

ONE HUNDREDTH DAY

MORNING SESSION

Senate Chamber, Olympia  
Tuesday, April 18, 2023

The Senate was called to order at 10:04 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.

The Sergeant at Arms Color Guard consisting of Pages Miss Akila Shaw and Miss Akira Shaw, presented the Colors. Page Mr. Steven Jacka led the Senate in the Pledge of Allegiance. The prayer was offered by Rabbi Yosef Schrocks of Chabad Jewish Center of Olympia.

MOTIONS

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 fourth order of business.

MESSAGES FROM THE HOUSE

April 17, 2023

MR. PRESIDENT:  
The House grants the request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5187. The Speaker has appointed the following members as Conferees: Representatives Ormsby, Bergquist, Stokesbary and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

April 17, 2023

MR. PRESIDENT:  
The House has passed:  
SENATE BILL NO. 5166,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5199,  
SUBSTITUTE SENATE BILL NO. 5218,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 17, 2023

MR. PRESIDENT:  
The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1138,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155,  
SUBSTITUTE HOUSE BILL NO. 1250,  
SECOND SUBSTITUTE HOUSE BILL NO. 1316,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1335,  
SUBSTITUTE HOUSE BILL NO. 1460,  
HOUSE BILL NO. 1777,

and the same are herewith transmitted.  
MELISSA PALMER, Deputy Chief Clerk

April 17, 2023

MR. PRESIDENT:  
The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:  
HOUSE BILL NO. 1020,  
ENGROSSED HOUSE BILL NO. 1086,

SUBSTITUTE HOUSE BILL NO. 1138,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1188,

SUBSTITUTE HOUSE BILL NO. 1250,  
SECOND SUBSTITUTE HOUSE BILL NO. 1316,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1335,  
SUBSTITUTE HOUSE BILL NO. 1460,  
SECOND SUBSTITUTE HOUSE BILL NO. 1474,  
SECOND SUBSTITUTE HOUSE BILL NO. 1525,  
SECOND SUBSTITUTE HOUSE BILL NO. 1578,  
SUBSTITUTE HOUSE BILL NO. 1701,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1731,  
HOUSE BILL NO. 1777,

and the same are herewith transmitted.  
BERNARD DEAN, Chief Clerk

REMARKS BY THE PRESIDENT

President Heck: "We congratulate, all of us, on the Kraken's participation in the playoffs in only their second season. And the summary comment is 'Pity the Avalanche.'"

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Tod Leiweke, CEO of the Seattle Kraken and former Representative Mr. Eric Pettigrew, VP Government Relations & Outreach, who were seated in the gallery.

MOTION

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

MOTION

Senator Wilson, C. moved adoption of the following resolution:

SENATE RESOLUTION  
8624

By Senators C. Wilson, Wellman, Conway, Fortunato, Hasegawa, Kuderer, Salomon, Torres, Valdez, and Wagoner

WHEREAS, On Yom HaShoah, or Holocaust Remembrance Day, we recognize the victims and survivors of Nazi Germany's heinous persecution and attempt to eliminate Jewish people across Europe; and

WHEREAS, The Jews who perished at the hands of the Nazis and their collaborators comprised two-thirds of the European Jewry; and

WHEREAS, The year 2023 marks the 90th anniversary of the beginning of the genocide of European Jews, one of the darkest moments in our history; and

WHEREAS, Many Washington residents, present and former, had to bear witness to the violent elimination of their family and friends during the Holocaust, and live with those scars everyday; and

WHEREAS, It is important that generations, current and

future, are taught about these actions so that the stories of the survivors are never lost, and education is the only way to prevent such actions from happening again; and

WHEREAS, The United States Holocaust Memorial Council has designated Sunday, April 16, 2023, through Sunday, April 23, 2023, as Holocaust Remembrance week and Tuesday, April 18, 2023, as Holocaust Remembrance Day; and

WHEREAS, The senate recognize that it is important to remember the sacrifices of the victims and survivors of the Holocaust to stand up and speak out in the face of religious and ethnic persecution, racism, homophobia, xenophobia, and all other forms of bigotry and hatred; and

WHEREAS, The People of Washington state must unify behind love and community over hatred and bigotry to create a stronger state, country, and world that serves every one of us here and those yet to come;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state senate join the United States Holocaust Memorial Council in observing Sunday, April 16, 2023, through Sunday, April 23, 2023, as Holocaust Remembrance week and Tuesday, April 18, 2023, designated as Holocaust Remembrance Day.

Senators Wilson, C., Fortunato and Billig spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8624.

The motion by Senator Wilson, C. carried and the resolution was adopted by voice vote.

#### MOTION

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

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Kuderer moved that Wendy L. Lawrence, Senate Gubernatorial Appointment No. 9021, be confirmed as a member of the Housing Finance Commission.

Senators Kuderer and Fortunato spoke in favor of passage of the motion.

#### MOTION

On motion of Senator Nobles, Senators Lovelett and Randall were excused.

#### APPOINTMENT OF WENDY L. LAWRENCE

The President declared the question before the Senate to be the confirmation of Wendy L. Lawrence, Senate Gubernatorial Appointment No. 9021, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Wendy L. Lawrence, Senate Gubernatorial Appointment No. 9021, as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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, Nobles, Padden, Pedersen, 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: Senators Randall and Rivers

Wendy L. Lawrence, Senate Gubernatorial Appointment No. 9021, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Wellman moved that Peter M. Gayton, Senate Gubernatorial Appointment No. 9018, be confirmed as a member of the Personnel Resources Board.

Senator Wellman spoke in favor of the motion.

#### APPOINTMENT OF PETER M. GAYTON

The President declared the question before the Senate to be the confirmation of Peter M. Gayton, Senate Gubernatorial Appointment No. 9018, as a member of the Personnel Resources Board.

The Secretary called the roll on the confirmation of Peter M. Gayton, Senate Gubernatorial Appointment No. 9018, as a member of the Personnel Resources Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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, Nobles, Padden, Pedersen, 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: Senators Randall and Rivers

Peter M. Gayton, Senate Gubernatorial Appointment No. 9018, having received the constitutional majority was declared confirmed as a member of the Personnel Resources Board.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Wellman moved that Nancy L. McDaniel, Senate Gubernatorial Appointment No. 9004, be confirmed as a member of the Washington State School for the Blind Board of Trustees.

Senator Wellman spoke in favor of the motion.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the students from Simpson Elementary School who were seated in the gallery. They are guests of Senator Van De Wege.

#### APPOINTMENT OF NANCY L. MCDANIEL

The President declared the question before the Senate to be the

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confirmation of Nancy L. McDaniel, Senate Gubernatorial Appointment No. 9004, as a member of the Washington State School for the Blind Board of Trustees.

The Secretary called the roll on the confirmation of Nancy L. McDaniel, Senate Gubernatorial Appointment No. 9004, as a member of the Washington State School for the Blind Board of Trustees 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, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, 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 Rivers

Nancy L. McDaniel, Senate Gubernatorial Appointment No. 9004, having received the constitutional majority was declared confirmed as a member of the Washington State School for the Blind Board of Trustees.

MOTION

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

MESSAGES FROM THE HOUSE

April 17, 2023

MR. PRESIDENT:

The Speaker has signed:

- SENATE BILL NO. 5058,
- SUBSTITUTE SENATE BILL NO. 5114,
- SENATE BILL NO. 5323,
- SENATE BILL NO. 5330,
- SUBSTITUTE SENATE BILL NO. 5358,
- SENATE BILL NO. 5392,
- SENATE BILL NO. 5606,
- SUBSTITUTE SENATE BILL NO. 5687,
- SENATE JOINT MEMORIAL NO. 8001,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 17, 2023

MR. PRESIDENT:

The Speaker has signed:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1042,
- SUBSTITUTE HOUSE BILL NO. 1043,
- SUBSTITUTE HOUSE BILL NO. 1047,
- SUBSTITUTE HOUSE BILL NO. 1074,
- HOUSE BILL NO. 1112,
- SUBSTITUTE HOUSE BILL NO. 1117,
- SUBSTITUTE HOUSE BILL NO. 1138,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1187,
- HOUSE BILL NO. 1199,
- SUBSTITUTE HOUSE BILL NO. 1200,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216,
- SUBSTITUTE HOUSE BILL NO. 1217,

- HOUSE BILL NO. 1243,
- SUBSTITUTE HOUSE BILL NO. 1271,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1293,
- SECOND SUBSTITUTE HOUSE BILL NO. 1316,
- HOUSE BILL NO. 1317,
- ENGROSSED HOUSE BILL NO. 1337,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340,
- HOUSE BILL NO. 1345,
- HOUSE BILL NO. 1349,
- SECOND SUBSTITUTE HOUSE BILL NO. 1390,
- SUBSTITUTE HOUSE BILL NO. 1460,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498,
- HOUSE BILL NO. 1599,
- ENGROSSED HOUSE BILL NO. 1636,
- SECOND SUBSTITUTE HOUSE BILL NO. 1639,
- ENGROSSED HOUSE BILL NO. 1663,
- SUBSTITUTE HOUSE BILL NO. 1683,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1736,
- HOUSE BILL NO. 1771,
- HOUSE BILL NO. 1775,
- HOUSE BILL NO. 1777,
- SUBSTITUTE HOUSE BILL NO. 1779,
- ENGROSSED HOUSE BILL NO. 1782,
- SUBSTITUTE HOUSE BILL NO. 1783,
- SUBSTITUTE HOUSE BILL NO. 1804,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MESSAGE FROM THE HOUSE

April 10, 2023

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5389 with the following amendment(s): 5389-S AMH ENGR H1821.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.53.010 and 2015 c 113 s 1 are each amended to read as follows:

(1) The practice of optometry is defined as the examination of the human eye, the examination and ascertaining any defects of the human vision system, and the analysis of the process of vision. The practice of optometry may include, but not necessarily be limited to, the following:

(a) The employment of any objective or subjective means or method, including the use of drugs, for diagnostic and therapeutic purposes by those licensed under this chapter and who meet the requirements of subsections ((2)) (4) and ((3)) (6) of this section, and the use of any diagnostic instruments or devices for the examination or analysis of the human vision system, the measurement of the powers or range of human vision, or the determination of the refractive powers of the human eye or its functions in general; ((and))

(b) The prescription and fitting of lenses, prisms, therapeutic or refractive contact lenses and the adaption or adjustment of frames and lenses used in connection therewith; ((and))

(c) The prescription and fitting of contact lenses for the purpose of altering refractive error or to treat eye disease;

(d) The prescription and provision of visual therapy, neuro-optometry rehabilitation, therapeutic aids, subnormal vision therapy, orthoptics, and other optical devices; ((and))

((d)) (e) The ascertainment of the perceptive, neural, muscular, or pathological condition of the visual system; ((and)) ((e)) (f) The adaptation of prosthetic eyes;

(g) Ordering necessary diagnostic lab or imaging tests including, but not limited to, finger-stick testing and collecting

samples for culturing:

(h) Dispensing of medication samples to initiate treatment is permitted; and

(i) Removal of nonpenetrating foreign bodies, debridement of tissue, epilation of misaligned eyelashes, placement of punctal or lacrimal plugs, including devices containing pharmaceutical agents implanted in the lacrimal system, dilation and irrigation of the lacrimal system, nonlaser light therapy, and placement of biologic membranes.

