource" has the same meaning as defined in RCW 80.50.020.

(b) "Alternative jet fuel" has the same meaning as defined in section 201 of this act.

(c) "Associated facilities" has the same meaning as defined in section 201 of this act.

(d) "Clean energy product manufacturing facility" has the same meaning as defined in section 201 of this act.

(e) "Clean energy project" has the same meaning as defined in section 201 of this act.

(f) "Closely related proposals" means proposals that:

(i) Cannot or will not proceed unless the other proposals, or parts of proposals, are implemented simultaneously with them; or

(ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.

(g) "Green electrolytic hydrogen" has the same meaning as defined in RCW 80.50.020.

(h) "Green hydrogen carrier" has the same meaning as defined in RCW 80.50.020.

(i) "Renewable hydrogen" has the same meaning as defined in RCW 80.50.020.

(j) "Renewable natural gas" has the same meaning as defined in RCW 80.50.020.

(k) "Renewable resource" has the same meaning as defined in RCW 80.50.020.

(l) "Storage facility" has the same meaning as defined in RCW 80.50.020.

(2)(a) After the submission of an environmental checklist and prior to issuing a threshold determination that a clean energy project proposal is likely to cause a probable significant adverse environmental impact consistent with RCW 43.21C.033, the lead agency must notify the project applicant and explain in writing the basis for its anticipated determination of significance. Prior to issuing the threshold determination of significance, the lead agency must give the project applicant the option of withdrawing and revising its application and the associated environmental checklist. The lead agency shall make its threshold determination based upon the changed or clarified application and associated environmental checklist. The responsible official has no more than 30 days from the date of the resubmission of a clarified or changed application to make a threshold determination, unless the applicant makes material changes that substantially modify the impact of the proposal, in which case the responsible official must treat the resubmitted clarified or changed application as new, and is subject to the timelines established in RCW 43.21C.033.

(b) The notification required under (a) of this subsection is not an official determination by the lead agency and is not subject to appeal under this chapter.

(c) Nothing in this subsection amends the requirements of RCW 43.21C.033 as they apply to proposals that are not for clean energy projects and nothing in this subsection precludes the lead agency from allowing an applicant for a proposal that is not a clean energy project to follow application processes similar to or the same as the application processes identified in this subsection.

(3)(a) When an environmental impact statement is required, a lead agency shall prepare a final environmental impact statement for clean energy projects within 24 months of a threshold determination of a probable significant, adverse environmental impact.

(b) A lead agency may work with clean energy project applicants to set or extend a time limit longer than 24 months under (a) of this subsection, provided the:

(i) Applicant agrees to a longer time limit; and

(ii) Responsible official for the lead agency maintains an updated schedule available for public review.

(c) For all clean energy projects that require the preparation of an environmental impact statement, the lead agency shall work collaboratively with applicants and all agencies that will have actions requiring review under this chapter to develop a schedule that shall:

(i) Include a list of, and roles and responsibilities for, all entities that have actions requiring review under this chapter for the project;

(ii) Include a comprehensive schedule of dates by which review under this chapter will be completed, all actions requiring review under this chapter will be taken, and the public will have an opportunity to participate;

(iii) Be completed within 60 days of issuance of a determination of significance;

(iv) Be updated as needed, but no later than 30 days of missing a date on the schedule; and

(v) Be available for public review on the state environmental policy act register.

(d) A lead agency may fulfill its responsibilities under this subsection with a coordinated project plan prepared pursuant to 42 U.S.C. Sec. 4370m-2(c)(1) if it includes all dates identified under (c)(ii) of this subsection.

(e) A failure to comply with the requirements in this subsection is not subject to appeal and does not provide a basis for the invalidation of the review by an agency under this chapter. Nothing in this subsection creates any civil liability for an agency or creates a new cause of action against an agency.

(f) For clean energy projects, the provisions of this subsection are in addition to the requirements of RCW 43.21C.0311.

(4) This subsection provides clarifications on the content of review under this chapter specific to clean energy projects.

(a) In defining the proposal that is the subject of review under this chapter, a lead agency may not combine the evaluation of a clean energy project proposal with other proposals unless the:

(i) Proposals are closely related; or

(ii) Applicant agrees to combining the proposals' evaluation.

(b) An agency with authority to impose mitigation under RCW 43.21C.060 may require mitigation measures for clean energy projects only to address the environmental impacts that are attributable to and caused by a proposal.

NEW SECTION. Sec. 302. A new section is added to chapter 43.21C RCW to read as follows:

##### NONPROJECT ENVIRONMENTAL IMPACT STATEMENTS.

(1) The department of ecology shall prepare nonproject environmental impact statements, pursuant to RCW 43.21C.030,

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that assess and disclose the probable significant adverse environmental impacts, and that identify related mitigation measures, for each of the following categories of clean energy projects, and colocated battery energy storage projects that may be included in such projects:

- (a) Green electrolytic or renewable hydrogen projects;
- (b) Utility-scale solar energy projects, which will consider the findings of the Washington State University least-conflict solar siting process; and
- (c) Onshore utility-scale wind energy projects.

(2) The scope of a nonproject environmental review shall be limited to the probable, significant adverse environmental impacts in geographic areas that are suitable for the applicable clean energy type. The department of ecology may consider standard attributes for likely development, proximity to existing transmission or complementary facilities, and planned corridors for transmission capacity construction, reconstruction, or enlargement. The nonproject review is not required to evaluate geographic areas that lack the characteristics necessary for the applicable clean energy project type.

(3)(a) The scope of nonproject environmental impact statements must consider, as appropriate, analysis of the following probable significant adverse environmental impacts, including direct, indirect, and cumulative impacts to:

- (i) Historic and cultural resources;
- (ii) Species designated for protection under RCW 77.12.020 or the federal endangered species act;
- (iii) Landscape scale habitat connectivity and wildlife migration corridors;
- (iv) Environmental justice and overburdened communities as defined in RCW 70A.02.010;
- (v) Cultural resources and elements of the environment relevant to tribal rights, interests, and resources including tribal cultural resources, and fish, wildlife, and their habitat;
- (vi) Land uses, including agricultural and ranching uses; and
- (vii) Military installations and operations.

(b) The nonproject environmental impact statements must identify measures to avoid, minimize, and mitigate probable significant adverse environmental impacts identified during the review. These include measures to mitigate probable significant adverse environmental impacts to elements of the environment as defined in WAC 197-11-444 as it existed as of January 1, 2023, tribal rights, interests, and resources, including tribal cultural resources, as identified in RCW 70A.65.305, and overburdened communities as defined in RCW 70A.02.010. The department of ecology shall consult with federally recognized Indian tribes and other agencies with expertise in identification and mitigation of probable, significant adverse environmental impacts including, but not limited to, the department of fish and wildlife. The department of ecology shall further specify when probable, significant adverse environmental impacts cannot be mitigated.

(4) In defining the scope of nonproject review of clean energy projects, the department of ecology shall request input from agencies, federally recognized Indian tribes, industry, stakeholders, local governments, and the public to identify the geographic areas suitable for the applicable clean energy project type, based on the climatic and geophysical attributes conducive to or required for project development. The department of ecology will provide opportunities for the engagement of tribes, overburdened communities, and stakeholders that self-identify an interest in participating in the processes.

(5) The department of ecology will offer early and meaningful consultation with any affected federally recognized Indian tribe on the nonproject review under this section for the purpose of understanding potential impacts to tribal rights and resources,

including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which an Indian tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. Certain information obtained by the department of ecology under this section is exempt from disclosure consistent with RCW 42.56.300.

(6) Final nonproject environmental review documents for the clean energy projects identified in subsection (1) of this section, where applicable, shall include maps identifying probable, significant adverse environmental impacts for the resources evaluated. Maps must be prepared with the intention to illustrate probable, significant impacts, creating a tool that may be used by project proponents, tribes, and government to inform decision making. The maps may not be used in the place of surveys on specific parcels of land or input of a potentially affected federally recognized Indian tribe regarding specific parcels.

(7) Following the completion of a nonproject review subject to this section, the interagency clean energy siting coordinating council created in section 101 of this act must consider the findings and make recommendations to the legislature and governor on potential areas to designate as clean energy preferred zones for the clean energy project technology analyzed, and any taxation, regulatory, environmental review, or other benefits that should accrue to projects in such designated preferred zones.

(8) Nothing in this section prohibits or precludes projects from being located outside areas designated as clean energy preferred zones.

**NEW SECTION. Sec. 303.** A new section is added to chapter 43.21C RCW to read as follows:

**LEAD AGENCY USE OF NONPROJECT ENVIRONMENTAL IMPACT STATEMENT.**

(1) A lead agency conducting a project-level environmental review under this chapter of a clean energy project identified in section 302(1) of this act must consider a nonproject environmental impact statement prepared pursuant to section 302 of this act in order to identify and mitigate project-level probable significant adverse environmental impacts.

(2)(a) Project-level environmental review conducted pursuant to this chapter of a clean energy project identified in section 302(1) of this act must begin with review of the applicable nonproject environmental impact statement prepared pursuant to section 302 of this act. The review must address any probable significant adverse environmental impacts associated with the proposal that were not analyzed in the nonproject environmental impact statements prepared pursuant to section 302 of this act. The review must identify any mitigation measures specific to the project for probable significant adverse environmental impacts.

(b) Lead agencies reviewing site-specific project proposals for clean energy projects under this chapter shall use the nonproject review described in this section through one of the following methods and in accordance with WAC 197-11-600, as it existed as of January 1, 2023:

- (i) Use of the nonproject review unchanged, in accordance with RCW 43.21C.034, if the project does not cause any probable significant adverse environmental impact not identified in the nonproject review;
- (ii) Preparation of an addendum;
- (iii) Incorporation by reference; or
- (iv) Preparation of a supplemental environmental impact statement.

(3) Clean energy project proposals following the recommendations developed in the nonproject environment review completed pursuant to section 302 of this act must be considered to have mitigated the probable significant adverse

project-specific environmental impacts under this chapter for which recommendations were specifically developed unless the project-specific environmental review identifies project-level probable significant adverse environmental impacts not addressed in the nonproject environmental review.

**NEW SECTION. Sec. 304.** A new section is added to chapter 36.70B RCW to read as follows:

**PROHIBITION ON DEMONSTRATION OF NEED.**

During project review of a project to construct or improve facilities for the generation, transmission, or distribution of electricity, a local government may not require a project applicant to demonstrate the necessity or utility of the project other than to require, as part of a completed application under RCW 36.70B.070(2), submission of any publicly available documentation required by the federal energy regulatory commission or its delegates or the utilities and transportation commission or its delegates, or from any other federal agency with regulatory authority over the assessment of electric power transmission and distribution needs as applicable.

**NEW SECTION. Sec. 305.** A new section is added to chapter 36.01 RCW to read as follows:

A county may not prohibit the installation of wind and solar resource evaluation equipment necessary for the design and environmental planning of a renewable energy project.

**NEW SECTION. Sec. 306. IDENTIFYING INFORMATION FOR PUMPED STORAGE SITING.** (1) The Washington State University energy program shall conduct a process to identify issues and interests related to siting pumped storage projects in Washington state, to support expanded capacity to store intermittently produced renewable energy, such as from wind and solar, as part of the state's transition from fossil fuel to 100 percent clean energy. The Washington State University energy program may decide to include within the process's scope the colocation of pumped storage with wind or solar energy generation. The goal of the process is to identify and understand issues and interests of various stakeholders and federally recognized Indian tribes related to areas where pumped storage might be sited, providing useful information to developers of potential projects, and for subsequent environmental reviews under the state environmental policy act.

(2) In carrying out this process, the Washington State University energy program shall provide ample opportunities for the engagement of federally recognized Indian tribes, local governments and special purpose districts, land use and environmental organizations, and additional stakeholders that self-identify as interested in participating in the process.

(3) The Washington State University energy program must develop and make available a map and associated GIS data layers, highlighting areas identified through the process.

(4) Any information provided by tribes will help to inform the map product, but the Washington State University energy program may not include sensitive tribal information, as identified by federally recognized Indian tribes, in the publicly available map or GIS data layers. The information developed by this process and creation of the map under this section does not supplant the need for project developers to conduct early and individual outreach to federally recognized Indian tribes and other affected communities. The Washington State University energy program must take precautions to prevent disclosure of any sensitive tribal information it receives during the process, consistent with RCW 42.56.300.

(5) The pumped storage siting information process must be completed by June 30, 2025.

**NEW SECTION. Sec. 307.** (1)(a) The department must consult with stakeholders from rural communities, agriculture, natural resource management and conservation, and forestry to

gain a better understanding of the benefits and impacts of anticipated changes in the state's energy system, including the siting of facilities under the jurisdiction of the energy facility site evaluation council, and to identify risks and opportunities for rural communities. This consultation must be conducted in compliance with the community engagement plan developed by the department under chapter 70A.02 RCW and with input from the environmental justice council, using the best recommended practices available at the time. The department must collect the best available information and learn from the lived experiences of people in rural communities, with the objective of improving state implementation of clean energy policies, including the siting of energy facilities under the jurisdiction of the energy facility site evaluation council, in ways that protect and improve life in rural Washington. The department must consult with an array of rural community members, including: Low-income community and vulnerable population members or representatives; legislators; local elected officials and staff; those involved with agriculture, forestry, and natural resource management and conservation; renewable energy project property owners; utilities; large energy consumers; and others.

(b) The consultation must include stakeholder meetings with at least one in eastern Washington and one in western Washington.