(2)(a) The practice of optometry may include the following advanced procedures:

(i) Common complication of the lids, lashes, and lacrimal systems;

(ii) Chalazion management, including injection and excision;

(iii) Injections, including intramuscular injections of epinephrine and subconjunctival and subcutaneous injections of medications;

(iv) Management of lid lesions, including intralesional injection of medications;

(v) Preoperative and postoperative care related to these procedures;

(vi) Use of topical and injectable anesthetics; and

(vii) Eyelid surgery, excluding any cosmetic surgery or surgery requiring the use of general anesthesia.

(b) An optometrist shall not perform any advanced procedures listed in this subsection until he or she receives a license endorsement issued by the optometry board. The board may not issue an endorsement unless the licensed optometrist meets the educational, training, and competence criteria set forth in this section.

(3) The practice of optometry does not include:

(a) Performing retinal laser procedures, laser-assisted in situ keratomileus, photorefractive keratectomy, laser epithelial keratomileusis, or any forms of refractive surgery, other than light adjustable lens procedures;

(b) Penetrating keratoplasty, corneal transplant, or lamellar keratoplasty;

(c) Administering intravenous or general anesthesia;

(d) Performing surgery with general anesthesia;

(e) Providing laser or nonlaser injections into the vitreous chamber of the eye to treat any macular or retinal disease;

(f) Performing surgery related to the removal of the eye from a living human being;

(g) Performing surgery requiring a full thickness incision or excision of the cornea or sclera other than paracentesis in an emergency situation requiring immediate reduction of the pressure inside of the eye;

(h) Performing surgery requiring incision of the iris and ciliary body, including iris diathermy or cryotherapy;

(i) Performing surgery requiring incision of the vitreous or retina;

(j) Performing surgical extraction of the crystalline lens;

(k) Performing surgical intraocular implants;

(l) Performing incisional or excisional surgery of the extraocular muscles;

(m) Performing surgery of the eyelid for malignancies or for incisional cosmetic or mechanical repair of blepharochalasis, ptosis, or tarsorrhaphy;

(n) Performing surgery of the bony orbit, including orbital implants;

(o) Performing incisional or excisional surgery of the lacrimal system other than lacrimal probing or related procedures;

(p) Performing surgery requiring full thickness conjunctivoplasty with graft or flap;

(q) Performing any surgical procedure that does not provide for the correction and relief of ocular abnormalities;

(r) Suturing;

(s) Providing an incision into the eyeball;

(t) Providing sub-tenon, retrobulbar, intraorbital, or botulinum toxin injection; or

(u) Performing pterygium surgery.

(4)(a) Those persons using topical and oral drugs for diagnostic and therapeutic purposes in the practice of optometry shall have a minimum of ~~((sixty))~~ 60 hours of didactic and clinical instruction in general and ocular pharmacology as applied to optometry, as established by the optometry board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States (~~((office of education or the council on postsecondary))~~ department of education or the council on higher education accreditation to qualify for certification by the optometry board of Washington to use drugs for diagnostic and therapeutic purposes.

(b) Those persons using or prescribing topical drugs for therapeutic purposes in the practice of optometry must be certified under (a) of this subsection, and must have an additional minimum of ~~((seventy-five))~~ 75 hours of didactic and clinical instruction as established by the optometry board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States (~~((office of education or the council on postsecondary))~~ department of education or the council on higher education accreditation to qualify for certification by the optometry board of Washington to use drugs for therapeutic purposes.

(c) Those persons using or prescribing drugs administered orally for diagnostic or therapeutic purposes in the practice of optometry shall be certified under (b) of this subsection, and shall have an additional minimum of ~~((sixteen))~~ 16 hours of didactic and eight hours of supervised clinical instruction as established by the optometry board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States (~~((office of education or the council on postsecondary))~~ department of education or the council on higher education accreditation to qualify for certification by the optometry board of Washington to administer, dispense, or prescribe oral drugs for diagnostic or therapeutic purposes.

(d) Those persons administering epinephrine by injection for treatment of anaphylactic shock in the practice of optometry must be certified under (b) of this subsection and must have an additional minimum of four hours of didactic and supervised clinical instruction, as established by the optometry board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States (~~((office of education or the council on postsecondary))~~ department of education or the council on higher education accreditation to qualify for certification by the optometry board to administer epinephrine by injection.

(e) Such course or courses shall be the fiscal responsibility of the participating and attending optometrist.

(f)~~((+))~~ All persons receiving their initial license under this chapter on or after January 1, 2007, must be certified under (a), (b), (c), and (d) of this subsection.

~~((ii)) All persons licensed under this chapter on or after January 1, 2009, must be certified under (a) and (b) of this subsection.~~

~~((iii)) All persons licensed under this chapter on or after January 1, 2011, must be certified under (a), (b), (c), and (d) of this subsection.~~

~~((3))~~ (5)(a) To receive a license endorsement to perform the advanced procedures listed in this section, a licensed optometrist must:

(i) Successfully complete postgraduate courses as designated by the optometry board that provide adequate training on those procedures. Any course that is offered by an institution of higher

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education accredited by those agencies recognized by the United States department of education or the council on higher education accreditation and approved by the optometry board to qualify for an endorsement to perform advanced procedures must contain supervised hands-on experience with live patients, or be supplemented by a residency, internship, or other supervised program that offers hands-on experience with live patients;

(ii) Successfully complete a national examination for advanced procedures, including the lasers and surgical procedures examination, injections skill examination, or other equivalent examination as designated by the optometry board; and

(iii) Enter into an agreement with a qualified physician licensed under chapter 18.71 RCW or an osteopathic physician licensed under chapter 18.57 RCW for rapid response if complications occur during an advanced procedure.

(b) Upon completion of the above listed requirements, proof of training shall be submitted to the optometry board for approval. No optometrist may perform the advanced procedures listed in subsection (2) of this section until they have received confirmation of the endorsement in writing.

(6) The optometry board shall establish a list of topical drugs for diagnostic and treatment purposes limited to the practice of optometry, and no person licensed pursuant to this chapter shall prescribe, dispense, purchase, possess, or administer drugs except as authorized and to the extent permitted by the optometry board.

((4)) (7) The optometry board must establish a list of oral Schedule III through V controlled substances and any oral legend drugs, with the approval of and after consultation with the pharmacy quality assurance commission. The optometry board may include Schedule II hydrocodone combination products consistent with subsection ((6)) (9) of this section. No person licensed under this chapter may use, prescribe, dispense, purchase, possess, or administer these drugs except as authorized and to the extent permitted by the optometry board. ((No optometrist may use, prescribe, dispense, or administer oral corticosteroids)) To prescribe oral corticosteroids for more than seven days, an optometrist must consult with a licensed physician.

(a) The optometry board, with the approval of and in consultation with the pharmacy quality assurance commission, must establish, by rule, specific guidelines for the prescription and administration of drugs by optometrists, so that licensed optometrists and persons filling their prescriptions have a clear understanding of which drugs and which dosages or forms are included in the authority granted by this section.

(b) An optometrist may not

(i) ~~Prescribe~~ prescribe, dispense, or administer a controlled substance for more than seven days in treating a particular patient for a single trauma, episode, or condition or for pain associated with or related to the trauma, episode, or condition

(ii) ~~Prescribe an oral drug within ninety days following ophthalmic surgery unless the optometrist consults with the treating ophthalmologist.~~

(c) If treatment exceeding the limitation in (b)((i)) of this subsection is indicated, the patient must be referred to a physician licensed under chapter 18.71 RCW.

(d) The prescription or administration of drugs as authorized in this section is specifically limited to those drugs appropriate to treatment of diseases or conditions of the human eye and the adnexa that are within the scope of practice of optometry. The prescription or administration of drugs for any other purpose is not authorized by this section.

((5)) (8) The optometry board shall develop a means of identification and verification of optometrists certified to ~~(use therapeutic drugs for the purpose of issuing prescriptions as authorized by this section)~~ perform advanced procedures.

((6)) (9) Nothing in this chapter may be construed to authorize the use, prescription, dispensing, purchase, possession, or administration of any Schedule I or II controlled substance, except Schedule II hydrocodone combination products. The provisions of this subsection must be strictly construed.

((7) With the exception of the administration of epinephrine by injection for the treatment of anaphylactic shock, no injections or infusions may be administered by an optometrist.

(8)) (10) Nothing in this chapter may be construed to authorize optometrists to perform ophthalmic surgery. Ophthalmic surgery is defined as any invasive procedure in which human tissue is cut, ablated, or otherwise penetrated by incision, injection, laser, ultrasound, or other means, in order to: Treat human eye diseases; alter or correct refractive error; or alter or enhance cosmetic appearance. Nothing in this chapter limits an optometrist's ability to use diagnostic instruments utilizing laser or ultrasound technology. Ophthalmic surgery, as defined in this subsection, does not include the advanced procedures listed in subsection (2)(a) of this section, removal of superficial ocular foreign bodies, epilation of misaligned eyelashes, placement of punctal or lacrimal plugs, diagnostic dilation and irrigation of the lacrimal system, orthokeratology, prescription and fitting of contact lenses with the purpose of altering refractive error, or other similar procedures within the scope of practice of optometry.

(11) In a public health emergency, the state health officer may authorize licensed optometrists to administer inoculations for systemic health reasons.

(12)(a) Any optometrist authorized by the optometry board shall be permitted to purchase diagnostic pharmaceutical agents for use in the practice of optometry. Any optometrist authorized by the optometry board shall be permitted to prescribe therapeutic pharmaceutical agents in the practice of optometry. Optometrists authorized by the optometry board to purchase pharmaceutical agents shall obtain them from licensed wholesalers or pharmacists, using prescriptions or chart orders placed in the same or similar manner as any physician or other practitioner so authorized. Purchases shall be limited to those pharmaceutical agents specified in this section, based upon the authority conferred upon the optometrist by the optometry board consistent with the educational qualifications of the optometrist as established in this section.

(b) Diagnostic and therapeutic pharmaceutical agents are any prescription or nonprescription drug delivered via any route of administration used or prescribed for the diagnosis, treatment, or mitigation of abnormal conditions and pathology of the human eye and its adnexa. Diagnostic and therapeutic pharmaceutical agents do not include Schedule I and Schedule II drugs, except for hydrocodone combination products.

**Sec. 2.** RCW 18.54.050 and 2011 c 336 s 491 are each amended to read as follows:

The board must meet at least once yearly or more frequently upon call of the chair or the secretary of health at such times and places as the chair or the secretary of health may designate by giving three days' notice or as otherwise required by RCW 42.30.075. A full record of the board's proceedings shall be kept in the office of the board and shall be open to inspection at all reasonable times.

**Sec. 3.** RCW 18.54.070 and 1995 c 198 s 7 are each amended to read as follows:

The board has the following powers and duties:

(1) To develop and administer, or approve, or both, a licensure examination. The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities.

(2) The board shall adopt rules and regulations to promote

safety, protection, and the welfare of the public, to carry out the purposes of this chapter, to aid the board in the performance of its powers and duties, and to govern the practice of optometry. The administrative regulations shall include the classification and licensure of optometrists by examination or credentials, retirement of a license, and reinstatement of a license.

(3) The board shall have the authority to provide rule making regarding the allowable procedures and their educational requirements within the confines of this chapter and chapter 18.53 RCW.

(4) The board shall keep a register containing the name, address, license number, email, and phone number of every person licensed to practice optometry in this state to the best of their ability.

NEW SECTION. Sec. 4. A new section is added to chapter 18.54 RCW to read as follows:

(1) The board shall develop a process for an optometrist that has received an endorsement to perform advanced procedures authorized under RCW 18.53.010 to submit information to the board on the outcome, including any complication or adverse event, of every advanced procedure that the optometrist completed in the previous year. An optometrist with a license endorsement must file this information in the manner determined by the board at the time of license renewal. All information submitted under this subsection is confidential and may not be disclosed under chapter 42.56 RCW.

(2) By December 1, 2024, and annually thereafter, the board in coordination with the department of health must analyze and report on the outcomes of the advanced procedures authorized in RCW 18.53.010 during the previous year. The report should include any complications or adverse events related to the performance of advanced procedures. The data should be aggregated and not identify any individual provider or facility and may not reveal any confidential information. The department of health must make this report publicly available on its website.

(3) This section expires December 31, 2028."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5389.

Senator Cleveland spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5389.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5389 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5389, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5389, as amended by the House, and the bill passed the Senate 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, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Warnick

Excused: Senator Rivers

SUBSTITUTE SENATE BILL NO. 5389, as amended by the House, 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.

#### MESSAGE FROM THE HOUSE

April 7, 2023

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5396 with the following amendment(s): 5396-S AMH APP H1839.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) In 1989 the legislature enacted Substitute House Bill No. 1074 requiring disability insurers, group disability insurers, health care service contractors, health maintenance organizations, and plans offered to public employees that provide benefits for hospital or medical care to provide benefits for screening and diagnostic mammography services.

(2) In 2010 the United States congress enacted the patient protection and affordable care act, which required coverage of certain preventative care services including screening mammograms with no cost sharing.

(3) In 2013 the Washington state office of the insurance commissioner adopted rules establishing the essential health benefits benchmark plan, which listed diagnostic and screening mammogram services as state benefit requirements under preventative and wellness services.

(4) In 2018 the legislature enacted Senate Bill No. 5912 which directed the office of the insurance commissioner to clarify that the existing mandates for mammography included coverage for tomosynthesis, also known as three-dimensional mammography, under the same terms and conditions allowed for mammography.

(5) The legislature intends to establish that the requirements for coverage of mammography services predated the affordable care act and are already included in the state's essential health benefits benchmark plan. Furthermore, the legislature intends to prohibit cost sharing for certain types of breast examinations.

NEW SECTION. Sec. 2. A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, for nongrandfathered health plans issued or renewed on or after January 1, 2024, that include coverage of supplemental breast examinations and diagnostic breast examinations, health carriers may not impose cost sharing for such examinations.

(2) For a health plan that provides coverage of supplemental breast examinations and diagnostic breast examinations and is offered as a qualifying health plan for a health savings account, the health carrier shall establish the plan's cost sharing for the coverage of the services described in this section at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from their health savings account under internal revenue service laws and regulations.

(3) For purposes of this section:

(a) "Diagnostic breast examination" means a medically

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necessary and appropriate examination of the breast, including an examination using diagnostic mammography, digital breast tomosynthesis, also called three dimensional mammography, breast magnetic resonance imaging, or breast ultrasound, that is used to evaluate an abnormality:

(i) Seen or suspected from a screening examination for breast cancer; or

(ii) Detected by another means of examination.

(b) "Supplemental breast examination" means a medically necessary and appropriate examination of the breast, including an examination using breast magnetic resonance imaging or breast ultrasound, that is: (i) Used to screen for breast cancer when there is no abnormality seen or suspected; and

(ii) Based on personal or family medical history, or additional factors that may increase the individual's risk of breast cancer.

**Sec. 3.** RCW 48.20.393 and 1994 sp.s. c 9 s 728 are each amended to read as follows:

Each disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions, other than the cost-sharing prohibition provided in section 2 of this act, that are applicable to other benefits (~~(such as deductible or copayment provisions)~~). This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

**Sec. 4.** RCW 48.21.225 and 1994 sp.s. c 9 s 731 are each amended to read as follows:

Each group disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions, other than the cost-sharing prohibition provided in section 2 of this act, that are applicable to other benefits (~~(such as deductible or copayment provisions)~~). This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

**Sec. 5.** RCW 48.44.325 and 1994 sp.s. c 9 s 734 are each amended to read as follows:

Each health care service contract issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard contract provisions, other than the cost-sharing

prohibition provided in section 2 of this act, that are applicable to other benefits (~~(such as deductible or copayment provisions)~~). This section does not limit the authority of a contractor to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

**Sec. 6.** RCW 48.46.275 and 1994 sp.s. c 9 s 735 are each amended to read as follows:

Each health maintenance agreement issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

All services must be provided by the health maintenance organization or rendered upon referral by the health maintenance organization. This section shall not be construed to prevent the application of standard agreement provisions, other than the cost-sharing prohibition provided in section 2 of this act, that are applicable to other benefits (~~(such as deductible or copayment provisions)~~). This section does not limit the authority of a health maintenance organization to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Wilson, L. moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5396.

Senator Wilson, L. spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson, L. that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5396.

The motion by Senator Wilson, L. carried, and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5396 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5396, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5396, as amended by the House, 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, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, 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 Rivers

SUBSTITUTE SENATE BILL NO. 5396, as amended by the House, 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.

#### MESSAGE FROM THE HOUSE

April 12, 2023

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5398 with the following amendment(s): 5398-S AMH COUT HARO 643

On page 2, line 1, after "December 1," strike all material through "formulation" and insert "2024, the work group shall develop funding"

On page 2, line 5, after "regarding" strike "to implement the formula" and insert "whether to implement the funding"

On page 2, line 8, after "July 1," strike "2024" and insert "2025"

On page 2, line 9, after "August 1," strike "2024" and insert "2025"

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator MacEwen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5398.

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

The President declared the question before the Senate to be the motion by Senator MacEwen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5398.

The motion by Senator MacEwen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5398 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5398, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5398, as amended by the House, 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, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, 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 Rivers

SUBSTITUTE SENATE BILL NO. 5398, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students from Simpson Elementary School who were seated in the gallery. They were guests of Senator Van De Wege.

#### MESSAGE FROM THE HOUSE

April 6, 2023

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5399 with the following amendment(s): 5399-S AMH CPB H1739.1

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1) No future listing right purchase contract shall exceed five years duration and may not be renewed or extended. A future listing right purchase contract:

(a) Shall not be used as a lien against the real property;

(b) Shall not run with title to real property and is not binding or enforceable at law or in equity against any subsequent owner, purchaser, or mortgagee or holder of any interest in real property as an equitable servitude;

(c) May be canceled by the owner without penalty or further obligation within 10 business days after execution of the contract by owner sending notice of cancellation to the other party by mail, telegram, or other means of written communication along with the full amount of any consideration paid to the owner. Notice of cancellation is considered given when mailed, when filed for telegraphic transmission, or, if sent by other means, when delivered to the other party's designated place of business. Such cancellation right shall be set forth clearly in bold type font in the future listing right purchase contract;

(d) Shall set forth clearly in bold type font that the owner may not be compelled to list the owner's property.

(2) The attorney general may bring actions to enforce compliance with this section. The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is 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.

(3) For the purposes of this section, a "future listing right purchase contract" means a contract granting an exclusive right to list residential real estate for sale in the future and includes, but is not limited to, any document recorded in the county where the real estate is located relating to the contract including the contract itself, a memorandum concerning the contract, or a deed of trust to secure the terms of the contract.

**NEW SECTION. Sec. 2.** (1) The Washington real estate commission established under chapter 18.85 RCW shall convene a work group to examine practices used by real estate brokerage companies to market, establish, and enforce future listing right purchase contracts in order to provide recommendations for consumer protections and potential regulations, including potential licensing requirements. The work group shall be staffed by the department of licensing and include representatives from associations that represent real estate brokers, real estate brokerage companies who offer future listing right purchase contracts, and other entities that the Washington real estate commission deems appropriate. The commission shall report back to the appropriate committees of the legislature in accordance with RCW 43.01.036 by December 1, 2024, with the work group's findings and recommendations.

(2) This section expires July 1, 2025.



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**NEW SECTION. Sec. 3.** Section 1 of this act constitutes a new chapter in Title 61 RCW.

**NEW SECTION. Sec. 4.** 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."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Mullet moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5399.

Senators Mullet and Dozier spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Mullet that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5399.

The motion by Senator Mullet carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5399 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5399, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5399, as amended by the House, 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, Nobles, Padden, Pedersen, Randall, 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 Rivers

SUBSTITUTE SENATE BILL NO. 5399, as amended by the House, 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.

MESSAGE FROM THE HOUSE

April 12, 2023

MR. PRESIDENT:

The House passed SENATE BILL NO. 5403 with the following amendment(s): 5403 AMH SANT WARG 082

On page 3, line 10, after "(e)" strike "A" and insert "For school districts of the second class as defined by RCW 28A.300.065, a"

On page 3, at the beginning of line 12, insert "second class"

On page 3, line 21, after "districts" insert "of the second class"

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Schoesler moved that the Senate concur in the House amendment(s) to Senate Bill No. 5403.

Senator Schoesler spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Schoesler that the Senate concur in the House amendment(s) to Senate Bill No. 5403.

The motion by Senator Schoesler carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5403 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5403, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5403, as amended by the House, 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, Nobles, Padden, Pedersen, Randall, 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 Rivers

SENATE BILL NO. 5403, as amended by the House, 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.

MESSAGE FROM THE HOUSE

April 11, 2023

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5425 with the following amendment(s): 5425-S2 AMH LAWS H1757.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.160.030 and 2003 c 74 s 1 are each amended to read as follows:

(1) This chapter shall be administered by the state director of fire protection.

(2) The state director of fire protection shall have the authority, and it shall be his or her duty to:

(a) Issue such administrative regulations as necessary for the administration of this chapter;

(b)(i) Set reasonable fees for licenses, certificates, testing, and other aspects of the administration of this chapter. However, the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-D fire protection sprinkler systems shall not exceed ((one hundred dollars)) \$125, and the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-R fire protection sprinkler systems shall not exceed ((three hundred dollars)) \$375;

(ii) Adopt rules establishing a special category restricted to contractors registered under chapter 18.27 RCW who install underground systems that service fire protection sprinkler systems. The rules shall be adopted within ((ninety)) 90 days of

March 31, 1992;

(iii) Subject to RCW 18.160.120, adopt rules defining infractions under this chapter and fines to be assessed for those infractions;

(c) Enforce the provisions of this chapter;

(d) Conduct investigations of complaints to determine if any infractions of this chapter or the regulations developed under this chapter have occurred;

(e) Assign a certificate number to each certificate of competency holder; and

(f) Adopt rules necessary to implement and administer a program which requires the affixation of a seal any time a fire protection sprinkler system is installed, which seal shall include the certificate number of any certificate of competency holder who installs, in whole or in part, the fire protection sprinkler system.