(c) The department's consultation with stakeholders may include, but is not limited to, the following topics:

(i) Energy facility siting under the jurisdiction of the energy facility site evaluation council, including placement of new renewable energy resources, such as wind and solar generation, pumped storage, and batteries or new nonemitting electric generation resources, and their contribution to resource adequacy;

(ii) Production of hydrogen, biofuels, and feedstocks for clean fuels;

(iii) Programs to reduce energy cost burdens on rural families and farm operations;

(iv) Electric vehicles, farm and warehouse equipment, and charging infrastructure suitable for rural use;

(v) Efforts to capture carbon or produce energy on agricultural, forest, and other rural lands, including dual use solar projects that ensure ongoing agricultural operations;

(vi) The use of wood products and forest practices that provide low-carbon building materials and renewable fuel supplies; and

(vii) The development of clean manufacturing facilities, such as solar panels, vehicles, and carbon fiber.

(2)(a) The department must complete a report on rural clean energy and resilience that takes into consideration the consultation with rural stakeholders as described in subsection (1) of this section. The report must include recommendations for how policies, projects, and investment programs, including energy facility siting through the energy facility site evaluation council, can be developed or amended to more equitably distribute costs and benefits to rural communities. The report must include an assessment of how to improve the total benefits to rural areas overall, as well as the equitable distribution of benefits and costs within rural communities.

(b) The report must include a baseline understanding of rural energy production and consumption, and collect data on their economic impacts. Specifically, the report must examine:

(i) Direct, indirect, and induced jobs in construction and operations;

(ii) Financial returns to property owners;

(iii) Effects on local tax revenues and public services, which must include whether any school districts had a net loss of resources from diminished local effort assistance payments required under chapter 28A.500 RCW and impacts to public safety, the 911 emergency communications system, mental health, criminal justice, and rural county roads;

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(iv) Effects on other rural land uses, such as agriculture, natural resource management and conservation, and tourism;

(v) Geographic distribution of large energy projects previously sited or forecast to be sited in Washington;

(vi) Potential forms of economic development assistance and impact mitigation payments; and

(vii) Relevant information from the least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington required under section 607, chapter 334, Laws of 2021.

(c) The report must include a forecast of what Washington's clean energy transition will require for siting energy projects in rural Washington. The department must gather and analyze the best available information to produce forecast scenarios.

(d) By December 1, 2024, the department must submit a final report on rural clean energy and resilience to the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010 and the appropriate policy and fiscal committees of the legislature.

(3) For the purposes of this section, "department" means the department of commerce.

**Sec. 308.** RCW 44.39.010 and 2005 c 299 s 1 are each amended to read as follows:

There is hereby created the joint committee on energy supply ~~((and))~~, energy conservation, and energy resilience.

**Sec. 309.** RCW 44.39.012 and 2005 c 299 s 4 are each amended to read as follows:

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

(1) "Committee" means the joint committee on energy supply ~~((and))~~, energy conservation, and energy resilience.

(2) "Conservation" means reduced energy consumption or energy cost, or increased efficiency in the use of energy, and activities, measures, or equipment designed to achieve such results.

**NEW SECTION. Sec. 310.** (1) The committee shall review the report produced by the department of commerce under section 307 of this act and consider any policy or budget recommendations to reduce impacts and increase benefits of the clean energy transition for rural communities, including mechanisms to support local tax revenues and public services.

(2) The committee must hold at least two meetings, at least one of which must be in eastern Washington. The first meeting of the committee must occur by September 30, 2023.

(3) Relevant state agencies, departments, and commissions, including the energy facility site evaluation council, shall cooperate with the committee and provide information as the chair reasonably requests.

(4) The committee shall report its findings and any recommendations to the energy facility site evaluation council and the committees of the legislature with jurisdiction over environment and energy laws by December 1, 2024. Recommendations of the committee may be made by a simple majority of committee members. In the event that the committee does not reach majority-supported recommendations, the committee may report minority findings supported by at least two members of the committee.

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

(a) "Alternative energy" means energy derived from an alternative energy resource specified in RCW 80.50.020(1).

(b) "Committee" means the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010.

(6) This section expires June 30, 2025.

**PART 4**

**MISCELLANEOUS PROVISIONS**

**NEW SECTION. Sec. 401.** Sections 101 and 102 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 402.** Sections 201 through 210 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 403.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "siting;" strike the remainder of the title and insert "amending RCW 80.50.140, 36.70C.030, 90.58.180, 43.21B.110, 44.39.010, and 44.39.012; adding a new section to chapter 80.50 RCW; adding new sections to chapter 43.21C RCW; adding a new section to chapter 36.70B RCW; adding a new section to chapter 36.01 RCW; adding new chapters to Title 43 RCW; creating new sections; prescribing penalties; and providing an expiration date."

**MOTION**

Senator Nguyen moved that the following floor amendment no. 0382 by Senator Nguyen be adopted:

On page 7, beginning on line 36, after "emissions" strike all material through "RCW" on line 39 and insert "to align with the cap trajectory under chapter 70A.65 RCW, where the project does not degrade local air quality"

Beginning on page 22, line 4, strike all of sections 212 through 215

On page 40, beginning on line 2, after "RCW" strike all material through "44.39.010," on line 3 and insert "44.39.010"

Senator Nguyen spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Boehnke spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0382 by Senator Nguyen on page 7, line 36 to the committee striking amendment.

The motion by Senator Nguyen carried and floor amendment no. 0382 was adopted by rising vote.

Senator Braun spoke against adoption of the committee striking amendment as amended.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Second Substitute House Bill No. 1216.

The motion by Senator Nguyen carried and the committee striking amendment as amended was adopted by rising vote.

**MOTION**

On motion of Senator Nguyen, the rules were suspended, Engrossed Second Substitute House Bill No. 1216 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nguyen spoke in favor of passage of the bill.

Senators MacEwen, Boehnke and Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1216 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1216 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Gildon, Hasegawa, Hawkins, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Nobles

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216, as amended by the Senate, 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

SUBSTITUTE HOUSE BILL NO. 1047, by House Committee on Environment & Energy (originally sponsored by Mena, Ryu, Berry, Simmons, Duerr, Goodman, Bateman, Reed, Fitzgibbon, Ramel, Doglio, Orwall, Macri, Gregerson, Thai, Stonier, Santos, Riccelli and Ormsby)

Concerning the use of toxic chemicals in cosmetic products.

The measure was read the second time.

## MOTION

Senator Nguyen moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1) The legislature finds that certain chemicals used in cosmetic products are linked to harmful impacts on health, such as cancer, birth defects, damage to the reproductive system, organ system toxicity, and endocrine disruption. Many of these chemicals have been identified by the state of Washington as high priority chemicals of concern.

(2) In order to ensure the safety of cosmetic products and protect Washington residents from toxic exposures, the legislature intends to prohibit use of toxic chemicals found in cosmetic and personal care products and join other jurisdictions in creating a safer global standard for cosmetic products and bringing more sustainable, safer ingredients to the marketplace.

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

(1) "Cosmetic product" has the same meaning as the term "cosmetic" as defined in RCW 69.04.011.

(2) "Department" means the department of ecology.

(3) "Manufacturer" has the same meaning as defined in RCW 70A.350.010.

(4) "Ortho-phthalates" means esters of ortho-phthalic acid.

(5) "Perfluoroalkyl and polyfluoroalkyl substances" has the

same meaning as defined in RCW 70A.350.010.

(6) "Small business" has the same meaning as defined in RCW 70A.500.020.

(7) "Vulnerable populations" has the same meaning as defined in RCW 70A.02.010.

**NEW SECTION. Sec. 3.** (1) Except as provided in subsection (3) of this section, beginning January 1, 2025, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any cosmetic product that contains any of the following intentionally added chemicals or chemical classes:

(a) Ortho-phthalates;

(b) Perfluoroalkyl and polyfluoroalkyl substances;

(c) Formaldehyde (CAS 50-00-0) and chemicals determined by the department to release formaldehyde;

(d) Methylene glycol (CAS 463-57-0);

(e) Mercury and mercury compounds (CAS 7439-97-6);

(f) Triclosan (CAS 3380-34-5);

(g) m-phenylenediamine and its salts (CAS 108-45-2); and

(h) o-phenylenediamine and its salts (CAS 95-54-5).

(2) Except as provided in subsection (3) of this section, beginning January 1, 2025, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any cosmetic product that contains intentionally added lead or lead compounds (CAS 7439-92-1), lead or lead compounds at one part per million (ppm) or above, or as otherwise determined by the department through rule making.

(3) An in-state retailer in possession of cosmetic products on the date that restrictions on the sale of the products takes effect under this section may exhaust its existing stock through sales to the public until January 1, 2026.

(4) By June 1, 2024, the department, in consultation with the department of health, must use existing information to identify and assess the hazards of chemicals or chemical classes that can provide the same or similar function in cosmetic products as the chemicals or chemical classes listed in subsection (1) of this section and that can impact vulnerable populations. The department must make the information publicly available.

(5)(a) By May 2024, the department shall implement an initiative to support small businesses that manufacture cosmetic products in efforts to obtain voluntary environmental health certifications for cosmetics implemented by the United States environmental protection agency or other programs, as determined by the department, that are designed to identify cosmetic products that do not contain identified hazards consistent with processes used to identify safer alternatives under chapter 70A.350 RCW.

(b) The initiative may include, but is not limited to, providing:

(i) Technical assistance and support;

(ii) Resources for chemical hazard assessments; and

(iii) Resources for reformulating products.

(6)(a) By May 2024, the department shall implement an initiative to support independent cosmetologists and small businesses that provide cosmetology services, such as beauty salons, in efforts to transition to using safer cosmetic products.

(b) The initiative may include, but is not limited to, providing:

(i) Technical assistance and support;

(ii) Resources for identifying safer cosmetic products; and

(iii) Resources for financial incentives to eligible participants to replace cosmetic products containing toxic chemicals, disposal programs, and the use of safer products.

(7)(a) For the purposes of this section, cosmetic products do not include prescription drugs approved by the United States food and drug administration.

(b) The chemicals in subsection (1) of this section are restricted in cosmetics regardless of whether the product also contains drug

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ingredients regulated by the United States food and drug administration. For purposes of this section, ingredients regulated as drugs by the United States food and drug administration are not subject to the restrictions established in this section.

**NEW SECTION. Sec. 4.** (1) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(2)(a) The department's determinations of chemicals that release formaldehyde must be adopted by rule. The department must identify a list of chemicals used in cosmetics that release formaldehyde that may be subject to restriction under this chapter. In establishing this list, the department should consider:

- (i) Estimated prevalence of use;
- (ii) Potential to reduce disproportionate exposure; and
- (iii) Other information deemed relevant by the department.

(b) The department may identify for restriction an initial set of no more than 10 of the listed chemicals used in cosmetics that release formaldehyde. This restriction must take effect on or after January 1, 2026.

(c) Restrictions on the remaining listed chemicals used in cosmetics that release formaldehyde may take effect on or after January 1, 2027.

(d) The department may, but is not required to, conduct additional rule-making activities after January 1, 2027, including developing supplemental lists of chemicals that release formaldehyde and adopting additional restrictions.

(3) Prior to commencing rule making under this chapter, the department must engage with relevant stakeholders to ensure the availability of adequate expertise and input. The stakeholder process should include, but is not limited to, soliciting input from representatives from independent cosmetologists, small businesses offering cosmetology services, such as beauty salons, and small manufacturers of cosmetic products. The input received from stakeholders must be considered when adopting rules.

(4) A manufacturer that produces a product or imports or domestically distributes a product in or into Washington in violation of a requirement of this chapter, a rule adopted under this chapter, or an order issued under this chapter, is subject to a civil penalty not to exceed \$5,000 for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed \$10,000 for each repeat offense.

(5) Any penalty provided for in this section, and any order issued by the department under this chapter, may be appealed to the pollution control hearings board.

(6) All penalties collected under this chapter shall be deposited in the model toxics control operating account created in RCW 70A.305.180.

**Sec. 5.** RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 3 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

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(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, section 3 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW

90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 6.** RCW 43.21B.300 and 2022 c 180 s 813 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 3 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within 30 days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority 30 days after the date of receipt by the person penalized of the notice imposing the penalty or 30 days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;  
 (b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within 30 days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW 70A.300.090 and section 3 of this act, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be credited to the climate investment account created in RCW

70A.65.250, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

**NEW SECTION. Sec. 7.** This chapter may be known and cited as the toxic-free cosmetics act.

**NEW SECTION. Sec. 8.** Sections 1 through 4 and 7 of this act constitute a new chapter in Title 70A RCW."

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 43.21B.110 and 43.21B.300; adding a new chapter to Title 70A RCW; and prescribing penalties."

#### MOTION

Senator Torres moved that the following floor amendment no. 0379 by Senator Torres be adopted:

On page 2, line 2, after "January 1," strike "2025" and insert "2028"

On page 2, line 17, after "January 1," strike "2025" and insert "2028"

On page 2, line 26, after "January 1," strike "2026" and insert "2029"

On page 2, line 27, after "June 1," strike "2024" and insert "2027"

On page 2, line 34, after "May" strike "2024" and insert "2027"

On page 3, line 7, after "May" strike "2024" and insert "2027"

On page 4, line 2, after "January 1," strike "2026" and insert "2029"

On page 4, line 5, after "January 1," strike "2027" and insert "2030"

On page 4, line 7, after "January 1," strike "2027" and insert "2030"

Senator Torres spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Nguyen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0379 by Senator Torres on page 2, line 2 to the committee striking amendment.

The motion by Senator Torres did not carry and floor amendment no. 0379 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1047.