**Sec. 2.** RCW 18.160.050 and 2018 c 37 s 1 are each amended to read as follows:

(1)(a) All certificate of competency holders that desire to continue in the fire protection sprinkler business shall annually, prior to January 1st, secure from the state director of fire protection a renewal certificate of competency upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the certificate holder shall furnish the information required by the director.

(b) Failure of any certificate of competency holder to secure his or her renewal certificate of competency within ((sixty)) 60 days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the certificate of competency.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a certificate of competency that has been suspended for failure to pay the renewal fee.

(d) A certificate of competency holder may voluntarily surrender his or her certificate of competency to the state director of fire protection and be relieved of the annual renewal fee. After surrendering the certificate of competency, he or she shall not be known as a certificate of competency holder and shall desist from the practice thereof. Within two years from the time of surrender of the certificate of competency, he or she may again qualify for a certificate of competency, without examination, by the payment of the required fee. If two or more years have elapsed, he or she shall return to the status of a new applicant.

(2)(a) All licensed fire protection sprinkler system contractors desiring to continue to be licensed shall annually, prior to January 1st, secure from the state director of fire protection a renewal license upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the license holder shall furnish the information required by the director.

(b) Failure of any license holder to secure his or her renewal license within ((sixty)) 60 days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the license.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a license that has been suspended for failure to pay the renewal fee.

(3) The initial certificate of competency or license fee shall be prorated based upon the portion of the year such certificate of competency or license is in effect, prior to renewal on January 1st.

(4) The fire protection contractor license fund is created in the custody of the state treasurer. ((All)) Except for penalties received under RCW 18.160.120, all receipts from license and certificate

fees and charges or from the money generated by the rules and regulations promulgated under this chapter shall be deposited into the fund. Expenditures from the fund may be used only for purposes authorized under this chapter and for providing assistance in identifying fire sprinkler system components that have been subject to either a recall or voluntary replacement program by a manufacturer of fire sprinkler products, a nationally recognized testing laboratory, or the federal consumer product safety commission; and for use in developing and publishing educational materials related to the effectiveness of residential fire sprinklers. Assistance shall include, but is not limited to, aiding in the identification of recalled components, information sharing strategies aimed at ensuring the consumer is made aware of recalls and voluntary replacement programs, and providing training and assistance to local fire authorities, the fire sprinkler industry, and the public. Only the state director of fire protection or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

**Sec. 3.** RCW 18.160.120 and 2003 c 74 s 2 are each amended to read as follows:

(1) A fire protection sprinkler system contractor found to have committed an infraction under this chapter as defined in rule under RCW 18.160.030(2)(b)(iii) shall be assessed a fine of not less than ((two hundred dollars)) \$300 and not more than ((five thousand dollars)) \$7,500 for the first infraction, a fine of not less than \$400 and not more than \$10,000 for a second infraction by the same contractor, and a fine of not less than \$1,000 and not more than \$15,000 for the third and any subsequent infractions by the same contractor.

(2) A fire protection sprinkler system contractor who fails to obtain a certificate of competency under RCW 18.160.040 shall be assessed a fine of not less than ((one thousand dollars)) \$1,500 and not more than ((five thousand dollars)) \$7,500 for the first infraction, and a fine of not less than \$2,500 and not more than \$10,000 for a second infraction by the same contractor, and a fine of not less than \$5,000 and not more than \$25,000 for the third and any subsequent infractions by the same contractor.

(3) All fines collected under this section shall be deposited into the fire protection ((contractor license fund)) compliance account.  
**NEW SECTION. Sec. 4.** A new section is added to chapter 18.160 RCW to read as follows:

The fire protection compliance account is created in the custody of the state treasurer. All fines collected under RCW 18.160.120 and the rules and regulations adopted under RCW 18.160.120 must be deposited into the account. Expenditures from the account may only be used for the purposes of enforcing this chapter. Only the state director of fire protection or their designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

**Sec. 5.** RCW 18.270.020 and 2007 c 435 s 3 are each amended to read as follows:

(1) No person may engage in the trade of fire protection sprinkler fitting without having a valid journey-level sprinkler fitter certificate, residential sprinkler fitter certificate, training certificate, or temporary certificate, with the exception of a certified plumber installing a residential fire protection sprinkler system connected to potable water requiring a plumbing certificate.

(2)(a) A person issued a training certificate under this chapter may perform fire protection sprinkler fitting work if that person is under supervision. Supervision must consist of the trainee being on the same jobsite and under the control of either a residential or journey-level fire protection sprinkler fitter certified to perform the type of work the trainee-level sprinkler fitter is performing.

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The ratio of trainees to certified fire protection sprinkler fitters on a jobsite is:

(i) For trainees performing residential fire protection sprinkler fitter work, not more than two trainees for every certified residential or journey-level fire protection sprinkler fitter; and

(ii) For trainees performing journey-level fire protection sprinkler fitter work, not more than one trainee for every certified journey-level fire protection sprinkler fitter.

(b) It is a violation of this chapter for a contractor to allow a trainee to perform sprinkler fitting work covered under this chapter without supervision or out of compliance with the ratios as prescribed in this subsection (2).

(3) No contractor may employ a person in violation of subsection (1) of this section to perform fire protection sprinkler fitting work.

((3)) (4) A person found by the director to have committed an infraction under this chapter shall be assessed a monetary penalty as set by rule.

((4)) (5) Each day in which a person engages in the trade of fire protection sprinkler fitting in violation of subsection (1) of this section, allows a trainee to work unsupervised or out of ratio in violation of subsection (2) of this section, or employs a person in violation of subsection ((2)) (3) of this section is considered a separate infraction.

**Sec. 6.** RCW 18.270.070 and 2007 c 435 s 8 are each amended to read as follows:

An authorized representative of the director ((may)) must investigate alleged violations of this chapter. Upon request of an authorized representative, a person performing fire protection sprinkler fitting or residential sprinkler fitting work must produce evidence of a certificate issued by the director in accordance with this chapter. Failure to produce such evidence is an infraction as provided by RCW 18.270.020.

NEW SECTION. **Sec. 7.** This act takes effect January 1, 2024."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5425.

Senator Salomon spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5425.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5425 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5425, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5425, as amended by the House, 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, Nobles, Padden, Pedersen, Randall, 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 Rivers

SECOND SUBSTITUTE SENATE BILL NO. 5425, as amended by the House, 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.

MESSAGE FROM THE HOUSE

April 10, 2023

MR. PRESIDENT:

The House passed SUBSTITUTION SENATE BILL NO. 5436 with the following amendment(s): 5436-S AMH CRJ H1781.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.113 and 2019 c 3 s 11 are each amended to read as follows:

(1) All firearm sales or transfers, in whole or part in this state including without limitation a sale or transfer where either the purchaser or seller or transferee or transferor is in Washington, shall be subject to background checks unless specifically exempted by state or federal law. The background check requirement applies to all sales or transfers including, but not limited to, sales and transfers through a licensed dealer, at gun shows, online, and between unlicensed persons.

(2) No person shall sell or transfer a firearm unless:

(a) The person is a licensed dealer;

(b) The purchaser or transferee is a licensed dealer; or

(c) The requirements of subsection (3) of this section are met.

(3) Where neither party to a prospective firearms transaction is a licensed dealer, the parties to the transaction shall complete the sale or transfer through a licensed dealer as follows:

(a) The seller or transferor shall deliver the firearm to a licensed dealer to process the sale or transfer as if it is selling or transferring the firearm from its inventory to the purchaser or transferee, except that the unlicensed seller or transferor may remove the firearm from the business premises of the licensed dealer while the background check is being conducted. If the seller or transferor removes the firearm from the business premises of the licensed dealer while the background check is being conducted, the purchaser or transferee and the seller or transferor shall return to the business premises of the licensed dealer and the seller or transferor shall again deliver the firearm to the licensed dealer prior to completing the sale or transfer.

(b) Except as provided in (a) of this subsection, the licensed dealer shall comply with all requirements of federal and state law that would apply if the licensed dealer were selling or transferring the firearm from its inventory to the purchaser or transferee, including but not limited to conducting a background check on the prospective purchaser or transferee in accordance with federal and state law requirements, fulfilling all federal and state recordkeeping requirements, and complying with the specific requirements and restrictions on semiautomatic assault rifles in chapter 3, Laws of 2019.

(c) The purchaser or transferee must complete, sign, and submit all federal, state, and local forms necessary to process the required background check to the licensed dealer conducting the background check.

(d) If the results of the background check indicate that the

purchaser or transferee is ineligible to possess a firearm, then the licensed dealer shall return the firearm to the seller or transferor.

(e) The licensed dealer may charge a fee that reflects the fair market value of the administrative costs and efforts incurred by the licensed dealer for facilitating the sale or transfer of the firearm.

(4) This section does not apply to:

(a) A transfer between immediate family members, which for this subsection shall be limited to spouses, domestic partners, parents, parents-in-law, children, siblings, siblings-in-law, grandparents, grandchildren, nieces, nephews, first cousins, aunts, and uncles, that is a bona fide gift or loan;

(b) The sale or transfer of an antique firearm;

(c) A temporary transfer of possession of a firearm if such transfer is necessary to prevent imminent death or great bodily harm to the person to whom the firearm is transferred if:

(i) The temporary transfer only lasts as long as immediately necessary to prevent such imminent death or great bodily harm; and

(ii) The person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law;

(d) A temporary transfer of possession of a firearm if: (i) The transfer is intended to prevent suicide or self-inflicted great bodily harm; (ii) the transfer lasts only as long as reasonably necessary to prevent death or great bodily harm; and (iii) the firearm is not utilized by the transferee for any purpose for the duration of the temporary transfer;

(e) Any law enforcement or corrections agency and, to the extent the person is acting within the course and scope of his or her employment or official duties, any law enforcement or corrections officer, United States marshal, member of the armed forces of the United States or the national guard, or federal official;

(f) A federally licensed gunsmith who receives a firearm solely for the purposes of service or repair, or the return of the firearm to its owner by the federally licensed gunsmith;

(g) The temporary transfer of a firearm (i) between spouses or domestic partners; (ii) if the temporary transfer occurs, and the firearm is kept at all times, at an established shooting range authorized by the governing body of the jurisdiction in which such range is located; (iii) if the temporary transfer occurs and the transferee's possession of the firearm is exclusively at a lawful organized competition involving the use of a firearm, or while participating in or practicing for a performance by an organized group that uses firearms as a part of the performance; (iv) to a person who is under ~~((eighteen))~~ 18 years of age for lawful hunting, sporting, or educational purposes while under the direct supervision and control of a responsible adult who is not prohibited from possessing firearms; (v) under circumstances in which the transferee and the firearm remain in the presence of the transferor; or (vi) while hunting if the hunting is legal in all places where the person to whom the firearm is transferred possesses the firearm and the person to whom the firearm is transferred has completed all training and holds all licenses or permits required for such hunting, provided that any temporary transfer allowed by this subsection is permitted only if the person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law;

(h) A person who (i) acquired a firearm other than a pistol by operation of law upon the death of the former owner of the firearm or (ii) acquired a pistol by operation of law upon the death of the former owner of the pistol within the preceding ~~((sixty))~~ 60 days. At the end of the ~~((sixty))~~ 60-day period, the person must either have lawfully transferred the pistol or must have contacted the department of licensing to notify the department that he or she has possession of the pistol and intends to retain possession of the

pistol, in compliance with all federal and state laws; ~~((e))~~

(i) A sale or transfer when the purchaser or transferee is a licensed collector and the firearm being sold or transferred is a curio or relic; or

(j)(i) A transfer, loan, gift, or bequest to a museum or historical society, or the return of loaned firearm(s) to its lender from a museum or historical society, and museum personnel while acting in the scope of their official duties, provided, however, that before returning a loaned firearm to its lender, a museum or historical society or personnel of the museum or historical society must comply with the requirements of subsection (3) of this section.