The motion by Senator Nguyen carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Nguyen, the rules were suspended, Substitute House Bill No. 1047 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Nguyen spoke in favor of passage of the bill.

Senator MacEwen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1047 as amended by the Senate.

#### ROLL CALL



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The Secretary called the roll on the final passage of Substitute House Bill No. 1047 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

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

Excused: Senator Nobles

SUBSTITUTE HOUSE BILL NO. 1047, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1361, by House Committee on Appropriations (originally sponsored by Abbarno, Rule, Reeves and Gregerson)

Updating statutes related to state employment by removing obsolete language, eliminating unnecessary reports, conforming a reporting period to fiscal year, and modernizing employee pay procedures.

The measure was read the second time.

MOTION

On motion of Senator Valdez, the rules were suspended, Engrossed Substitute House Bill No. 1361 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Valdez and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1361.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1361 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Nobles

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1134, by House Committee on Appropriations (originally sponsored by Orwall, Bronoske, Peterson, Berry, Ramel, Leavitt, Callan, Doglio, Macri, Caldier, Simmons, Timmons, Reeves, Chopp, Lekanoff, Gregerson, Thai, Paul, Wylie, Stonier, Davis, Kloba, Riccelli, Fosse and Farivar)

Implementing the 988 behavioral health crisis response and suicide prevention system.

The measure was read the second time.

MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted:

On page 23, beginning on line 7, after "employees" strike all material through "contact" on line 14 and insert "on agricultural community cultural competencies for suicide prevention, which may include sharing resources with callers that are specific to members from the agricultural community. The training must prepare staff to provide appropriate assessments, interventions, and resources to members of the agricultural community. Employees may make warm transfers and referrals to a crisis hotline that specializes in working with members from the agricultural community, provided that no person contacting 988 shall be transferred or referred to another service if they are currently in crisis and in need of emotional support"

On page 23, at the beginning of line 21, strike "LGBTQ populations, and persons connected with" and insert "and LGBTQ populations. The website may also include resources for programs and services related to suicide prevention for"

Beginning on page 23, line 39, after "authority" strike all material through "contacts" on page 24, line 2

On page 24, line 6, after "calls," insert "as allowed by and in compliance with existing federal and state law governing the sharing and use of protected health information,"

On page 28, line 6, after "response;" strike "(and)" and insert "and"

On page 28, beginning on line 17, after "care" strike all material through "information" on line 22 and insert "

(8) The department shall monitor trends in 988 crisis hotline caller data, as reported by designated 988 contact hubs under subsection (4)(b)(x) of this section, and submit an annual report to the governor and the appropriate committees of the legislature summarizing the data and trends"

On page 36, after line 6, insert the following:

"**Sec. 8.** RCW 43.06.530 and 2021 c 302 s 107 are each amended to read as follows:

(1) The governor shall appoint a 988 hotline and behavioral health crisis system coordinator to provide project coordination and oversight for the implementation and administration of the 988 crisis hotline, other requirements of chapter 302, Laws of 2021, and other projects supporting the behavioral health crisis system. The coordinator shall:

(a) Oversee the collaboration between the department of health and the health care authority in their respective roles in supporting the crisis call center hubs, providing the necessary support services for 988 callers, and establishing adequate requirements and guidance for their contractors to fulfill the requirements of chapter 302, Laws of 2021;

(b) Ensure coordination and facilitate communication between stakeholders such as crisis call center hub contractors, behavioral

health administrative service organizations, county authorities, other crisis hotline centers, managed care organizations, and, in collaboration with the state ((~~enhanced~~)) 911 coordination office, with 911 emergency communications systems;

(c) Review the development of adequate and consistent training for crisis call center personnel and, in coordination with the state ((~~enhanced~~)) 911 coordination office, for 911 operators with respect to their interactions with the crisis hotline center; and

(d) Coordinate implementation of other behavioral health initiatives among state agencies and educational institutions, as appropriate, including coordination of data between agencies.

(2) This section expires June 30, ((2024)) 2028."

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

On page 41, line 16, after "Washington," insert "the Harborview behavioral health institute,"

On page 41, line 25, after "Washington" insert ", through the Harborview behavioral health institute,"

On page 41, at the beginning of line 31, strike "university" and insert "Harborview behavioral health institute may contract for all or any portion of this work. The Harborview behavioral health institute"

On page 45, line 23, after "71.24.896," insert "43.06.530,"

On page 45, line 26, after "providing" strike "an expiration date" and insert "expiration dates"

#### MOTION

Senator Dhingra moved that the following floor amendment no. 0384 by Senator Dhingra be adopted:

On page 23, beginning on line 7, after "employees" strike all material through "contact" on line 14 and insert "on agricultural community cultural competencies for suicide prevention, which may include sharing resources with callers that are specific to members from the agricultural community. The training must prepare staff to provide appropriate assessments, interventions, and resources to members of the agricultural community. Employees may make warm transfers and referrals to a crisis hotline that specializes in working with members from the agricultural community, provided that no person contacting 988 shall be transferred or referred to another service if they are currently in crisis and in need of emotional support"

On page 23, at the beginning of line 21, strike "LGBTQ populations, and persons connected with" and insert "and LGBTQ populations. The website may also include resources for programs and services related to suicide prevention for"

Beginning on page 23, line 39, after "authority" strike all material through "contacts" on page 24, line 2

On page 24, line 6, after "calls," insert "as allowed by and in compliance with existing federal and state law governing the sharing and use of protected health information."

On page 28, line 6, after "response;" strike "~~(and)~~" and insert "and"

On page 28, beginning on line 17, after "care" strike all material through "information" on line 22 and insert ".

(8) The department shall monitor trends in 988 crisis hotline caller data, as reported by designated 988 contact hubs under subsection (4)(b)(x) of this section, and submit an annual report to the governor and the appropriate committees of the legislature summarizing the data and trends"

On page 36, after line 6, insert the following:

"**Sec. 8.** RCW 43.06.530 and 2021 c 302 s 107 are each amended to read as follows:

(1) The governor shall appoint a 988 hotline and behavioral health crisis system coordinator to provide project coordination

and oversight for the implementation and administration of the 988 crisis hotline, other requirements of chapter 302, Laws of 2021, and other projects supporting the behavioral health crisis system. The coordinator shall:

(a) Oversee the collaboration between the department of health and the health care authority in their respective roles in supporting the crisis call center hubs, providing the necessary support services for 988 callers, and establishing adequate requirements and guidance for their contractors to fulfill the requirements of chapter 302, Laws of 2021;

(b) Ensure coordination and facilitate communication between stakeholders such as crisis call center hub contractors, behavioral health administrative service organizations, county authorities, other crisis hotline centers, managed care organizations, and, in collaboration with the state ((~~enhanced~~)) 911 coordination office, with 911 emergency communications systems;

(c) Review the development of adequate and consistent training for crisis call center personnel and, in coordination with the state ((~~enhanced~~)) 911 coordination office, for 911 operators with respect to their interactions with the crisis hotline center; and

(d) Coordinate implementation of other behavioral health initiatives among state agencies and educational institutions, as appropriate, including coordination of data between agencies.

(2) This section expires June 30, ((2024)) 2028."

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

On page 41, line 16, after "Washington," insert "the Harborview behavioral health institute,"

On page 41, line 25, after "Washington" insert ", through the Harborview behavioral health institute,"

On page 41, at the beginning of line 31, strike "university" and insert "Harborview behavioral health institute may contract for all or any portion of this work. The Harborview behavioral health institute"

On page 45, line 23, after "71.24.896," insert "43.06.530,"

On page 45, line 26, after "providing" strike "an expiration date" and insert "expiration dates"

Senators Dhingra, Rivers and Dozier spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0384 by Senator Dhingra on page 23, line 7 to the committee striking amendment.

The motion by Senator Dhingra carried and floor amendment no. 0384 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care as amended to Engrossed Second Substitute House Bill No. 1134.

The motion by Senator Dhingra carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Second Substitute House Bill No. 1134 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1134 as amended by the Senate.

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## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1134 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Nobles

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1134, as amended by the Senate, 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

SUBSTITUTE HOUSE BILL NO. 1177, by House Committee on Community Safety, Justice, & Reentry (originally sponsored by Lekanoff, Orwall, Reed, Berry, Ramel, Callan, Doglio, Timmons, Walsh, Reeves, Chopp, Duerr, Gregerson, Taylor, Wylie, Stonier, Pollet, Davis, Kloba and Ormsby)

Creating a missing and murdered indigenous women and people cold case investigations unit.

The measure was read the second time.

## MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute House Bill No. 1177 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra, Muzzall and Kauffman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1177.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1177 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Nobles

SUBSTITUTE HOUSE BILL NO. 1177, 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

SUBSTITUTE HOUSE BILL NO. 1406, by House Committee on Human Services, Youth, & Early Learning (originally sponsored by Cortes, Senn, Berry, Ortiz-Self, Goodman, Thai, Alvarado, Simmons, Orwall, Taylor, Bateman, Lekanoff, Peterson, Ramel, Macri, Bergquist, Pollet, Reed, Ormsby, Doglio and Davis)

Concerning youth seeking housing assistance and other related services.

The measure was read the second time.

## MOTION

On motion of Senator Wilson, C., the rules were suspended, Substitute House Bill No. 1406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and Boehnke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1406.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1406 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Nobles

SUBSTITUTE HOUSE BILL NO. 1406, 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

SECOND SUBSTITUTE HOUSE BILL NO. 1525, by House Committee on Appropriations (originally sponsored by Fosse, Lekanoff, Farivar, Shavers, Thai, Taylor, Hansen, Alvarado, Senn, Hackney, Wylie, Duerr, Leavitt, Berg, Stearns, Peterson, Macri, Berry, Cortes, Low, Schmidt, Stonier, Kloba, Robertson, Gregerson, Riccelli, Doglio, Waters, Cheney, Orwall, Connors, Ybarra, Bronoske, Dent, Morgan, Ramel, Donaghy, Goodman, Ryu, Fey, Reed, Davis, Timmons, Street, Simmons, Fitzgibbon, Christian, Santos, Rule, Abbarno, Sandlin, Chopp, Bateman, Rude, Eslick, Ormsby, Reeves, Barkis, Graham, Pollet, Ortiz-Self, Callan and Bergquist)

Concerning eligibility for working connections child care benefits for persons participating in state registered apprenticeships.

The measure was read the second time.

## MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.216.136 and 2021 c 199 s 202 are each amended to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures established by the department and the standards established in this section intended to promote stability, quality, and continuity of early care and education programming.

(2) As recommended by P.L. 113-186, authorizations for the working connections child care subsidy are effective for twelve months beginning July 1, 2016.

(a) A household's 12-month authorization begins on the date that child care is expected to begin.

(b) If a newly eligible household does not begin care within 12 months of being determined eligible by the department, the household must reapply in order to qualify for subsidy.

(3)(a) The department shall establish and implement policies in the working connections child care program to allow eligibility for families with children who:

(i) In the last six months have:

(A) Received child protective services as defined and used by chapters 26.44 and 74.13 RCW;

(B) Received child welfare services as defined and used by chapter 74.13 RCW; or

(C) Received services through a family assessment response as defined and used by chapter 26.44 RCW;

(ii) Have been referred for child care as part of the family's case management as defined by RCW 74.13.020; and

(iii) Are residing with a biological parent or guardian.

(b) Families who are eligible for working connections child care pursuant to this subsection do not have to keep receiving services identified in this subsection to maintain twelve-month authorization.

(4)(a) Beginning July 1, 2021, and subject to the availability of amounts appropriated for this specific purpose, the department may not require an applicant or consumer to meet work requirements as a condition of receiving working connections child care benefits when the applicant or consumer is in a state registered apprenticeship program or is a full-time student of a community, technical, or tribal college and is enrolled in:

(i) A vocational education program that leads to a degree or certificate in a specific occupation; or

(ii) An associate degree program(~~or~~

~~(iii) A registered apprenticeship program)).~~

(b) An applicant or consumer is a full-time student for the purposes of this subsection if ~~((he or she))~~ the applicant or consumer meets the college's definition of a full-time student.

(c) Nothing in this subsection is intended to change how applicants or consumers are prioritized when applicants or consumers are placed on a waitlist for working connections child care benefits.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department may extend the provisions of this subsection (4) to full-time students who are enrolled in a bachelor's degree program or applied baccalaureate degree program.

(5)(a) An applicant or consumer is eligible to receive working connections child care benefits for the care of one or more eligible children for the first 12 months of the applicant's or consumer's enrollment in a state registered apprenticeship program under chapter 49.04 RCW when:

(i) The applicant or consumer's household annual income adjusted for family size does not exceed 75 percent of the state median income at the time of application, or, beginning July 1, 2027, does not exceed 85 percent of the state median income if funds are appropriated for the purpose of RCW 43.216.1368(4);

(ii) The child receiving care is: (A) Less than 13 years of age; or (B) less than 19 years of age and either has a verified special need according to department rule or is under court supervision; and

(iii) The household meets all other program eligibility requirements.

(b) The department must adopt a copayment model for benefits granted under this subsection, which must align with any copayment identified or adopted for households with the same income level under RCW 43.216.1368.

(6)(a) The department must extend the homeless grace period, as adopted in department rule as of January 1, 2020, from a four-month grace period to a twelve-month grace period.

(b) For the purposes of this section, "homeless" means being without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (42 U.S.C. Sec. 11434a) as it existed on January 1, 2020.

~~((6))~~ (7) For purposes of this section, "authorization" means a transaction created by the department that allows a child care provider to claim payment for care. The department may adjust an authorization based on a household's eligibility status.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "apprenticeships;" strike the remainder of the title and insert "amending RCW 43.216.136; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1525.