(ii) For the purposes of this subsection (j), "museum or historical society" means the same as in RCW 63.26.010 and is designated as a nonprofit organization under section 501(c)(3) of the internal revenue code."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5436.

Senators Padden and Dhingra spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5436.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5436 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5436, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5436, as amended by the House, 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, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, 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 Rivers

SUBSTITUTE SENATE BILL NO. 5436, as amended by the House, 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.

#### MESSAGE FROM THE HOUSE

April 6, 2023

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5437 with the following amendment(s): 5437-S AMH ENGR H1747.E

Strike everything after the enacting clause and insert the

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following:

"Sec. 1. RCW 42.12.070 and 2013 c 11 s 89 are each amended to read as follows:

A vacancy on an elected nonpartisan governing body of a qualifying special purpose district (~~(where property ownership is not a qualification to vote)~~), a town, or a city other than a first-class city or a charter code city, shall be filled as follows unless the provisions of law relating to the qualifying special purpose district, town, or city provide otherwise:

(1) Where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position.

(2) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or her appointment.

(3) If less than two members of a governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the city, town, or qualifying special purpose district is located shall appoint a qualified person or persons to the governing body until the governing body has two members.

(4) If a governing body fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the city, town, or qualifying special purpose district is located shall appoint a qualified person to fill the vacancy.

(5) If the county legislative authority of the county fails to appoint a qualified person within one hundred eighty days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the city, town, or qualifying special purpose district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.

(6) As provided in chapter 29A.24 RCW, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

(7) For purposes of this section, "qualifying special purpose district" means a fire protection district created under chapter 52.02 RCW with assessed values under \$5,000,000,000 and a regional fire protection service authority created under chapter 52.26 RCW with assessed values under \$5,000,000,000.

**NEW SECTION. Sec. 2.** A new section is added to chapter 42.12 RCW to read as follows:

A vacancy on an elected nonpartisan governing body of a special purpose district where property ownership is not a qualification to vote or that is not a qualifying special purpose district defined in RCW 42.12.070, shall be filled as follows unless the provisions of law relating to the special purpose district provide otherwise:

(1) After a vacancy occurs, the remaining members of the governing body must nominate at least one candidate at a meeting of the governing body. The governing body must then cause

notice of the vacancy and the name of the nominated candidate or candidates to be posted in three public places in the special purpose district, including on the district's website if the district has a website, for a minimum of 15 days. During the notice period, registered voters who reside in the special purpose district may submit nominations to the remaining members of the governing body.

(2) After the notice period described in subsection (1) of this section, the remaining members of the governing body shall appoint a qualified person to fill the vacant position from the candidates nominated by either the governing body or the public at a meeting of the governing body.

(3) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions under the nomination process described in subsection (1) of this section, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position under the nomination process described in subsection (1) of this section, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or her appointment.

(4) If less than two members of a governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the special purpose district is located shall appoint a qualified person or persons to the governing body until the governing body has two members.

(5) If a governing body fails to appoint a qualified person to fill a vacancy within 90 days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the special purpose district is located shall appoint a qualified person to fill the vacancy.

(6) If the county legislative authority of the county fails to appoint a qualified person within 180 days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the special purpose district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.

(7) As provided in chapter 29A.24 RCW, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

**Sec. 3.** RCW 43.06.010 and 2014 c 202 s 305 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) The governor shall supervise the conduct of all executive and ministerial offices;

(2) The governor shall see that all offices are filled, including as provided in RCW 42.12.070 and section 2 of this act, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) The governor shall make the appointments and supply the vacancies mentioned in this title;

(4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of the prosecutor's duties;

(8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;

(9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) The governor shall issue and transmit election proclamations as prescribed by law;

(11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;

(12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;

(13) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in RCW 17.24.007 or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides;

(14) The governor, after finding that a prohibited level 1 or level 2 species as defined in chapter 77.135 RCW has been detected and after finding that the detected species seriously endangers or threatens the environment, economy, human health, or well-being of the state of Washington, may order emergency measures to prevent or abate the prohibited species, which measures, after thorough evaluation of all other alternatives, may include the surface or aerial application of pesticides;

(15) On all compacts forwarded to the governor pursuant to RCW 9.46.360(6), the governor is authorized and empowered to execute on behalf of the state compacts with federally recognized Indian tribes in the state of Washington pursuant to the federal Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III gaming, as defined in the Act, on Indian lands.

**Sec. 4.** RCW 70.44.056 and 2015 c 53 s 94 are each amended to read as follows:

In all existing public hospital districts in which an increase in the number of district commissioners is proposed, the additional commissioner positions shall be deemed to be vacant and the board of commissioners of the public hospital district shall appoint qualified persons to fill those vacancies in accordance with ((RCW 42.12.070)) section 2 of this act.

Each person who is appointed shall serve until a qualified person is elected at the next general election of the district occurring one hundred twenty days or more after the date of the election at which the voters of the district approved the ballot proposition authorizing the increase in the number of commissioners. If needed, special filing periods shall be authorized as provided in RCW 29A.24.171 and 29A.24.181 for qualified persons to file for the vacant office. A primary shall be held to nominate candidates if sufficient time exists to hold a primary and more than two candidates file for the vacant office. Otherwise, no primary shall be held and the candidate receiving the greatest number of votes for each position shall be elected. Except for the initial terms of office, persons elected to each of these additional commissioner positions shall be elected to a six-year term. The newly elected commissioners shall assume office as provided in RCW 29A.60.280.

The initial terms of the new commissioners shall be staggered as follows: (1) When the number of commissioners is increased from three to five, the person elected receiving the greatest number of votes shall be elected to a six-year term of office, and the other person shall be elected to a four-year term; (2) when the number of commissioners is increased from three or five to seven, the terms of the new commissioners shall be staggered over the next three district general elections so that two commissioners will be elected at the first district general election following the election where the additional commissioners are elected, two commissioners will be at the second district general election after the election of the additional commissioners, and three commissioners will be elected at the third district general election following the election of the additional commissioners, with the persons elected receiving the greatest number of votes elected to serve the longest terms."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator MacEwen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5437.

Senator MacEwen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator MacEwen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5437.

The motion by Senator MacEwen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5437 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5437, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5437, as amended by the House, 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, Nobles, Padden, Pedersen, Randall, 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.

Excused: Senator Rivers

SUBSTITUTE SENATE BILL NO. 5437, as amended by the House, 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.

MESSAGE FROM THE HOUSE

April 10, 2023

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5448 with the following amendment(s): 5448-S AMH RSG H1712.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2021 c 48 s 2 (uncodified) is amended to read as follows:

~~(1) ((The board must implement the provisions of this section as expeditiously as possible. Liquor licensees may conduct activities authorized under this section before completion by the board of actions the board plans to take in order to implement this act, such as adoption of rules or completion of information system changes necessary to allow licensees to apply for required endorsements. However, licensees must comply with board rules when they take effect.~~

~~(2) The)) (a) Except as provided in (b) of this subsection, the following licensees may sell alcohol products at retail for ((curbside and)) takeout ((service)) or delivery or both under liquor and cannabis board licenses and endorsements: Beer and wine restaurants; spirits, beer, and wine restaurants; taverns; domestic wineries; domestic breweries and microbreweries; distilleries; snack bars; nonprofit arts licensees; and caterers.~~

~~(b) No alcohol products may be sold by delivery under this section after July 1, 2025.~~

~~((3)) (2) Spirits, beer, and wine restaurant licensees may sell premixed cocktails ((and cocktail kits)) for takeout ((or curbside service)) and, until July 1, 2025, for delivery. The board may establish by rule the manner in which premixed cocktails for off-premises consumption must be provided. This subsection does not authorize the sale of ((full)) bottles of spirits by licensees for off-premises consumption ((, with the exception of mini bottles as part of cocktail kits. Mini bottle sales authorized under this subsection as part of cocktail kits are exempt from the spirits license issuance fee under RCW 66.24.630(4)(a) and the tax on each retail sale of spirits under RCW 82.08.150)).~~

~~((4)) (3) Spirits, beer, and wine restaurant licensees may sell wine by the glass or premixed wine and spirits cocktails for takeout ((or curbside service)) and ((for)), until July 1, 2025, delivery. Beer and wine restaurant licensees may sell wine or premixed wine drinks by the glass for takeout ((or curbside service)) and ((for)), until July 1, 2025, delivery. The board may establish by rule the manner in which wine by the glass and premixed cocktails for off-premises consumption must be provided.~~

~~((5)) (4) Licensees that were authorized by statute or rule before January 1, 2020, to sell growlers for on-premises consumption may sell growlers for off-premises consumption through ((curbside,)) takeout((s)) or, until July 1, 2025, delivery ((service)). Sale of growlers under this subsection must meet federal alcohol and tobacco tax and trade bureau requirements.~~

~~((6)) (5)(a) Licensees must obtain from the board an endorsement to their license in order to conduct activities authorized under subsections ((2)) (1) through ((5)) (4) of this~~

section. The board may adopt rules governing the manner in which the activities authorized under this section must be conducted. Licensees must not be charged a fee in order to obtain an endorsement required under this section.

(b)(i) Alcohol delivery under this section must be performed by an employee of an alcohol delivery endorsement holder who is 21 years of age or older and possesses a class 12 permit, in accordance with RCW 66.20.310.

(ii) Delivery services conducted by beer and wine restaurant licensees and spirits, beer, and wine restaurant licensees under this section must be accompanied by a purchased meal prepared and sold by the license holder.

(c) Alcohol sold for takeout by beer and wine restaurant licensees and spirits, beer, and wine restaurant licensees under this section must be accompanied by a purchased meal prepared and sold by the license holder.

(d) Any alcohol product sold for takeout or delivery under this section must be in a factory sealed container or a tamper-resistant container.

~~((7)) (6) Beer and wine specialty shops licensed under RCW 66.24.371 and domestic breweries and microbreweries may sell prefilled growlers for off-premises consumption through takeout ((or curbside service)) and, until July 1, 2025, delivery, provided that prefilled growlers are sold the same day they are prepared for sale and not stored overnight for sale on future days.~~

~~((8)) (7) The board must adopt or revise current rules to allow for outdoor service of alcohol by on-premises licensees holding licenses issued by the board for the following license types: Beer and wine restaurants; spirits, beer, and wine restaurants; taverns; domestic wineries; domestic breweries and microbreweries; distilleries; snack bars; and private clubs licensed under RCW 66.24.450 and 66.24.452. The board may adopt requirements providing for clear accountability at locations where multiple licensees use a shared space for serving customers.~~

~~((9)) (8) Upon delivery of any alcohol product authorized to be delivered under this section, the signature of the person age 21 or over receiving the delivery must be obtained.~~

~~((10)) (9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

(a) "Board" means the liquor and cannabis board.