The motion by Senator Wellman carried and the committee striking amendment was adopted by voice vote.

## MOTION

On motion of Senator Wellman, the rules were suspended, Second Substitute House Bill No. 1525 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

Senator Hawkins spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1525 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1525 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Fortunato, Frame, Gildon, Hasegawa, Holy, Hunt, Kauffman,

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Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Boehnke, Braun, Dozier, Hawkins, MacEwen, McCune, Padden, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Excused: Senator Nobles

SECOND SUBSTITUTE HOUSE BILL NO. 1525, as amended by the Senate, 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 12:48 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Heck.

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:

- HOUSE BILL NO. 1030,
- HOUSE BILL NO. 1031,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1073,
- SUBSTITUTE HOUSE BILL NO. 1255,
- SUBSTITUTE HOUSE BILL NO. 1275,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1311,
- SUBSTITUTE HOUSE BILL NO. 1323,
- HOUSE BILL NO. 1370,
- SUBSTITUTE HOUSE BILL NO. 1590,
- HOUSE BILL NO. 1707,
- HOUSE BILL NO. 1712,
- HOUSE BILL NO. 1730,
- and HOUSE BILL NO. 1792.

MOTION

On motion of Senator Wilson, C., Senator Lias was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1240, by House Committee on Civil Rights & Judiciary (originally sponsored by Peterson, Senn, Alvarado, Walen, Street, Springer, Simmons, Reeves, Reed, Ormsby, Kloba, Fitzgibbon, Duerr, Doglio, Berry, Bateman, Fey, Davis, Ramel, Bergquist, Fosse, Pollet, Lekanoff, Macri, Gregerson and Santos)

Establishing firearms-related safety measures to increase public safety.

The measure was read the second time.

MOTION

Senator Kuderer moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the

following:

"NEW SECTION. Sec. 1. The legislature finds and declares that gun violence is a threat to the public health and safety of Washingtonians. Assault weapons are civilian versions of weapons created for the military and are designed to kill humans quickly and efficiently. For this reason the legislature finds that assault weapons are "like" "M-16 rifles" and thus are "weapons most useful in military service." Assault weapons have been used in the deadliest mass shootings in the last decade. An assailant with an assault weapon can hurt and kill twice the number of people than an assailant with a handgun or nonassault rifle. This is because the additional features of an assault weapon are not "merely cosmetic"; rather, these are features that allow shooters to fire large numbers of rounds quickly. An analysis of mass shootings that result in four or more deaths found that 85 percent of those fatalities were caused by an assault weapon. The legislature also finds that this regulation is likely to have an impact on the number of mass shootings committed in Washington. Studies have shown that during the period the federal assault weapon ban was in effect, mass shooting fatalities were 70 percent less likely to occur. Moreover, the legislature finds that assault weapons are not suitable for self-defense and that studies show that assault weapons are statistically not used in self-defense. The legislature finds that assault weapons are not commonly used in self-defense and that any proliferation is not the result of the assault weapon being well-suited for self-defense, hunting, or sporting purposes. Rather, increased sales are the result of the gun industry's concerted efforts to sell more guns to a civilian market. The legislature finds that the gun industry has specifically marketed these weapons as "tactical," "hyper masculine," and "military style" in manner that overtly appeals to troubled young men intent on becoming the next mass shooter. The legislature intends to limit the prospective sale of assault weapons, while allowing existing legal owners to retain the assault weapons they currently own.

Sec. 2. RCW 9.41.010 and 2022 c 105 s 2 and 2022 c 104 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2)(a) "Assault weapon" means:

(i) Any of the following specific firearms regardless of which company produced and manufactured the firearm:

<u>AK-47 in all forms</u>
<u>AK-74 in all forms</u>
<u>Algimec AGM-1 type semiautomatic</u>
<u>American Arms Spectre da semiautomatic carbine</u>
<u>AR15, M16, or M4 in all forms</u>
<u>AR 180 type semiautomatic</u>
<u>Argentine L.S.R. semiautomatic</u>
<u>Australian Automatic</u>
<u>Auto-Ordnance Thompson M1 and 1927 semiautomatics</u>
<u>Barrett .50 cal light semiautomatic</u>

<u>Barrett .50 cal M87</u>
<u>Barrett .50 cal M107A1</u>
<u>Barrett REC7</u>
<u>Beretta AR70/S70 type semiautomatic</u>
<u>Bushmaster Carbon 15</u>
<u>Bushmaster ACR</u>
<u>Bushmaster XM-15</u>
<u>Bushmaster MOE</u>
<u>Calico models M100 and M900</u>
<u>CETME Sporter</u>
<u>CIS SR 88 type semiautomatic</u>
<u>Colt CAR 15</u>
<u>Daewoo K-1</u>
<u>Daewoo K-2</u>
<u>Dragunov semiautomatic</u>
<u>Fabrique Nationale FAL in all forms</u>
<u>Fabrique Nationale F2000</u>
<u>Fabrique Nationale L1A1 Sporter</u>
<u>Fabrique Nationale M249S</u>
<u>Fabrique Nationale PS90</u>
<u>Fabrique Nationale SCAR</u>
<u>FAMAS .223 semiautomatic</u>
<u>Galil</u>
<u>Heckler &amp; Koch G3 in all forms</u>
<u>Heckler &amp; Koch HK-41/91</u>
<u>Heckler &amp; Koch HK-43/93</u>
<u>Heckler &amp; Koch HK94A2/3</u>
<u>Heckler &amp; Koch MP-5 in all forms</u>
<u>Heckler &amp; Koch PSG-1</u>
<u>Heckler &amp; Koch SL8</u>
<u>Heckler &amp; Koch UMP</u>
<u>Manchester Arms Commando MK-45</u>
<u>Manchester Arms MK-9</u>
<u>SAR-4800</u>
<u>SIG AMT SG510 in all forms</u>
<u>SIG SG550 in all forms</u>
<u>SKS</u>
<u>Spectre M4</u>
<u>Springfield Armory BM-59</u>
<u>Springfield Armory G3</u>
<u>Springfield Armory SAR-8</u>
<u>Springfield Armory SAR-48</u>
<u>Springfield Armory SAR-3</u>
<u>Springfield Armory M-21 sniper</u>
<u>Springfield Armory M1A</u>
<u>Smith &amp; Wesson M&amp;P 15</u>
<u>Sterling Mk 1</u>

<u>Sterling Mk 6/7</u>
<u>Steyr AUG</u>
<u>TNW M230</u>
<u>FAMAS F11</u>
<u>Uzi 9mm carbine/rifle</u>

(ii) A semiautomatic rifle that has an overall length of less than 30 inches;

(iii) A conversion kit, part, or combination of parts, from which an assault weapon can be assembled or from which a firearm can be converted into an assault weapon if those parts are in the possession or under the control of the same person; or

(iv) A semiautomatic, center fire rifle that has the capacity to accept a detachable magazine and has one or more of the following:

(A) A grip that is independent or detached from the stock that protrudes conspicuously beneath the action of the weapon. The addition of a fin attaching the grip to the stock does not exempt the grip if it otherwise resembles the grip found on a pistol;

(B) Thumbhole stock;

(C) Folding or telescoping stock;

(D) Forward pistol, vertical, angled, or other grip designed for use by the nonfiring hand to improve control;

(E) Flash suppressor, flash guard, flash eliminator, flash hider, sound suppressor, silencer, or any item designed to reduce the visual or audio signature of the firearm;

(F) Muzzle brake, recoil compensator, or any item designed to be affixed to the barrel to reduce recoil or muzzle rise;

(G) Threaded barrel designed to attach a flash suppressor, sound suppressor, muzzle break, or similar item;

(H) Grenade launcher or flare launcher; or

(I) A shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, except a solid forearm of a stock that covers only the bottom of the barrel;

(v) A semiautomatic, center fire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;

(vi) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:

(A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;

(B) A second hand grip;

(C) A shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, except a solid forearm of a stock that covers only the bottom of the barrel; or

(D) The capacity to accept a detachable magazine at some location outside of the pistol grip;

(vii) A semiautomatic shotgun that has any of the following:

(A) A folding or telescoping stock;

(B) A grip that is independent or detached from the stock that protrudes conspicuously beneath the action of the weapon. The addition of a fin attaching the grip to the stock does not exempt the grip if it otherwise resembles the grip found on a pistol;

(C) A thumbhole stock;

(D) A forward pistol, vertical, angled, or other grip designed for use by the nonfiring hand to improve control;

(E) A fixed magazine in excess of seven rounds; or

(F) A revolving cylinder shotgun.

(b) For the purposes of this subsection, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(c) "Assault weapon" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide

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action.

~~(3)~~ (3) "Assemble" means to fit together component parts.

~~((3))~~ (4) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

~~((4))~~ (5) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

~~((5))~~ (6) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

~~((6))~~ (7) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

~~((7))~~ (8) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

~~((8))~~ (9) "Detachable magazine" means an ammunition feeding device that can be loaded or unloaded while detached from a firearm and readily inserted into a firearm.

(10) "Distribute" means to give out, provide, make available, or deliver a firearm or large capacity magazine to any person in this state, with or without consideration, whether the distributor is in-state or out-of-state. "Distribute" includes, but is not limited to, filling orders placed in this state, online or otherwise. "Distribute" also includes causing a firearm or large capacity magazine to be delivered in this state.

~~((9))~~ (11) "Family or household member" has the same meaning as in RCW 7.105.010.

~~((10))~~ (12) "Federal firearms dealer" means a licensed dealer as defined in 18 U.S.C. Sec. 921(a)(11).

~~((11))~~ (13) "Federal firearms importer" means a licensed importer as defined in 18 U.S.C. Sec. 921(a)(9).

~~((12))~~ (14) "Federal firearms manufacturer" means a licensed manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

~~((13))~~ (15) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

~~((14))~~ (16) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not

a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

~~((15))~~ (17) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

~~((16))~~ (18) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

~~((17))~~ (19)(a) "Frame or receiver" means a part of a firearm that, when the complete firearm is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any such part identified with a serial number shall be presumed, absent an official determination by the bureau of alcohol, tobacco, firearms, and explosives or other reliable evidence to the contrary, to be a frame or receiver.

(b) For purposes of this subsection, "fire control component" means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: Hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.

~~((18))~~ (20) "Gun" has the same meaning as firearm.

~~((19))~~ (21) "Import" means to move, transport, or receive an item from a place outside the territorial limits of the state of Washington to a place inside the territorial limits of the state of Washington. "Import" does not mean situations where an individual possesses a large capacity magazine or assault weapon when departing from, and returning to, Washington state, so long as the individual is returning to Washington in possession of the same large capacity magazine or assault weapon the individual transported out of state.

~~((20))~~ (21) "Intimate partner" has the same meaning as provided in RCW 7.105.010.

~~((21))~~ (22) "Large capacity magazine" means an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in possession of or under the control of the same person, but shall not be construed to include any of the following:

(a) An ammunition feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition;

(b) A 22 caliber tube ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm.

~~((22))~~ (24) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

~~((23))~~ (25) "Lawful permanent resident" has the same

meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

((24)) (26) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

((25)) (27) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

((26)) (28) "Loaded" means:

- (a) There is a cartridge in the chamber of the firearm;
- (b) Cartridges are in a clip that is locked in place in the firearm;
- (c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;
- (d) There is a cartridge in the tube or magazine that is inserted in the action; or
- (e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

((27)) (29) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

((28)) (30) "Manufacture" means, with respect to a firearm or large capacity magazine, the fabrication, making, formation, production, or construction of a firearm or large capacity magazine, by manual labor or by machinery.

((29)) (31) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

((30)) (32) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

((31)) (33) "Pistol" means any firearm with a barrel less than 16 inches in length, or is designed to be held and fired by the use of a single hand.

((32)) (34) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

((33)) (35) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

((34)) (36) "Secure gun storage" means:

- (a) A locked box, gun safe, or other secure locked storage space that is designed to prevent unauthorized use or discharge of a firearm; and
- (b) The act of keeping an unloaded firearm stored by such means.

((35)) (37) "Semiautomatic" means any firearm which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(38)(a) "Semiautomatic assault rifle" means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(b) "Semiautomatic assault rifle" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

((36)) (39) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

- (a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least 10 years;

- (c) Child molestation in the second degree;
- (d) Incest when committed against a child under age 14;
- (e) Indecent liberties;
- (f) Leading organized crime;
- (g) Promoting prostitution in the first degree;
- (h) Rape in the third degree;
- (i) Drive-by shooting;
- (j) Sexual exploitation;
- (k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; or

(p) Any felony conviction under RCW 9.41.115.

((37)) (40) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than 26 inches.

((38)) (41) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than 26 inches.

((39)) (42) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

((40)) (43) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

((41)) (44) "Undetectable firearm" means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately depicts the shape of the part when examined by the types of X-ray machines commonly used at airports.

((42)) (45)(a) "Unfinished frame or receiver" means a frame or receiver that is partially complete, disassembled, or inoperable, that: (i) Has reached a stage in manufacture where it may readily be completed, assembled, converted, or restored to a functional state; or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once finished or completed, including without limitation products marketed or



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sold to the public as an 80 percent frame or receiver or unfinished frame or receiver.