(b) "Growlers" means sanitary containers brought to the premises by the purchaser or furnished by the licensee and filled by the retailer at the time of sale.

~~((c) "Mini bottles" means original factory sealed containers holding not more than 50 milliliters of a spirituous beverage.~~

~~((11) This section expires July 1, 2023-))~~

Sec. 2. RCW 66.04.010 and 2019 c 61 s 1 are each reenacted and amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Authorized representative" means a person who:

(a) Is required to have a federal basic permit issued pursuant to the federal alcohol administration act, 27 U.S.C. Sec. 204;

(b) Has its business located in the United States outside of the state of Washington;

(c) Acquires ownership of beer or wine for transportation into and resale in the state of Washington; and which beer or wine is

produced by a brewery or winery in the United States outside of the state of Washington; and

(d) Is appointed by the brewery or winery referenced in (c) of this subsection as its authorized representative for marketing and selling its products within the United States in accordance with a written agreement between the authorized representative and such brewery or winery pursuant to this title.

(3) "Beer" means any malt beverage, flavored malt beverage, or malt liquor as these terms are defined in this chapter.

(4) "Beer distributor" means a person who buys beer from a domestic brewery, microbrewery, beer certificate of approval holder, or beer importers, or who acquires foreign produced beer from a source outside of the United States, for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(5) "Beer importer" means a person or business within Washington who purchases beer from a beer certificate of approval holder or who acquires foreign produced beer from a source outside of the United States for the purpose of selling the same pursuant to this title.

(6) "Board" means the liquor and cannabis board, constituted under this title.

(7) "Brewer" or "brewery" means any person engaged in the business of manufacturing beer and malt liquor. Brewer includes a brand owner of malt beverages who holds a brewer's notice with the federal bureau of alcohol, tobacco, and firearms at a location outside the state and whose malt beverage is contract-produced by a licensed in-state brewery, and who may exercise within the state, under a domestic brewery license, only the privileges of storing, selling to licensed beer distributors, and exporting beer from the state.

(8) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic, or social purposes, and not for pecuniary gain.

(9) "Confection" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, dairy products, or flavorings, in the form of bars, drops, or pieces.

(10) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(11) "Contract liquor store" means a business that sells liquor on behalf of the board through a contract with a contract liquor store manager.

(12) "Craft distillery" means a distillery that pays the reduced licensing fee under RCW 66.24.140.

(13) "Delivery" means the transportation of alcohol to an individual located within Washington state from a licensed location holding an alcohol delivery endorsement as part of a delivery order. "Delivery" does not include services provided by common carriers.

(14) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his or her profession within the state pursuant to chapter 18.32 RCW.

~~((44))~~ (15) "Distiller" means a person engaged in the business of distilling spirits.

~~((45))~~ (16) "Domestic brewery" means a place where beer and malt liquor are manufactured or produced by a brewer within the state.

~~((46))~~ (17) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

~~((47))~~ (18) "Drug store" means a place whose principal business is, the sale of drugs, medicines, and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

~~((48))~~ (19) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

~~((49))~~ (20) "Employee" means any person employed by the board.

~~((20))~~ (21) "Flavored malt beverage" means:

(a) A malt beverage containing six percent or less alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than forty-nine percent of the beverage's overall alcohol content; or

(b) A malt beverage containing more than six percent alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than one and one-half percent of the beverage's overall alcohol content.

~~((21))~~ (22) "Fund" means 'liquor revolving fund.'

~~((22))~~ (23) "Hotel" means buildings, structures, and grounds, having facilities for preparing, cooking, and serving food, that are kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests. The buildings, structures, and grounds must be located on adjacent property either owned or leased by the same person or persons.

~~((23))~~ (24) "Importer" means a person who buys distilled spirits from a distillery outside the state of Washington and imports such spirituous liquor into the state for sale to the board or for export.

~~((24))~~ (25) "Imprisonment" means confinement in the county jail.

~~((25))~~ (26) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine, and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine, or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

~~((26))~~ (27) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

~~((27))~~ (28) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

~~((28))~~ (29) "Nightclub" means an establishment that provides entertainment and has as its primary source of revenue (a) the sale of alcohol for consumption on the premises, (b) cover charges, or (c) both.

~~((29))~~ (30) "Package" means any container or receptacle used for holding liquor.

~~((30))~~ (31) "Passenger vessel" means any boat, ship, vessel, barge, or other floating craft of any kind carrying passengers for compensation.

~~((31))~~ (32) "Permit" means a permit for the purchase of liquor under this title.



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((32)) (33) "Person" means an individual, copartnership, association, or corporation.

((33)) (34) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his or her profession within the state pursuant to chapter 18.71 RCW.

((34)) (35) "Powdered alcohol" means any powder or crystalline substance containing alcohol that is produced for direct use or reconstitution.

((35)) (36) "Prescription" means a memorandum signed by a physician and given by him or her to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

((36)) (37) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

((37)) (38) "Regulations" means regulations made by the board under the powers conferred by this title.

((38)) (39) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

((39)) (40) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his or her agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

((40)) (41) "Service bar" means a fixed or portable table, counter, cart, or similar workstation primarily used to prepare, mix, serve, and sell alcohol that is picked up by employees or customers. Customers may not be seated or allowed to consume food or alcohol at a service bar.

((41)) (42) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

((42)) (43) "Soju" means a traditional Korean distilled alcoholic beverage, produced using authentic Korean recipes and production methods, and derived from agricultural products, that contains not more than twenty-four percent of alcohol by volume.

((43)) (44) "Spirits" means any beverage which contains alcohol obtained by distillation, except flavored malt beverages, but including wines exceeding twenty-four percent of alcohol by volume.

((44)) (45) "Store" means a state liquor store established under this title.

((45)) (46) "Tavern" means any establishment with special

space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

((46)) (47) "VIP airport lounge" means an establishment within an international airport located beyond security checkpoints that provides a special space to sit, relax, read, work, and enjoy beverages where access is controlled by the VIP airport lounge operator and is generally limited to the following classifications of persons:

(a) Airline passengers of any age whose admission is based on a first-class, executive, or business class ticket;

(b) Airline passengers of any age who are qualified members or allowed guests of certain frequent flyer or other loyalty incentive programs maintained by airlines that have agreements describing the conditions for access to the VIP airport lounge;

(c) Airline passengers of any age who are qualified members or allowed guests of certain enhanced amenities programs maintained by companies that have agreements describing the conditions for access to the VIP airport lounge;

(d) Airport and airline employees, government officials, foreign dignitaries, and other attendees of functions held by the airport authority or airlines related to the promotion of business objectives such as increasing international air traffic and enhancing foreign trade where access to the VIP airport lounge will be controlled by the VIP airport lounge operator; and

(e) Airline passengers of any age or airline employees whose admission is based on a pass issued or permission given by the airline for access to the VIP airport lounge.

((47)) (48) "VIP airport lounge operator" means an airline, port district, or other entity operating a VIP airport lounge that: Is accountable for compliance with the alcohol beverage control act under this title; holds the license under chapter 66.24 RCW issued to the VIP airport lounge; and provides a point of contact for addressing any licensing and enforcement by the board.

((48)) (49)(a) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel, and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (i) Wines that are both sealed or capped by cork closure and aged two years or more; and (ii) wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

(b) This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

((49)) (50) "Wine distributor" means a person who buys wine from a domestic winery, wine certificate of approval holder, or wine importer, or who acquires foreign produced wine from a source outside of the United States, for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

((50)) (51) "Wine importer" means a person or business within Washington who purchases wine from a wine certificate of approval holder or who acquires foreign produced wine from a

source outside of the United States for the purpose of selling the same pursuant to this title.

~~((54))~~ (52) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

**Sec. 3.** RCW 66.20.310 and 2019 c 64 s 21 are each reenacted and amended to read as follows:

(1)(a) There is an alcohol server permit, known as a class 12 permit, for ~~((a))~~:

- (i) A manager ~~((or bartender))~~;
- (ii) A bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility; or
- (iii) An employee conducting alcohol deliveries for a licensee that delivers alcohol under section 1 of this act (as codified under section 7 of this act).

(b) There is an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2)(a) Effective January 1, 1997, except as provided in (d) of this subsection, every alcohol server employed, under contract or otherwise, at a retail licensed premise must be issued a class 12 or class 13 permit.

(b) Every class 12 and class 13 permit issued must be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder must present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit is valid for employment at any retail licensed premises described in (a) of this subsection.

(c) Except as provided in (d) of this subsection, no licensee holding a license as authorized by this section and RCW 66.20.300, 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.690, 66.24.450, 66.24.570, 66.24.600, 66.24.610, 66.24.650, 66.24.655, and 66.24.680 may employ or accept the services of any person without the person first having a valid class 12 or class 13 permit.

(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor must have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages on a retail licensed premises without possessing a valid alcohol server permit.

(f) Every person whose duties include the delivery of alcohol authorized under section 1 of this act (as codified under section 7 of this act) must have a class 12 permit before engaging in alcohol delivery. A delivery employee whose duties include the delivery of alcohol authorized under section 1 of this act (as codified under section 7 of this act) must complete an approved class 12 permit course that includes a curriculum component that covers best practices for delivery of alcohol.

(3) A permit issued by a training entity under this section is valid for employment at any retail licensed premises described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state or has been convicted at any time of a felony; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act of the employee or agent while employed upon the retail licensed

premises. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any retail licensee or agent of a retail licensee as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic beverages, any person who does not have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350, except for employees whose duties include serving during tasting activities under RCW 66.24.363.

**Sec. 4.** RCW 66.20.320 and 1996 c 311 s 2 are each amended to read as follows:

(1) The board shall regulate a required alcohol server education program that includes:

(a) Development of the curriculum and materials for the education program;

(b) Examination and examination procedures;

(c) Certification procedures, enforcement policies, and penalties for education program instructors and providers; and

(d) The curriculum for an approved class 12 alcohol permit training program that includes but is not limited to the following subjects:

(i) The physiological effects of alcohol including the effects of alcohol in combination with drugs;

(ii) Liability and legal information;

(iii) Driving while intoxicated;

(iv) Intervention with the problem customer, including ways to stop service, ways to deal with the belligerent customer, and alternative means of transportation to get the customer safely home;

(v) Methods for checking proper identification of customers;

(vi) Nationally recognized programs, such as TAM (Techniques in Alcohol Management) and TIPS (Training for Intervention Programs) modified to include Washington laws and ~~((regulations))~~ rules; and

(vii) Best practices for delivery of alcohol for a course approved for a person whose duties include the delivery of alcohol authorized under section 1 of this act (as codified under section 7 of this act).

(2) The board shall provide the program through liquor licensee associations, independent contractors, private persons, private or public schools certified by the board, or any combination of such providers.