(b) For purposes of this subsection:

(i) "Readily" means a process that is fairly or reasonably efficient, quick, and easy, but not necessarily the most efficient, speedy, or easy process. Factors relevant in making this determination, with no single one controlling, include the following: (A) Time, i.e., how long it takes to finish the process; (B) ease, i.e., how difficult it is to do so; (C) expertise, i.e., what knowledge and skills are required; (D) equipment, i.e., what tools are required; (E) availability, i.e., whether additional parts are required, and how easily they can be obtained; (F) expense, i.e., how much it costs; (G) scope, i.e., the extent to which the subject of the process must be changed to finish it; and (H) feasibility, i.e., whether the process would damage or destroy the subject of the process, or cause it to malfunction.

(ii) "Partially complete," as it modifies frame or receiver, means a forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture where it is clearly identifiable as an unfinished component part of a firearm.

~~((43))~~ (46) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

~~((44))~~ (47) "Untraceable firearm" means any firearm manufactured after July 1, 2019, that is not an antique firearm and that cannot be traced by law enforcement by means of a serial number affixed to the firearm by a federal firearms manufacturer, federal firearms importer, or federal firearms dealer in compliance with all federal laws and regulations.

**NEW SECTION. Sec. 3.** A new section is added to chapter 9.41 RCW to read as follows:

(1) No person in this state may manufacture, import, distribute, sell, or offer for sale any assault weapon, except as authorized in this section.

(2) Subsection (1) of this section does not apply to any of the following:

(a) The manufacture, importation, distribution, offer for sale, or sale of an assault weapon by a licensed firearms manufacturer for the purposes of sale to any branch of the armed forces of the United States or the state of Washington, or to any law enforcement agency for use by that agency or its employees for law enforcement purposes, or to a person who does not reside in this state;

(b) The importation, distribution, offer for sale, or sale of an assault weapon by a dealer that is properly licensed under federal and state law for the purpose of sale to any branch of the armed forces of the United States or the state of Washington, or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes;

(c) The distribution, offer for sale, or sale of an assault weapon to or by a dealer that is properly licensed under federal and state law where the dealer acquires the assault weapon from an individual legally authorized to possess or transfer the assault weapon for the purpose of selling or transferring the assault weapon to a person who does not reside in this state. The purpose of this section is to allow individuals who no longer wish to own an assault weapon to sell their assault weapon and is not intended to allow Washington dealers to purchase assault weapons wholesale for the purpose of selling a stock or inventory of assault weapons online or in person to nonresidents; or

(d) The receipt of an assault weapon by a person who, on or after the effective date of this section, acquires possession of the assault weapon by operation of law upon the death of the former owner who was in legal possession of the assault weapon, provided the person in possession of the assault weapon can establish such provenance. Receipt under this subsection (2)(d) is

not "distribution" under this chapter. A person who legally receives an assault weapon under this subsection (2)(d) may not sell or transfer the assault weapon to any other person in this state other than to a licensed dealer, to a federally licensed gunsmith for the purpose of service or repair, or to a law enforcement agency for the purpose of permanently relinquishing the assault weapon.

(3) For the purposes of this section, "law enforcement agency" means any (a) general authority Washington law enforcement agency as defined in RCW 10.93.020; (b) limited authority Washington law enforcement agency as defined in RCW 10.93.020; or (c) equivalent federal, state, or local law enforcement agency in the United States.

(4) A person who violates this section is guilty of a gross misdemeanor.

**NEW SECTION. Sec. 4.** A new section is added to chapter 9.41 RCW to read as follows:

(1) The legislature finds that manufacturing, importing, distributing, selling, or offering for sale any assault weapon in violation of section 3 of this act are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW; are not reasonable in relation to the development and preservation of business; and constitutes an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) A violation of section 3 of this act is an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce for purposes of the consumer protection act, chapter 19.86 RCW.

(3) Any person or entity that receives a civil investigative demand issued pursuant to RCW 19.86.110 and that has an objection to answering in whole or in part may avail themselves of the procedural protections afforded in RCW 19.86.110(8). Further, the attorney general shall not share with a law enforcement agency conducting a criminal investigation any materials or information obtained via a response to a civil investigative demand issued pursuant to RCW 19.86.110 unless such information or materials are required to be disclosed pursuant to issuance of a search warrant.

**NEW SECTION. Sec. 5.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 7 of the title, after "inheritors;" strike the remainder of the title and insert "reenacting and amending RCW 9.41.010; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and declaring an emergency."

MOTION

Senator Wilson, L. moved that the following floor amendment no. 0361 by Senator Wilson, L. be adopted:

Beginning on page 1, line 3, strike all of section 1 and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds and declares that firearms are not a threat to the public health and safety of Washingtonians. Firearms are a tool for self-defense, hunting, and developing skills. Certain firearms were banned in the United States from 1994 to 2004, but, statistically, the ban did

not result in any measurable reduction in shootings or crime. Certain of these firearms have the capability to add on attachments, such as a flash suppressor, noise suppressor, or muzzle brake. These attachments make a firearm easier for vulnerable users to use. The legislature finds that the gun industry helps people defend themselves, feed themselves in the face of an ever-uncertain food supply, and provides a valuable skill-based form of recreation. Misuse of firearms should not be a reason to punish the industry or force the firearms industry out of business. In contrast, an escalation of the misuse of firearms should trigger more vigorous investigation, prosecution, and retribution for crimes. Income inequality, poverty, a lack of education, and a lack of opportunity for vulnerable and overburdened communities are the root cause of crime. In contrast to destroying viable industries and causing law abiding citizens to choose between defenselessness or criminalization, the legislature finds that it should find ways to create firm boundaries for people who engage in criminal behavior and invest in building communities, instead of outlawing industries and self-defense."

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

Senator Kuderer spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0361 by Senator Wilson, L. on page 1, line 3 to Substitute House Bill No. 1240.

The motion by Senator Wilson, L. did not carry, and floor amendment no. 0361 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 0362 by Senator Fortunato be adopted:

Beginning on page 1, line 3, strike all of section 1 and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to instill a fear of firearms in the populace based off the shape and color of the firearm instead of any measurable difference in actual accuracy, capacity, or versatility. The lethal effects of the misuse of firearms are attributed to the style and shape of the firearms in addition to accessories that can be attached to the firearm. These attributes are utilized to describe the lethality of the actions of people who utilize these firearms for nefarious purposes by individuals and organizations that are strongly opposed to possession of firearms. These individuals and organizations attribute lethal characteristics to commonly used accessories and components in an effort to instill and encourage the fear of inanimate objects and detract focus from the cause of firearm violence, the mental status of the firearms user.

Violence accomplished with firearms has been exploited to create an atmosphere of fear surrounding the existence and legality of firearm possession. A desire to protect society and prevent future violence has led to a desire to ban firearms, their components, and accessories. Because of the strikingly similar assault weapons ban from 1994 to 2004, there is an opportunity to examine data that can support or refute claims that banning certain firearm accessories reduce the lethality of mass shootings. An examination of that evidence finds that both the federal assault weapons ban and several state assault weapons bans have had inconclusive effects on reducing violence. Many of the studies that do indicate a positive link do not take into consideration gang violence and manipulate the data to prove a reduction in violence.

In the United States, there are approximately 393 million civilian owned firearms, with roughly 20 million of those being

AR-15 style firearms. In Washington state, 42 percent of Washington state residents live in households with guns and there are less than 100,000 registered firearms in the state. The legislature intends to exert control over the future purchase of a certain type of firearm without addressing the safety of the most treasured members of our society by providing school safety officers.

According to the 2018 mass shootings work group, funding school resource officers, multistage threat assessment processes implemented in education facilities, extreme risk protection orders, and increased investment in mental health professionals were the most important policy recommendations that would prevent future mass shootings. The legislature finds that this legislation which limits what law abiding citizens may possess will not protect anyone's children. Focusing on who is using firearms to commit violent crimes, why they are committing these crimes, and how to protect children would accomplish much more."

#### MOTION

Senator Fortunato moved that the amendment be read in full.

#### RULING BY THE PRESIDENT

President Heck: "Thank you Senator Fortunato. The President would just like to point out that in our rules, Rule 64, it reads 'no amendment shall be considered by the Senate until it had been sent to the Secretary's desk in writing and read by the Secretary.' You are within your rights the secretary shall read.

The amendment was read in full.

Senators Fortunato and Padden spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Kuderer spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0362 by Senator Fortunato on page 1, line 3 to Substitute House Bill No. 1240.

The motion by Senator Fortunato did not carry and floor amendment no. 0362 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 0383 by Senator Fortunato be adopted:

Beginning on page 1, line 3, after "legislature" strike all material through "immediately." on page 15, line 4 and insert "finds that, according to the 2018 mass shootings work group, funding school resource officers, multistage threat assessment processes implemented in education facilities, and increased investment in mental health professionals were the most important policy recommendations that would prevent future mass shootings. Instead of exerting control over the future purchase of a certain type of firearm, the legislature intends to address the safety of the most treasured members of our society by providing school safety officers. An examination of that evidence finds that both the federal assault weapons ban and several state assault weapons bans have had inconclusive effects on reducing violence. Many of the studies that do indicate a positive link do not take into consideration gang violence and manipulate the data to prove a reduction in violence. A desire to protect society and prevent future violence has led to a desire to ban firearms, their components, and accessories. The legislature finds that providing financial support for the hardening of schools

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will provide more safety for the most treasured members of society than an arbitrary firearms ban.

**NEW SECTION. Sec. 2.** The legislature hereby directs the criminal justice training commission to conduct a study on the effects, including lethality, velocity, safety for the user, and likelihood of serious injury of the following firearm accessories: (1) A grip that is independent or detached from the stock that protrudes conspicuously beneath the action of the weapon; (2) thumbhole stock; (3) folding or telescoping stock; (4) forward pistol, vertical, angled, or other grip designed for use by the nonfiring hand to improve control; (5) flash suppressor, flash guard, flash eliminator, flash hider, sound suppressor, silencer, or any item designed to reduce the visual or audio signature of the firearm; (6) muzzle brake, recoil compensator, or any item designed to be affixed to the barrel to reduce recoil or muzzle rise; (7) threaded barrel designed to attach a flash suppressor, sound suppressor, muzzle break, or similar item; (8) grenade launcher or flare launcher; (9) a shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, except a solid forearm of a stock that covers only the bottom of the barrel; and (10) the capacity to accept a detachable magazine at some location outside of the pistol grip.

The commission shall also study the length of time required to change a magazine by shooters from different demographics and with different skill levels; for example, gender, levels of experience, and law enforcement at varying levels of experience. The commission shall publish a report of the findings, including a list of military units that use AR-15 firearms in combat, by December 31, 2024.

**NEW SECTION. Sec. 3.** The office of the superintendent of public instruction shall develop a grant program for the security of K-12 public and private schools. The office shall adopt rules for qualifying applicants to include local law enforcement and participating schools. The rules must also provide the scope of security to be provided for participating schools, including but not limited to:

(1) The minimum number of school resource officers to be assigned to each participating school, which must be based on considerations such as student population, building access points, and school facility layout in order to provide a response time of one minute or less for a school resource officer to respond to a physical threat; and

(2) Allowing school districts to acquire structural upgrades for school facilities in order to provide enhanced security and safety including, but not limited to, design upgrades, automatic locking doors, and ballistic films on glass entries.

**NEW SECTION. Sec. 4.** The criminal justice training commission shall conduct a study on mental health evaluations of people in crisis and mass shootings. The study shall focus on identifying warning signs and proactive solutions for the assessment, treatment, and reduction of violence by persons with a mental health crisis. The commission shall publish the study and distribute the study to first responders by December 31, 2024.

**NEW SECTION. Sec. 5.** The sum of \$50,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2024, from the general fund to the office of the superintendent of public instruction to develop a grant program with local law enforcement to develop an onsite security presence of school resource officers at public and private schools to respond to any physical threat pursuant to section 3 of this act.

**NEW SECTION. Sec. 6.** The sum of \$50,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2024, from the general fund to the office of the superintendent of public instruction to allow school districts to acquire structural upgrades for school facilities in order to

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provide enhanced security and safety pursuant to section 3 of this act.

**NEW SECTION. Sec. 7.** The sum of \$10,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2024, from the general fund to the criminal justice training commission for the study of certain defined rifle accessories pursuant to section 2 of this act, and to study mental health evaluations of people in crisis pursuant to section 4 of this act."

On page 15, beginning on line 6, after "insert" strike all material through "emergency" on line 8 and insert "creating new sections; and making appropriations"

Senator Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

#### POINT OF ORDER

Senator Pedersen: "Mr. President, I believe that amendment 383 may be a striker to a striker, not permitted."

#### RULING BY THE PRESIDENT

President Heck: "Senator Pedersen, in a previous ruling the President ruled that while a striking amendment could itself be amended, an amendment which acted as a striker in whole, or substantially, was out of order as it should more properly be viewed as a competing striker in its own right and offered as such. The amendment before us acts as a striker although the format masks that it strikes virtually the entire committee striking amendment. The amendment, the proposed amendment would be in order should the committee striking amendment be voted down. Therefore, your point is well taken. The amendment is out of order."

#### MOTION

Senator Fortunato moved that the following floor amendment no. 0359 by Senator Fortunato be adopted:

Beginning on page 2, line 15, after "(2)(a)" strike all material through "(c)" on page 5, line 32, and insert "Assault weapon" means a military firearm that is chambered for ammunition of reduced size or propellant charge and that has the capacity to switch between semiautomatic and fully automatic fire.

(b)"

Correct any internal references accordingly.

Senators Fortunato and Wagoner spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Trudeau spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0359 by Senator Fortunato on page 2, line 15 to the committee striking amendment.