(3) Each training entity shall provide a class 12 permit to the manager ~~((or))~~, bartender, or delivery employee who has successfully completed a course the board has certified. A list of the individuals receiving the class 12 permit shall be forwarded to the board on the completion of each course given by the training entity.

(4) After January 1, 1997, the board shall require all alcohol servers applying for a class 13 alcohol server permit to view a video training session. Retail liquor licensees shall fully compensate employees for the time spent participating in this training session.

(5) When requested by a retail liquor licensee, the board shall provide copies of videotaped training programs that have been

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produced by private vendors and make them available for a nominal fee to cover the cost of purchasing and shipment, with the fees being deposited in the liquor revolving fund for distribution to the board as needed.

(6) Each training entity may provide the board with a video program of not less than one hour that covers the subjects in subsection (1)(d)(i) through (v) of this section that will be made available to a licensee for the training of a class 13 alcohol server.

(7) Applicants shall be given a class 13 permit upon the successful completion of the program.

(8) A list of the individuals receiving the class 13 permit shall be forwarded to the board on the completion of each video training program.

(9) The board shall develop a model permit for the class 12 and 13 permits. The board may provide such permits to training entities or licensees for a nominal cost to cover production.

(10)(a) Persons who have completed a nationally recognized alcohol management or intervention program since July 1, 1993, may be issued a class 12 or 13 permit upon providing proof of completion of such training to the board.

(b) Persons who completed the board's alcohol server training program after July 1, 1993, but before July 1, 1995, may be issued a class 13 permit upon providing proof of completion of such training to the board.

**Sec. 5.** RCW 66.24.660 and 2013 c 89 s 1 are each amended to read as follows:

Retailers may sell liquor as defined in RCW 66.04.010(~~((25))~~) through self-checkout registers if that register is programmed to halt that transaction during the purchase of liquor until an employee of the retailer intervenes and verifies the age of the purchaser by reviewing established forms of acceptable identification. Once age is successfully verified, the employee can release the transaction for payment. If the purchaser cannot provide acceptable forms of identification to verify age, the employee must refuse the purchase and void the transaction.

**NEW SECTION. Sec. 6.** By November 1, 2023, the liquor and cannabis board shall submit recommendations to the governor and appropriate committees of the legislature for a comprehensive alcohol delivery policy. The recommendations in the report must include a consistent, equitable structure for alcohol delivery licenses, endorsements, permits, and fees, and a comprehensive plan to help ensure all deliveries of alcohol are made only to persons who are 21 years of age or older.

**NEW SECTION. Sec. 7.** Section 1 of this act is codified as a new section in chapter 66.24 RCW.

**NEW SECTION. Sec. 8.** 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 July 1, 2023."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator MacEwen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5448.

Senators MacEwen and Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator MacEwen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5448.

The motion by Senator MacEwen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill

No. 5448 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5448, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5448, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Dhingra, Dozier, Fortunato, Frame, Gildon, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Shewmake, Short, Torres, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Conway, Hasegawa, Kauffman, Lias, Stanford, Trudeau, Valdez and Van De Wege

Excused: Senator Rivers

SUBSTITUTE SENATE BILL NO. 5448, as amended by the House, 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.

MESSAGE FROM THE HOUSE

April 7, 2023

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5454 with the following amendment(s): 5454-S2 AMH APP H1896.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.08.142 and 2020 c 234 s 1 are each amended to read as follows:

(1) Except as provided in (~~subsection~~) **subsections (2) and (3)** of this section, the department shall adopt a rule pursuant to chapter 34.05 RCW that claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of occupational disease in RCW 51.08.140.

(2)(a) Except as provided in (b) and (c) of this subsection, the rule adopted under subsection (1) of this section shall not apply to occupational disease claims resulting from posttraumatic stress disorders of firefighters as defined in RCW 41.26.030(17) (a), (b), (c), and (h) and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and law enforcement officers as defined in RCW 41.26.030(19) (b), (c), and (e), and public safety telecommunicators who receive calls for assistance and dispatch emergency services.

(b) For firefighters as defined in RCW 41.26.030(17) (a), (b), (c), and (h) and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and law enforcement officers as defined in RCW 41.26.030(19) (b), (c), and (e) hired after June 7, 2018, and public safety telecommunicators hired after June 11, 2020, (a) of this subsection only applies if the firefighter or law enforcement officer or public safety telecommunicators, as a condition of employment, has submitted to a psychological examination

administered by a psychiatrist licensed in the state of Washington under chapter 18.71 RCW or a psychologist licensed in the state of Washington under chapter 18.83 RCW that ruled out the presence of posttraumatic stress disorder from preemployment exposures. If the employer does not provide the psychological examination, (a) of this subsection applies.

(c) Posttraumatic stress disorder for purposes of ~~((this subsection))~~ subsections (2) and (3) of this section is not considered an occupational disease if the disorder is directly attributed to disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by an employer.

(d) "Public safety telecommunicators" means individuals who receive and respond to telephone or other electronic requests for emergency assistance, such as law enforcement, fire, and medical services, and dispatch appropriate emergency responders.

(3)(a) Except as provided in this subsection, the rule adopted under subsection (1) of this section shall not apply to occupational disease claims resulting from posttraumatic stress disorders of direct care registered nurses as defined in section 2 of this act.

(b) The limitation in subsection (2)(c) of this section also applies to this subsection (3).

(c) This subsection (3) applies only to a direct care registered nurse who has posttraumatic stress disorder that develops or manifests itself after the individual has been employed on a fully compensated basis as a direct care registered nurse in Washington state for at least 90 consecutive days.

**NEW SECTION. Sec. 2.** A new section is added to chapter 51.32 RCW to read as follows:

(1) In the case of direct care registered nurses covered under this title who are employed on a fully compensated basis, there exists a prima facie presumption that posttraumatic stress disorder is an occupational disease under RCW 51.08.140. This section applies only to a direct care registered nurse who has posttraumatic stress disorder that develops or manifests itself after the individual has been employed on a fully compensated basis as a direct care registered nurse in Washington state for at least 90 consecutive days.

(2) The presumption may be rebutted by a preponderance of the evidence.

(3) The presumption extends to a claimant following termination of employment for a period of three calendar months for each year the claimant was a direct care registered nurse employed on a fully compensated basis, but may not extend more than 60 months following the last date of employment.

(4)(a) When a determination involving the presumption established under this section is appealed to the board of industrial insurance appeals and the final decision allows the claim for benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the claimant or his or her beneficiary by the opposing party.

(b) When determination involving the presumption established under this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the claimant or his or her beneficiary by the opposing party.

(c) When reasonable costs of the appeal must be paid by the department under this section in a state fund case, the costs shall be paid from the accident fund and charged to the costs of the claim.

(5) For purposes of this section, "direct care registered nurse" means an individual licensed as a nurse under chapter 18.79 RCW who provides direct care to patients.

**NEW SECTION. Sec. 3.** This act takes effect January 1,

2024."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Cleveland moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5454.

Senator Cleveland spoke in favor of the motion.

Senator King spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5454.

The motion by Senator Cleveland carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5454 by rising vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5454, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5454, as amended by the House, 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, Hasegawa, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, 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, MacEwen, McCune, Mullet, Muzzall, Padden, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Rivers

SECOND SUBSTITUTE SENATE BILL NO. 5454, as amended by the House, 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:

SUBSTITUTE HOUSE BILL NO. 1500,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503,  
 HOUSE BILL NO. 1512,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1515,  
 HOUSE BILL NO. 1527,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1534,  
 HOUSE BILL NO. 1536,  
 HOUSE BILL NO. 1542,  
 HOUSE BILL NO. 1552,  
 SUBSTITUTE HOUSE BILL NO. 1562,  
 HOUSE BILL NO. 1563,  
 HOUSE BILL NO. 1564,  
 SUBSTITUTE HOUSE BILL NO. 1570,  
 HOUSE BILL NO. 1575,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1576,

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SECOND SUBSTITUTE HOUSE BILL NO. 1580,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600,  
 SUBSTITUTE HOUSE BILL NO. 1621,  
 HOUSE BILL NO. 1622,  
 HOUSE BILL NO. 1626,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1678,  
 HOUSE BILL NO. 1679,  
 HOUSE BILL NO. 1684,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1694,  
 HOUSE BILL NO. 1695,  
 HOUSE BILL NO. 1696,  
  
 HOUSE BILL NO. 1742,  
 HOUSE BILL NO. 1750,  
 SUBSTITUTE HOUSE BILL NO. 1753,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1766,  
 HOUSE BILL NO. 1772,  
 ENGROSSED HOUSE BILL NO. 1797,  
 and SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4001.

ENGROSSED HOUSE BILL NO. 1636,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1639,  
 ENGROSSED HOUSE BILL NO. 1663,  
 SUBSTITUTE HOUSE BILL NO. 1683,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1736,  
 HOUSE BILL NO. 1771,  
 HOUSE BILL NO. 1775,  
 HOUSE BILL NO. 1777,  
 SUBSTITUTE HOUSE BILL NO. 1779,  
 ENGROSSED HOUSE BILL NO. 1782,  
 SUBSTITUTE HOUSE BILL NO. 1783,  
 SUBSTITUTE HOUSE BILL NO. 1804,  
 SENATE BILL NO. 5000,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL  
 NO. 5001,  
 SENATE BILL NO. 5004,  
 SUBSTITUTE SENATE BILL NO. 5006,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL  
 NO. 5045,  
 SENATE BILL NO. 5065,  
 SUBSTITUTE SENATE BILL NO. 5072,  
 SUBSTITUTE SENATE BILL NO. 5077,  
 SUBSTITUTE SENATE BILL NO. 5101,  
 SECOND SUBSTITUTE SENATE BILL NO. 5103,  
 SENATE BILL NO. 5104,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5111,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL  
 NO. 5112,  
 SECOND SUBSTITUTE SENATE BILL NO. 5128,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL  
 NO. 5144,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5152,  
 SENATE BILL NO. 5153,  
 SENATE BILL NO. 5166,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL  
 NO. 5199,  
 SUBSTITUTE SENATE BILL NO. 5218,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL  
 NO. 5080,  
 SUBSTITUTE SENATE BILL NO. 5081,  
 SUBSTITUTE SENATE BILL NO. 5156,  
 SUBSTITUTE SENATE BILL NO. 5165,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5173,  
 SUBSTITUTE SENATE BILL NO. 5182,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5186,  
 SUBSTITUTE SENATE BILL NO. 5189,  
 SUBSTITUTE SENATE BILL NO. 5191,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5197,  
 SUBSTITUTE SENATE BILL NO. 5208,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5231,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL  
 NO. 5243,  
 SENATE BILL NO. 5252,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5257,  
 SECOND SUBSTITUTE SENATE BILL NO. 5263,  
 SECOND SUBSTITUTE SENATE BILL NO. 5268,  
 and SECOND SUBSTITUTE SENATE BILL NO. 5269.