The motion by Senator Fortunato did not carry and floor amendment no. 0359 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 0363 by Senator Wagoner be adopted:

On page 4, line 15, after "30 inches" insert ", excluding firearms specifically designed or used for youth target shooting"

Senator Wagoner spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Trudeau spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0363 by Senator Wagoner on page 4, line 15 to the committee striking amendment.

The motion by Senator Wagoner did not carry and floor amendment no. 0363 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 0364 by Senator Wagoner be adopted:

On page 4, line 32, after "firearm" insert ". This subsection does not apply to any sound suppressor, silencer, or item designed to reduce the visual or audio signature of the firearm possessed in compliance with federal law"

Senators Wagoner and Rivers spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Kuderer spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0364 by Senator Wagoner on page 4, line 32 to the committee striking amendment.

The motion by Senator Wagoner did not carry and floor amendment no. 0364 was not adopted by voice vote.

#### MOTION

Senator McCune moved that the following floor amendment no. 0365 by Senator McCune be adopted:

On page 5, line 6, after "rounds;" insert "or"  
On page 5, beginning on line 16, after "grip" strike all material through "shotgun" on line 27

Senators McCune, Dozier and Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Trudeau spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0365 by Senator McCune on page 5, line 6 to the committee striking amendment.

The motion by Senator McCune did not carry and floor amendment no. 0365 was not adopted by voice vote.

#### MOTION

Senator Short moved that the following floor amendment no. 0358 by Senator Short be adopted:

On page 13, line 30, after "nonresidents;" strike "or"  
On page 14, line 2, after "weapon" insert "; or"  
(e) Sales of an assault weapon to a person who has the actual approval for the delivery of a firearm in consideration of payment or promise of payment, but where delivery has not been completed because the person is subject to the mandatory waiting period pursuant to RCW 9.41.092."

#### POINT OF INQUIRY

Senator Short: Will the senator from the 45<sup>th</sup> District yield to a question?

President Heck: "The senator yields."

Senator Short: "Senator Dhingra, in order to make a clear record of legislative intent and for clarification on what the bill encompasses based on inquiries my colleagues and I have received from our constituents, would an individual who is already ordered and paid for a firearm and is in the midst of the ten day waiting period when this bill goes into effect be prohibited from receiving their firearm?"

Senator Dhingra: "Thank you Senator Short for that question. Yes, it is my understanding that the law applies to sales of assault weapons after the effective date of the law. The term sale is defined in RCW 9.41.01028 to mean the actual approval of the delivery of the firearm in consideration of payment or promise of payment. It is not the actual delivery but just the approval. If an individual has already purchased a firearm and passes a background check and other required eligibility criteria and has been approved for delivery prior to the effective date but is just waiting the mandatory ten days, then the new law would not apply for those prior purchases."

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendment no. 0358 by Senator Short on page 13, line 30 to the committee striking amendment was withdrawn.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 0366 by Senator Wagoner be adopted:

On page 13, line 30, after "nonresidents;" strike "or"  
On page 14, line 2, after "weapon" insert "; or"  
(e) Any person on active military duty receiving orders to move to Washington state, or military retirees moving to Washington state"

Senators Wagoner and Dhingra spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0366 by Senator Wagoner on page 13, line 30 to the committee striking amendment.

The motion by Senator Wagoner carried and floor amendment no. 0366 was adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 0367 by Senator Wagoner be adopted:

On page 13, line 30, after "nonresidents;" strike "or"  
On page 14, line 2, after "weapon" insert "; or"  
(e) Any citizen who moves into Washington state bringing their legally procured assault weapon which may be retained if the assault weapon was procured prior to the effective date of this act"

Senators Wagoner, Short, Fortunato, Rivers, Dozier and Braun spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Trudeau spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the

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adoption of floor amendment no. 0367 by Senator Wagoner on page 13, line 30 to the committee striking amendment.

The motion by Senator Wagoner did not carry and floor amendment no. 0367 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 0368 by Senator Padden be adopted:

On page 13, line 30, after "nonresidents;" strike "or"

On page 14, line 2, after "weapon" insert "; or

(e) The receipt of an assault weapon by a dealer that is properly licensed under federal and state law where the dealer acquires the assault weapon under contract from a government agency. The assault weapon acquired may be sold for up to 180 days after the effective date of this section"

Senator Padden spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Dhingra spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0368 by Senator Padden on page 13, line 30 to the committee striking amendment.

The motion by Senator Padden did not carry and floor amendment no. 0368 was not adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 0369 by Senator Fortunato be adopted:

On page 13, line 30, after "nonresidents;" strike "or"

On page 14, line 2, after "weapon" insert "; or

(e) The sale or transfer of an assault weapon acquired prior to the effective date of this section by a licensed pawnbroker"

Senator Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Dhingra spoke against adoption of the amendment to the committee striking amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, floor amendment no. 0369 by Senator Fortunato on page 13, line 30 to the committee striking amendment was withdrawn.

#### MOTION

Senator Randall moved that the following floor amendment no. 0377 by Senator Randall be adopted:

On page 13, line 30, after "nonresidents;" strike "or"

On page 13, line 31, after "(d)" insert "The out-of-state sale or transfer of the existing stock of assault weapons owned by a licensed dealer that was acquired prior to January 1, 2023, for the limited period of 90 days after the effective date of this section; or

(e)"

Correct any internal references accordingly.

Senators Randall and Wilson, L. spoke in favor of adoption of the amendment to the committee striking amendment.

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Senator Padden spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0377 by Senator Randall on page 13, line 30 to the committee striking amendment.

The motion by Senator Randall carried and floor amendment no. 0377 was adopted by rising vote.

#### MOTION

Senator Wilson, L. moved that the following floor amendment no. 0370 by Senator Wilson, L. be adopted:

On page 14, after line 33, insert the following:

"**Sec. 5.** RCW 43.330A.020 and 2020 c 313 s 3 are each amended to read as follows:

(1) The Washington office of firearm safety and violence prevention is created within the department for the purposes of coordinating and promoting effective state and local efforts to reduce firearm violence.

(2) The duties of the office include, but are not limited to:

(a) Working with law enforcement agencies, county prosecutors, researchers, and public health agencies throughout the state to identify and improve upon available data sources, data collection methods, and data-sharing mechanisms. The office will also identify gaps in available data needed for ongoing analysis, policy development, and the implementation of evidence-based firearm violence intervention and prevention strategies;

(b) Working with appropriate agencies to collect and annually report data that specifically identifies the firearms used in gun-related deaths and injuries in Washington state other than suicide and self-inflicted injuries. Identification should include the specific caliber and type of firearm (e.g. 9 mm pistol, .38 revolver, .223 rifle, 12-gauge shotgun);

(c) Researching, identifying, and recommending legislative policy options to promote the implementation of statewide evidence-based firearm violence intervention and prevention strategies;

~~((e))~~ (d) Researching, identifying, and applying for nonstate funding to aid in the research, analysis, and implementation of statewide firearm violence intervention and prevention strategies;

~~((d))~~ (e) Working with the office of crime ~~(victims[s])~~ victims advocacy to identify opportunities to better support victims of firearm violence, a population that is currently underrepresented among recipients of victim services;

~~((e) Contract [Contracting][Contracting])~~ (f) Contracting for a statewide helpline, counseling, and referral services for victims, friends, and family members impacted by gun violence and community professionals and providers who engage with them;

~~((f) Contract [Contracting][Contracting])~~ (g) Contracting with the University of Washington to develop a best practice guide for therapy for gun violence victims;

~~((g))~~ (h) Administering the Washington firearm violence intervention and prevention grant program as outlined in RCW 43.330A.050.

(3) ~~(The)~~ Except as provided in subsection (2)(b) of this section, the office shall report to the appropriate legislative policy committees by December 1st every odd-numbered year on its progress and findings in analyzing data, developing strategies to prevent firearm violence, and recommendations for additional legislative policy options. The first report must be submitted by December 1, 2021."

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

On page 15, line 6, after "insert" insert "amending RCW

43.330A.020;"

Senators Wilson, L., Rivers, Short and Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Kuderer, Dhingra and Trudeau spoke against adoption of the amendment to the committee striking amendment.

REMARKS BY THE PRESIDENT

President Heck: "Alright. The rules require that remarks be germane to the amendment before us. The rules require that there be no questioning of intent or motive. Speakers from both sides of the aisle have bordered on violating this. Bluntly put, the gavel's gonna be a little quicker. This is an emotion charged policy debate. Respect the rules, please."

The President declared the question before the Senate to be the adoption of floor amendment no. 0370 by Senator Wilson, L. on page 14, after line 33 to the committee striking amendment.

The motion by Senator Wilson, L. did not carry, and floor amendment no. 0370 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 0371 by Senator Wilson, L. be adopted:

On page 14, after line 33, insert the following:

"**NEW SECTION. Sec. 5.** A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of theft of an assault weapon from a residence, store, shop, sales outlet, or vehicle if he or she commits a theft of any assault weapon from a residence, store, shop, or sales outlet where firearms are sold, or from any vehicle.

(2) This section applies regardless of the value of the assault weapon taken in the theft.

(3) Each assault weapon taken in the theft under this section is a separate offense.

(4)(a) For the purposes of this section, "theft" has the same meaning as defined in RCW 9A.56.020.

(b) The defense allowed against the prosecution for theft under RCW 9A.56.020 shall apply to the crime of theft of a firearm.

(5) For the purposes of this section:

(a) "Assault weapon" means any assault weapon as defined in RCW 9.41.010.

(b) "Vehicle" means any vehicle as defined in RCW 46.04.670.

(6) Theft of an assault weapon from a residence, store, shop, sales outlet, or vehicle is a class B felony.

**Sec. 6.** RCW 9.94A.515 and 2022 c 231 s 13 are each amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
- Malicious explosion 1 (RCW 70.74.280(1))
- Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- Trafficking 1 (RCW 9A.40.100(1))
- XIII Malicious explosion 2 (RCW

- 70.74.280(2))
- Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
- Assault of a Child 1 (RCW 9A.36.120)
- Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
- Rape 1 (RCW 9A.44.040)
- Rape of a Child 1 (RCW 9A.44.073)
- Trafficking 2 (RCW 9A.40.100(3))
- XI Manslaughter 1 (RCW 9A.32.060)
- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (RCW 9A.44.076)
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- X Child Molestation 1 (RCW 9A.44.083)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Kidnapping 1 (RCW 9A.40.020)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- Malicious explosion 3 (RCW 70.74.280(3))
- Sexually Violent Predator Escape (RCW 9A.76.115)
- IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
- Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run—Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- VIII Arson 1 (RCW 9A.48.020)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Homicide by Watercraft, by the operation

- of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
- Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
- Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- False Reporting 1 (RCW 9A.84.040(2)(a))
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Theft of an assault weapon from a residence, store, shop, sales outlet, or vehicle (section 5 of this act)
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Air bag diagnostic systems (RCW 46.37.660(2)(c))
- Air bag replacement requirements (RCW 46.37.660(1)(c))
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW

	9.94.070)		2 (RCW 9.68A.070(2))
	Possession of a Stolen Firearm (RCW 9A.56.310)		Residential Burglary (RCW 9A.52.025)
	Rape 3 (RCW 9A.44.060)		Robbery 2 (RCW 9A.56.210)
	Rendering Criminal Assistance 1 (RCW 9A.76.070)		Theft of Livestock 1 (RCW 9A.56.080)
	Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))		Threats to Bomb (RCW 9.61.160)
	Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))		Trafficking in Stolen Property 1 (RCW 9A.82.050)
	Sexual Misconduct with a Minor 1 (RCW 9A.44.093)		Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
	Sexually Violating Human Remains (RCW 9A.44.105)		Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
	Stalking (RCW 9A.46.110)		Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
	Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)		Unlawful transaction of insurance business (RCW 48.15.023(3))
IV	Arson 2 (RCW 9A.48.030)		Unlicensed practice as an insurance professional (RCW 48.17.063(2))
	Assault 2 (RCW 9A.36.021)		Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
	Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))		Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
	Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))		Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
	Assault by Watercraft (RCW 79A.60.060)		Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
	Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)		Willful Failure to Return from Furlough (RCW 72.66.060)
	Cheating 1 (RCW 9.46.1961)		III
	Commercial Bribery (RCW 9A.68.060)		Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
	Counterfeiting (RCW 9.16.035(4))		Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
	Driving While Under the Influence (RCW 46.61.502(6))		Assault of a Child 3 (RCW 9A.36.140)
	Endangerment with a Controlled Substance (RCW 9A.42.100)		Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
	Escape 1 (RCW 9A.76.110)		Burglary 2 (RCW 9A.52.030)
	Hate Crime (RCW 9A.36.080)		Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
	Hit and Run—Injury (RCW 46.52.020(4)(b))		Criminal Gang Intimidation (RCW 9A.46.120)
	Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))		Custodial Assault (RCW 9A.36.100)
	Identity Theft 1 (RCW 9.35.020(2))		Cyber Harassment (RCW 9A.90.120(2)(b))
	Indecent Exposure to Person Under Age 14 (subsequent sex offense) (RCW 9A.88.010)		Escape 2 (RCW 9A.76.120)
	Influencing Outcome of Sporting Event (RCW 9A.82.070)		Extortion 2 (RCW 9A.56.130)
	Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))		False Reporting 2 (RCW 9A.84.040(2)(b))
	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct		



Harassment (RCW 9A.46.020)  
 Intimidating a Public Servant (RCW 9A.76.180)  
 Introducing Contraband 2 (RCW 9A.76.150)  
 Malicious Injury to Railroad Property (RCW 81.60.070)  
 Manufacture of Untraceable Firearm with Intent to Sell (RCW 9.41.190)  
 Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9.41.325)  
 Mortgage Fraud (RCW 19.144.080)  
 Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)  
 Organized Retail Theft 1 (RCW 9A.56.350(2))  
 Perjury 2 (RCW 9A.72.030)  
 Possession of Incendiary Device (RCW 9.40.120)  
 Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9.41.190)  
 Promoting Prostitution 2 (RCW 9A.88.080)  
 Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))  
 Securities Act violation (RCW 21.20.400)  
 Tampering with a Witness (RCW 9A.72.120)  
 Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))  
 Theft of Livestock 2 (RCW 9A.56.083)  
 Theft with the Intent to Resell 1 (RCW 9A.56.340(2))  
 Trafficking in Stolen Property 2 (RCW 9A.82.055)  
 Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))  
 Unlawful Imprisonment (RCW 9A.40.040)  
 Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))  
 Unlawful possession of firearm in the second degree (RCW 9.41.040(2))  
 Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))  
 Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))  
 Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))  
 Vehicular Assault, by the operation or driving of a vehicle with disregard for

the safety of others (RCW 46.61.522)  
 Willful Failure to Return from Work Release (RCW 72.65.070)  
 II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))  
 Computer Trespass 1 (RCW 9A.90.040)  
 Counterfeiting (RCW 9.16.035(3))  
 Electronic Data Service Interference (RCW 9A.90.060)  
 Electronic Data Tampering 1 (RCW 9A.90.080)  
 Electronic Data Theft (RCW 9A.90.100)  
 Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))  
 Escape from Community Custody (RCW 72.09.310)  
 Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)  
 Health Care False Claims (RCW 48.80.030)  
 Identity Theft 2 (RCW 9.35.020(3))  
 Improperly Obtaining Financial Information (RCW 9.35.010)  
 Malicious Mischief 1 (RCW 9A.48.070)  
 Organized Retail Theft 2 (RCW 9A.56.350(3))  
 Possession of Stolen Property 1 (RCW 9A.56.150)  
 Possession of a Stolen Vehicle (RCW 9A.56.068)  
 Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))  
 Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)  
 Theft 1 (RCW 9A.56.030)  
 Theft of a Motor Vehicle (RCW 9A.56.065)  
 Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at \$5,000 or more) (RCW 9A.56.096(5)(a))  
 Theft with the Intent to Resell 2 (RCW 9A.56.340(3))  
 Trafficking in Insurance Claims (RCW 48.30A.015)  
 Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))  
 Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))  
 Unlawful Practice of Law (RCW 2.48.180)

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|---|---|
| Unlawful Purchase or Use of a License<br>(RCW 77.15.650(3)(b))  | (RCW 9.91.142)  |
| Unlawful Trafficking in Fish, Shellfish, or<br>Wildlife 2 (RCW 77.15.260(3)(a))   | Unlawful Use of Food Stamps (RCW<br>9.91.144)   |
| Unlicensed Practice of a Profession or<br>Business (RCW 18.130.190(7))  | Unlawful Use of Net to Take Fish 1 (RCW<br>77.15.580(3)(b))   |
| Voyeurism 1 (RCW 9A.44.115)   | Unlawful Use of Prohibited Aquatic<br>Animal Species (RCW 77.15.253(3))   |
| I Attempting to Elude a Pursuing Police<br>Vehicle (RCW 46.61.024)  | Vehicle Prowl 1 (RCW 9A.52.095)   |
| False Verification for Welfare (RCW<br>74.08.055)   | Violating Commercial Fishing Area or<br>Time 1 (RCW 77.15.550(3)(b))  |
| Forgery (RCW 9A.60.020)   | <b>Sec. 7.</b> RCW 9.94A.589 and 2020 c 276 s 1 are each amended<br>to read as follows:   |
| Fraudulent Creation or Revocation of a<br>Mental Health Advance Directive<br>(RCW 9A.60.060)  | (1)(a) Except as provided in (b), (c), or (d) of this subsection,<br>whenever a person is to be sentenced for two or more current<br>offenses, the sentence range for each current offense shall be<br>determined by using all other current and prior convictions as if<br>they were prior convictions for the purpose of the offender score:<br>PROVIDED, That if the court enters a finding that some or all of<br>the current offenses encompass the same criminal conduct then<br>those current offenses shall be counted as one crime. Sentences<br>imposed under this subsection shall be served concurrently.<br>Consecutive sentences may only be imposed under the<br>exceptional sentence provisions of RCW 9.94A.535. "Same<br>criminal conduct," as used in this subsection, means two or more<br>crimes that require the same criminal intent, are committed at<br>the same time and place, and involve the same victim. This definition<br>applies in cases involving vehicular assault or vehicular homicide<br>even if the victims occupied the same vehicle.  |
| Malicious Mischief 2 (RCW 9A.48.080)  | (b) Whenever a person is convicted of two or more serious<br>violent offenses arising from separate and distinct criminal<br>conduct, the standard sentence range for the offense with the<br>highest seriousness level under RCW 9.94A.515 shall be<br>determined using the offender's prior convictions and other<br>current convictions that are not serious violent offenses in the<br>offender score and the standard sentence range for other serious<br>violent offenses shall be determined by using an offender score of<br>zero. The standard sentence range for any offenses that are not<br>serious violent offenses shall be determined according to (a) of<br>this subsection. All sentences imposed under this subsection<br>(1)(b) shall be served consecutively to each other and<br>concurrently with sentences imposed under (a) of this subsection.<br>Even if the court orders the confinement terms to run<br>consecutively to each other, the terms of community custody shall<br>run concurrently to each other, unless the court expressly orders<br>the community custody terms to run consecutively to each other. |
| Mineral Trespass (RCW 78.44.330)  | (c) If an offender is convicted under RCW 9.41.040 for<br>unlawful possession of a firearm in the first or second degree and<br>for <del>((the))</del> <u>one or more of the following</u> felony crimes <del>((of theft))</del> ;<br><u>(i) Theft of a firearm; or (ii) theft of an assault weapon from a<br/>residence, store, shop, sales outlet, or vehicle (section 5 of this<br/>act); or (iii) possession of a stolen firearm, ((or both))</u> the<br>standard sentence range for each of these current offenses shall<br>be determined by using all other current and prior convictions,<br>except other current convictions for the felony crimes listed in this<br>subsection (1)(c), as if they were prior convictions. The offender<br>shall serve consecutive sentences for each conviction of the<br>felony crimes listed in this subsection (1)(c), and for each firearm<br>unlawfully possessed.  |
| Possession of Stolen Property 2 (RCW<br>9A.56.160)  | (d) All sentences imposed under RCW 46.61.502(6),<br>46.61.504(6), or 46.61.5055(4) shall be served consecutively to<br>any sentences imposed under RCW 46.20.740 and 46.20.750.  |
| Reckless Burning 1 (RCW 9A.48.040)  | (2)(a) Whenever a person while under sentence for conviction<br>of a felony commits another felony and is sentenced to another  |
| Spotlighting Big Game 1 (RCW<br>77.15.450(3)(b))  |   |
| Suspension of Department Privileges 1<br>(RCW 77.15.670(3)(b))  |   |
| Taking Motor Vehicle Without Permission<br>2 (RCW 9A.56.075)  |   |
| Theft 2 (RCW 9A.56.040)   |   |
| Theft from a Vulnerable Adult 2 (RCW<br>9A.56.400(2))   |   |
| Theft of Rental, Leased, Lease-purchased,<br>or Loaned Property (valued at \$750 or<br>more but less than \$5,000) (RCW<br>9A.56.096(5)(b)) |   |
| Transaction of insurance business beyond<br>the scope of licensure (RCW<br>48.17.063)   |   |
| Unlawful Fish and Shellfish Catch<br>Accounting (RCW 77.15.630(3)(b))   |   |
| Unlawful Issuance of Checks or Drafts<br>(RCW 9A.56.060)  |   |
| Unlawful Possession of Fictitious<br>Identification (RCW 9A.56.320)   |   |
| Unlawful Possession of Instruments of<br>Financial Fraud (RCW 9A.56.320)  |   |
| Unlawful Possession of Payment<br>Instruments (RCW 9A.56.320)   |   |
| Unlawful Possession of a Personal<br>Identification Device (RCW<br>9A.56.320)   |   |
| Unlawful Production of Payment<br>Instruments (RCW 9A.56.320)   |   |
| Unlawful Releasing, Planting, Possessing,<br>or Placing Deleterious Exotic Wildlife<br>(RCW 77.15.250(2)(b))                                |   |
| Unlawful Trafficking in Food Stamps   |   |

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term of confinement, the latter term of confinement shall not begin until expiration of all prior terms of confinement. However, any terms of community custody shall run concurrently to each other, unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(b) Whenever a second or later felony conviction results in consecutive community custody with conditions not currently in effect, under the prior sentence or sentences of community custody, the court may require that the conditions of community custody contained in the second or later sentence begin during the immediate term of community custody and continue throughout the duration of the consecutive term of community custody.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence for conviction of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that the confinement terms be served consecutively to each other. Even if the court orders the confinement terms to run consecutively to each other, the terms of community custody shall run concurrently to each other, unless the court expressly orders the community custody terms to run consecutively to each other.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) In the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community restitution, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.535, if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months."

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

On page 15, line 6, after "insert" insert "amending RCW 9.94A.515 and 9.94A.589;"

On page 15, line 7, after "RCW;" insert "adding a new section to chapter 9A.56 RCW;"

Senators Wilson, L., Fortunato and Short spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Dhingra spoke against adoption of the amendment to the committee striking amendment.

#### POINT OF ORDER

Senator Braun: "The testimony, the speech by my good friend from the 45<sup>th</sup> does not seem to be related to this bill. It seems to be informing about an entirely different issue."

#### RULING BY THE PRESIDENT

President Heck: "Senator Dhingra, the President reminds you to please restrict your remarks to the amendment pending before the Senate."

The President declared the question before the Senate to be the adoption of floor amendment no. 0371 by Senator Wilson, L. on

page 14, after line 33 to the committee striking amendment.

The motion by Senator Wilson, L. did not carry, and floor amendment no. 0371 was not adopted by voice vote.

#### POINT OF ORDER

Senator Padden: "Thank you Mr. President., Mr. President, I can't tell, my hearing isn't perfect, but it seems to me some of the voice votes may be coming from off the floor. And I just would ask that you remind folks that only members of the Senate can vote. Thank you."

#### REPLY BY THE PRESIDENT

President Heck: "Senator Padden, the President did not hear votes coming from off the floor but your point is well taken. Only members of the senate can vote and in fact they must step in from the wings in order to do so. Please be reminded."

#### MOTION

Senator Wilson, L. moved that the following floor amendment no. 0372 by Senator Wilson, J. be adopted:

On page 14, after line 33, insert the following:

"**NEW SECTION. Sec. 5.** A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed to a firearms dealer. The credit is equal to the net loss on an assault weapon.

(2) The credit under this section only applies to assault weapons owned by a firearms dealer as of the effective date of this section.

(3) The credit may not exceed the tax otherwise due under this chapter for the tax reporting period. Unused credit may be carried over and used in subsequent tax reporting periods.

(4) For the purpose of this section, the following definitions apply:

(a) "Acquisition cost" means the total cost a person recognizes for accounting purposes to acquire an assault weapon for resale; however, "acquisition cost" also includes shipping and transportation costs related to transporting assault weapons out-of-state for resale.

(b) "Assault weapon" has the same meaning as provided in RCW 9.41.010.

(c) "Firearms dealer" means a person engaged in the business of selling firearms at wholesale or retail.

(d) "Net loss" means the amount by which the acquisition cost of an assault weapon exceeds the sales price of an assault weapon. In the case of an assault weapon that is not sold, "net loss" means the acquisition cost."

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

On page 15, line 7, after "9.41 RCW;" insert "adding a new section to chapter 82.04 RCW;"

Senator Wilson, J. spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Trudeau spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0372 by Senator Wilson, J. on page 14, after line 33 to the committee striking amendment.

The motion by Senator Wilson, L. did not carry and floor amendment no. 0372 was not adopted by voice vote.

## MOTION

Senator Wagoner moved that the following floor amendment no. 0373 by Senator Wagoner be adopted:

On page 14, after line 33, insert the following:

**"NEW SECTION. Sec. 5.** (1) The joint legislative audit and review committee shall conduct a study of the effectiveness of this act in reducing violent crimes, firearm wounds and death in Washington state. The office of the superintendent of public instruction and the Washington association of sheriffs and police chiefs shall provide advice and assistance to the committee's effort to collect information from school districts, law enforcement, and emergency first responders.

(2) By January 1, 2028, and in compliance with RCW 43.01.036, the joint legislative audit and review committee must provide a report to the appropriate committees of the legislature that describes the results of the study.

(3) This section expires January 1, 2028."

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

On page 15, beginning on line 7, after "RCW;" strike all material through "penalties" and insert "creating new sections; prescribing penalties; providing an expiration date"

Senator Wagoner spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Kuderer and Dozier spoke against adoption of the amendment to the committee striking amendment.

## POINT OF ORDER

Senator Pedersen: "I think we are really travelling far afield from the amendment."

## RULING BY THE PRESIDENT

President Heck: "Senator Pedersen, the President thinks tempers are getting short. The President thinks that we are actually being less tolerant of one another than we ordinarily are. I think again, members on both sides of the aisle, have strayed. But not significantly different from in past debates. Our tolerance of that seems to be a lot less today. So, the President is going to respectfully ask, first of all the President is going to respectfully remind you what he said on day one, 'to please extend grace and patience to one another.' I am going to ask you that especially to do that today. This is a tough one. Take a deep breath. And Senator Dozier, get to your point more quickly sir. Please proceed."

Senators Wagoner and Wilson, L. spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0373 by Senator Wagoner on page 14, after line 33 to the committee striking amendment.

The motion by Senator Wagoner did not carry and floor amendment no. 0373 was not adopted by voice vote.

## MOTION

Senator Rivers moved that the following floor amendment no. 0378 by Senator Rivers be adopted:

On page 14, after line 33, insert the following:

**"NEW SECTION. Sec. 5.** A new section is added to chapter

9.41 RCW to read as follows:

(1) It is unlawful for a person, in the commission or furtherance of a felony, to discharge a stolen assault weapon or to menace or threaten with a stolen assault weapon, another person.

(2) A violation of this section shall be punished as a class A felony under chapter 9A.20 RCW.

**Sec. 6.** RCW 9.94A.515 and 2022 c 231 s 13 are each amended to read as follows:

## TABLE 2

## CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020) <u>Use of a Stolen Assault Weapon in Commission of a Felony (section 5 of this act)</u>
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Trafficking 2 (RCW 9A.40.100(3))
XI	Manslaughter 1 (RCW 9A.32.060) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520) Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083) Criminal Mistreatment 1 (RCW 9A.42.020) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Kidnapping 1 (RCW 9A.40.020) Leading Organized Crime (RCW 9A.82.060(1)(a)) Malicious explosion 3 (RCW 70.74.280(3)) Sexually Violent Predator Escape (RCW

- IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
- Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run—Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- VIII Arson 1 (RCW 9A.48.020)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
- Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
- Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- False Reporting 1 (RCW 9A.84.040(2)(a))
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Air bag diagnostic systems (RCW 46.37.660(2)(c))
- Air bag replacement requirements (RCW 46.37.660(1)(c))
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW

- 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.50.110, 26.52.070, or 74.34.145)
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Driving While Under the Influence (RCW 46.61.502(6))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hate Crime (RCW 9A.36.080)
- Hit and Run—Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age 14 (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))

Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))	9A.56.340(2))
Assault of a Child 3 (RCW 9A.36.140)	Trafficking in Stolen Property 2 (RCW 9A.82.055)
Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))	Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
Burglary 2 (RCW 9A.52.030)	Unlawful Imprisonment (RCW 9A.40.040)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)	Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))
Criminal Gang Intimidation (RCW 9A.46.120)	Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
Custodial Assault (RCW 9A.36.100)	Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
Cyber Harassment (RCW 9A.90.120(2)(b))	Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
Escape 2 (RCW 9A.76.120)	Unlawful Use of a Nondesigned Vessel (RCW 77.15.530(4))
Extortion 2 (RCW 9A.56.130)	Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
False Reporting 2 (RCW 9A.84.040(2)(b))	Willful Failure to Return from Work Release (RCW 72.65.070)
Harassment (RCW 9A.46.020)	II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
Intimidating a Public Servant (RCW 9A.76.180)	Computer Trespass 1 (RCW 9A.90.040)
Introducing Contraband 2 (RCW 9A.76.150)	Counterfeiting (RCW 9.16.035(3))
Malicious Injury to Railroad Property (RCW 81.60.070)	Electronic Data Service Interference (RCW 9A.90.060)
Manufacture of Untraceable Firearm with Intent to Sell (RCW 9.41.190)	Electronic Data Tampering 1 (RCW 9A.90.080)
Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9.41.325)	Electronic Data Theft (RCW 9A.90.100)
Mortgage Fraud (RCW 19.144.080)	Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)	Escape from Community Custody (RCW 72.09.310)
Organized Retail Theft 1 (RCW 9A.56.350(2))	Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
Perjury 2 (RCW 9A.72.030)	Health Care False Claims (RCW 48.80.030)
Possession of Incendiary Device (RCW 9.40.120)	Identity Theft 2 (RCW 9.35.020(3))
Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9.41.190)	Improperly Obtaining Financial Information (RCW 9.35.010)
Promoting Prostitution 2 (RCW 9A.88.080)	Malicious Mischief 1 (RCW 9A.48.070)
Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))	Organized Retail Theft 2 (RCW 9A.56.350(3))
Securities Act violation (RCW 21.20.400)	Possession of Stolen Property 1 (RCW 9A.56.150)
Tampering with a Witness (RCW 9A.72.120)	Possession of a Stolen Vehicle (RCW 9A.56.068)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))	Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
Theft of Livestock 2 (RCW 9A.56.083)	Scrap Processing, Recycling, or Supplying Without a License (second or
Theft with the Intent to Resell 1 (RCW	

- subsequent offense) (RCW 19.290.100)
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at \$5,000 or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Voyeurism 1 (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
- Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at \$750 or more but less than \$5,000) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
- Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))
- Unlawful Trafficking in Food Stamps (RCW 9.91.142)
- Unlawful Use of Food Stamps (RCW 9.91.144)
- Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))
- Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))
- Vehicle Prowl 1 (RCW 9A.52.095)
- Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))"
- Renumber the remaining sections consecutively and correct any internal references accordingly.
- On page 15, line 6, after "insert" insert "amending RCW 9.94A.515;"
- Senator Rivers spoke in favor of adoption of the amendment to the committee striking amendment.
- Senator Dhingra spoke against adoption of the amendment to the committee striking amendment.
- The President declared the question before the Senate to be the adoption of floor amendment no. 0378 by Senator Rivers on page 14, after line 33 to the committee striking amendment.
- The motion by Senator Rivers did not carry and floor amendment no. 0378 was not adopted by rising vote.
- MOTION
- Senator Padden moved that the following floor amendment no. 0374 by Senator Padden be adopted:
- On page 15, beginning on line 1, strike all of section 6 and insert the following:
- "NEW SECTION. Sec. 6.** (1) This act takes effect on the date that the federal court of appeals for the ninth circuit issues an opinion that interprets and applies the "historical tradition of firearm regulation" test, established by the United States supreme court in *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111 (2022), to a firearm law or regulation.
- (2) The attorney general's office shall provide written notice of the effective date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office



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of the code reviser, and others as deemed appropriate by the attorney general's office."

On page 15, line 8, after "and" strike "declaring an emergency" and insert "providing a contingent effective date"

Senator Padden spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Dhingra spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0374 by Senator Padden on page 15, line 1 to the committee striking amendment.

The motion by Senator Padden did not carry and floor amendment no. 0374 was not adopted by voice vote.

#### MOTION

Senator McCune moved that the following floor amendment no. 0376 by Senator McCune be adopted:

On page 15, beginning on line 1, strike all of section 6

On page 15, line 8, after "section;" strike all material through "emergency" and insert "and prescribing penalties"

Senators McCune, Wagoner, Wilson, L., Fortunato and Short spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Kuderer and Dhingra spoke against adoption of the amendment to the committee striking amendment.

#### MOTION

Senator Short demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator McCune on page 15, line 1 to the committee striking amendment.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator McCune and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Lias, Lovelett, Lovick, Nguyen, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Excused: Senator Nobles.

#### MOTION

Senator Gildon moved that the following floor amendment no. 0360 by Senator Gildon be adopted:

On page 15, line 1, after "**Sec. 6.**" strike all material through "immediately" on line 4 and insert "Sections 2, 4, and 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its

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existing public institutions, and take effect immediately"

Senator Gildon spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Dhingra spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0360 by Senator Gildon on page 15, line 1 to the committee striking amendment.

The motion by Senator Gildon did not carry and floor amendment no. 0360 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 0375 by Senator Padden be adopted:

On page 15, line 1, after "**Sec. 6.**" strike "This" and insert "Except for section 3 of this act which takes effect the later of October 31, 2023, or 180 days after the effective date of this act, this"

On page 15, line 8, after "penalties;" insert "providing an effective date;"

Senator Padden spoke in favor of adoption of the amendment to the committee striking amendment.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 0375 by Senator Padden on page 15, line 1 to Substitute House Bill No. 1240 was withdrawn.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 1240.

The motion by Senator Kuderer carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 1240 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Lias and Lovelett spoke in favor of passage of the bill.

Senators Wagoner, Muzzall, Boehnke, Schoesler, Wilson, J., Warnick and Wilson, L. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1240.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1240 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall,

Padden, Rivers, Schoesler, Short, Torres, Van De Wege,  
Wagoner, Warnick, Wilson, J. and Wilson, L.  
Excused: Senator Nobles

SUBSTITUTE HOUSE BILL NO. 1240, 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

HOUSE BILL NO. 1763, by Representatives Eslick, Leavitt, Senn, Callan, Schmidt and Pollet

Ensuring completion of conditional scholarship obligations and reducing penalties for excusable incomplete obligations.

The measure was read the second time.

#### MOTION

On motion of Senator Randall, the rules were suspended, House Bill No. 1763 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 1763.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1763 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Nobles

HOUSE BILL NO. 1763, 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.

#### 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:

ENGROSSED SENATE BILL NO. 5015,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5082,  
SUBSTITUTE SENATE BILL NO. 5087,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5217,  
SENATE BILL NO. 5228,

SENATE BILL NO. 5242,  
SENATE BILL NO. 5331,  
SENATE BILL NO. 5347,  
SUBSTITUTE SENATE BILL NO. 5415,  
SENATE BILL NO. 5452,  
SENATE BILL NO. 5531,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5582,  
and SENATE BILL NO. 5683.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1766, by House Committee on Civil Rights & Judiciary (originally sponsored by Griffey, Davis, Senn, Dent, Callan and Cheney)

Creation of a hope card program.

The measure was read the second time.

#### MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute House Bill No. 1766 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1766.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1766 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Nobles

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1766, 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 5:01 p.m., on motion of Senator Pedersen, the Senate adjourned until 10:00 o'clock a.m. Monday, April 10, 2023.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

1030	Messages..... 1	1311-SE	President Signed..... 29
	President Signed..... 29	1323-S	Messages..... 1
1031	Messages..... 1		President Signed..... 29
	President Signed..... 29	1361-SE	Second Reading ..... 25
1032-S2	Second Reading ..... 9		Third Reading Final Passage ..... 25
	Third Reading Final Passage ..... 9	1370	Messages..... 1
1047-S	Other Action..... 24		President Signed..... 29
	Second Reading ..... 22, 24	1406-S	Second Reading ..... 27
	Third Reading Final Passage ..... 25		Third Reading Final Passage ..... 27
1073-S	Messages..... 1	1460-S	Other Action..... 8
1073-SE	President Signed..... 29		Second Reading ..... 4, 8
1085-S	Second Reading ..... 3		Third Reading Final Passage ..... 9
	Third Reading Final Passage ..... 3	1525-S2	Other Action..... 28
1134-S2E	Other Action..... 26		Second Reading ..... 27, 28
	Second Reading ..... 25, 26		Third Reading Final Passage ..... 28
	Third Reading Final Passage ..... 27	1590-S	Messages..... 1
1170-S2	Second Reading ..... 3		President Signed..... 29
	Third Reading Final Passage ..... 3	1707	Messages..... 1
1177-S	Second Reading ..... 27		President Signed..... 29
	Third Reading Final Passage ..... 27	1712	Messages..... 1
1216-S2E	Other Action..... 21		President Signed..... 29
	Second Reading ..... 9, 21	1730	Messages..... 1
	Third Reading Final Passage ..... 22		President Signed..... 29
1240-S	Other Action..... 36, 37, 49	1763	Second Reading ..... 50
	Second Reading 29, 33, 34, 35, 36, 37, 38, 43, 44, 48, 49		Third Reading Final Passage ..... 50
	Third Reading Final Passage ..... 49	1766-S	Second Reading ..... 50
1255-S	Messages..... 1		Third Reading Final Passage ..... 50
	President Signed..... 29	1792	Messages..... 1
1275-S	Messages..... 1		President Signed..... 29
	President Signed..... 29	1850-S	Introduction & 1st Reading..... 1
1311-S	Messages..... 1	5015	Messages..... 1

5015-E	President Signed.....	50	President Signed.....	50
5066	Messages.....	1	5453-S	Messages.....
5070	Messages.....	1	5499-S	Messages.....
5082-S	Messages.....	1	5518-S2	Messages.....
5082-SE	President Signed.....	50	5531	Messages.....
5084	Messages.....	1	5542-S	Messages.....
5087-S	Messages.....	1	5582-S2	Messages.....
5131	Messages.....	1	5582-S2E	President Signed.....
5217-S	Messages.....	1	5683	Messages.....
5217-SE	President Signed.....	50	9137 Breckel, Jeffrey	Confirmed.....
5228	Messages.....	1	9143 Yoshiwara, Jan	Confirmed.....
5236-S2	Messages.....	1	9247 Gonzalez, Michelle	Confirmed.....
5238-S	Messages.....	1	9344 Wooten, Courtney	Introduction.....
5242	Messages.....	1	CHAPLAIN OF THE DAY	Carr, Ms. Troy Lynn, Reverend Dr., Pacific Northwest Conference United Methodist Church, Tacoma.....
5286-S	Messages.....	1	FLAG BEARERS	Miller, Mr. Brennan.....
5331	Messages.....	1	Weixel, Mr. John.....	1
5347	Messages.....	1	GUESTS	Bianes-Delrosario, Mr. Christian.....
5390	Messages.....	1	MESSAGE FROM GOVERNOR	Gubernatorial Appointments.....
5415-S	Messages.....	1	PRESIDENT OF THE SENATE	Remarks by the President.....
5452	Messages.....	1	Reply by the President.....	43
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			WASHINGTON STATE SENATE	Point of Inquiry, Senator Short.....
			Point of Order, Senator Braun.....	43
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