MOTION

At 11:19 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

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AFTERNOON SESSION

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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:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1042,  
 SUBSTITUTE HOUSE BILL NO. 1043,  
 SUBSTITUTE HOUSE BILL NO. 1047,  
 SUBSTITUTE HOUSE BILL NO. 1074,  
 HOUSE BILL NO. 1112,  
 SUBSTITUTE HOUSE BILL NO. 1117,  
 SUBSTITUTE HOUSE BILL NO. 1138,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1143,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1187,  
 HOUSE BILL NO. 1199,  
 SUBSTITUTE HOUSE BILL NO. 1200,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1216,  
 SUBSTITUTE HOUSE BILL NO. 1217,  
 HOUSE BILL NO. 1243,  
 SUBSTITUTE HOUSE BILL NO. 1271,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1293,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1316,  
 HOUSE BILL NO. 1317,  
 ENGROSSED HOUSE BILL NO. 1337,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340,  
 HOUSE BILL NO. 1345,  
 HOUSE BILL NO. 1349,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1390,  
 SUBSTITUTE HOUSE BILL NO. 1460,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498,  
 HOUSE BILL NO. 1599,

MESSAGE FROM THE HOUSE

April 14, 2023

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees; Representatives: Fey,

Barkis, Paul  
and the same are herewith transmitted.  
MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1125 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1125 and the House amendment(s) there to: Senators Liias, King and Shewmake.

MOTION

On motion of Senator Pedersen, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

April 14, 2023

MR. PRESIDENT:  
The Speaker ruled that the Senate Amendment(s) 1240-S AMS ENGR S2726.E to SUBSTITUTE HOUSE BILL NO. 1240 to be beyond scope & object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom.  
and the same are herewith transmitted.  
MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1240.

The President was not found declared the question before the Senate to be motion by Senator Pedersen that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1240.

The motion by Senator Pedersen carried and the Senate receded from its amendments to Substitute House Bill No. 1240.

MOTION

On motion of Senator Pedersen, the rules were suspended, and Substitute House Bill No. 1240 was returned to second reading for the purposes of amendment.

MOTION

On motion of Senator Nobles, Senator Saldaña was excused.

MOTION

Senator Pedersen moved that the following striking floor amendment no. 0445 by Senator Pedersen 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>                            |

Uzi 9mm carbine/rifle

(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 action.

(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.

((44)) (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.

((55)) (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.

((66)) (7) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

((77)) (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.

((88)) (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.

((99)) (11) "Family or household member" has the same meaning as in RCW 7.105.010.

((100)) (12) "Federal firearms dealer" means a licensed dealer as defined in 18 U.S.C. Sec. 921(a)(11).

((111)) (13) "Federal firearms importer" means a licensed importer as defined in 18 U.S.C. Sec. 921(a)(9).

((122)) (14) "Federal firearms manufacturer" means a licensed manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

((133)) (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.

((144)) (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.

((155)) (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.

((166)) (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.

((177)) (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.

((188)) (20) "Gun" has the same meaning as firearm.

((199)) (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.

((200)) (21) "Intimate partner" has the same meaning as provided in RCW 7.105.010.

((211)) (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.

((222)) (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.

((233)) (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).

((244)) (26) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

((255)) (27) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

((266)) (28) "Loaded" means:



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(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 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;

(d) 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) 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)(e) is not "distribution" under this chapter. A person who legally receives an assault weapon under this subsection (2)(e) 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."

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Wagoner and without objection, floor amendment no. 0451 by Senator Wagoner on page 13, line 10 to striking floor amendment no. 0445 was withdrawn.

#### MOTION

Senator Rivers moved that the following floor amendment no. 0446 by Senator Short be adopted:

On page 13, line 11, after "agency" insert "or its employees"  
On page 13, line 18, after "agency" insert "or its employees"

Senators Short, Fortunato and Rivers spoke in favor of

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adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

#### MOTION

On motion of Senator Nobles, Senator Mullet was excused.

The President declared the question before the Senate to be the adoption of floor amendment no. 0446 by Senator Short on page 13, line 11 to striking floor amendment no. 0445.

The motion by Senator Rivers did not carry and floor amendment no. 0446 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 0448 by Senator Padden be adopted:

On page 13, beginning line 31, after "(d)" strike all material through "section" on line 34 and insert "The sale or transfer of the existing stock of assault weapons owned by a licensed dealer that were acquired prior to the effective date of this section for the limited period of 90 days after the effective date of this section"

Senators Padden, McCune, Wilson, L. and Wagoner spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0448 by Senator Padden on page 13, line 31 to striking floor amendment no. 0445.

The motion by Senator Padden did not carry and floor amendment no. 0448 was not adopted by voice vote.

#### MOTION

Senator Wilson, L. moved that the following floor amendment no. 0447 by Senator Wilson, L. be adopted:

On page 13, line 34, after "section;" strike "or"

On page 14, line 6, after "weapon" insert "; or

(f) The importation by a retired law enforcement officer of an assault weapon previously purchased for law enforcement purposes"

Senators Wilson, L. and Wagoner spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0447 by Senator Wilson, L. on page 13, line 34 to striking floor amendment no. 0445.

The motion by Senator Wilson, L. did not carry and floor amendment no. 0447 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 0450 by Senator Wagoner be adopted:

On page 13, line 34, after "section;" strike "or"

On page 14, line 6, after "weapon" insert "; or

(f) The importation of an assault weapon by a military retiree returning to Washington state as their home of record"

Senators Wagoner and Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0450 by Senator Wagoner on page 13, line 34 to striking floor amendment no. 0445.

The motion by Senator Wagoner did not carry and floor amendment no. 0450 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following floor amendment no. 0452 by Senator Wagoner be adopted:

On page 13, line 34, after "section;" strike "or"

On page 14, line 6, after "weapon" insert "; or

(f) The retention of a previously purchased assault weapon by a member of the armed forces of the United States or of the national guard or organized reserves, when on active duty and receiving orders to Washington state"

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

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

#### MOTION

Senator Wagoner demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Wagoner on page 13, line 34 to striking floor amendment no. 0445.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Wagoner and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Mullet, Muzzall, Nobles, Padden, Rivers, Schoesler, Shewmake, 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, Liias, Lovelett, Lovick, Nguyen, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 0453 by Senator Fortunato be adopted:

On page 13, line 34, after "section;" strike "or"

On page 14, line 6, after "weapon" insert "; or

(f) The return of a firearm, held by a pawnbroker as collateral for a loan, is not a purchase or sale prohibited under this act"

Senator Fortunato spoke in favor of adoption of the amendment

to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0453 by Senator Fortunato on page 13, line 34 to striking floor amendment no. 0445.

The motion by Senator Fortunato did not carry and floor amendment no. 0453 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 0449 by Senator Padden be adopted:

On page 15, beginning on line 5, strike all of section 6 and insert the following:

**"NEW SECTION. Sec. 6.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 15, line 12, after "and" strike "declaring an emergency" and insert "providing for submission of this act to a vote of the people"

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

#### MOTION

Senator Padden demanded a roll call.

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

Senators Fortunato and McCune spoke in favor of adoption of the amendment to the striking amendment.

Senator Dhingra spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 15, line 5 to Substitute House Bill No. 1240.

#### ROLL CALL

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

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

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

The President declared the question before the Senate to be the adoption of striking floor amendment no. 0445 by Senator Pedersen on to Substitute House Bill No. 1240.

The motion by Senator Pedersen carried and striking floor amendment no. 0445 was adopted by rising vote.

#### MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 1240 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 Kuderer, Trudeau and Cleveland spoke in favor of passage of the bill.

Senators Fortunato, Wagoner, MacEwen, McCune and Braun 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 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1240 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nguyen, Nobles, 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.

SUBSTITUTE HOUSE BILL NO. 1240, 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.

#### MOTIONS

On motion of Senator Pedersen, Substitute House Bill No. 1240 was immediately transmitted to the House of Representatives.

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

#### SECOND READING

SENATE BILL NO. 5333, by Senators Lovick, Lias and Torres

Creating the state sport special license plate.

The measure was read the second time.

#### MOTION

On motion of Senator Lovick, the rules were suspended, Senate Bill No. 5333 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Lovick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5333.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5333 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators MacEwen, McCune, Schoesler and Stanford

SENATE BILL NO. 5333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 5590, by Senators Wilson, L., Hunt, Braun, Dozier, Hawkins, Kuderer, Lovick, Wellman and Wilson, J.

Creating Mount St. Helens special license plates.

The measure was read the second time.

## MOTION

On motion of Senator Wilson, L., the rules were suspended, Senate Bill No. 5590 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wilson, L. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5590.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5590 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Shewmake, Short, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Schoesler and Stanford

SENATE BILL NO. 5590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MESSAGE FROM THE HOUSE

April 5, 2023

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5460 with the following amendment(s): 5460-S AMH ORCU ALLI 326

On page 1, beginning on line 8, after "litigation" strike all material through "The" on line 9 and insert "regarding the way the district collected assessments. The district was assessing a total amount of \$1.00 per \$1,000.00 of assessed value within the district, including \$0.25 per \$1,000.00 of assessed value pursuant to statutory provisions for irrigation and rehabilitation districts and an additional \$0.75 per \$1,000.00 of assessed value pursuant to statutory provisions for irrigation districts. The court found that the method of collection under the statutory provisions for irrigation districts was an invalid tax. Therefore, the"

On page 1, line 11, after "funding" insert ", limited to \$1.00 per \$1,000.00 of assessed value within the district,"

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

## MOTION

Senator Van De Wege moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5460.

Senators Van De Wege and Warnick spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Van De Wege that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5460.

The motion by Senator Van De Wege carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5460 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5460, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5460, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Nobles, 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.

SUBSTITUTE SENATE BILL NO. 5460, as amended by the House, 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.

## MESSAGE FROM THE HOUSE

April 10, 2023

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5491 with the following amendment(s): 5491-S AMH HOUS H1748.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 19.27 RCW to read as follows:

(1) The state building code council shall convene a technical advisory group for the purpose of recommending modifications and limitations to the international building code that would allow for a single exit stairway to serve multifamily residential structures up to six stories above grade plane. The recommendations must include considerations for adequate and available water supply, the presence and response time of a professional fire department, and any other provisions necessary to ensure public health, safety, and general welfare.

(2) The technical advisory group shall provide its recommendations to the council in time for the council to adopt or amend rules or codes as necessary for implementation in the 2024 international building code. The council shall take action to adopt additions and amendments to rules or codes as necessary by July 1, 2026."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Salomon moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5491.

Senators Salomon and Torres spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Salomon that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5491.

The motion by Senator Salomon carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5491 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5491, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5491, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, 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.

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5491, as amended by the House, 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.

#### MESSAGE FROM THE HOUSE

April 7, 2023

MR. PRESIDENT:

The House passed SENATE BILL NO. 5497 with the following amendment(s): 5497 AMH APP H1888.1

Strike everything after the enacting clause and insert the

following:

**"NEW SECTION. Sec. 1.** (1) The legislature intends to ensure that the medicaid program is operating under sound fiscal stewardship. This requires dedicated program integrity efforts focused on paying the right dollar amount to the right provider for the right reason. Strengthening program integrity efforts helps to ensure that every medicaid dollar stretches as far as possible for those insured through medicaid.

(2) The legislature finds that the health care authority is responsible for overseeing all of Washington's medicaid programs, including those administered by other state agencies. Effective oversight by the health care authority will advance the legislature's objective of ensuring that the right services are delivered to the right person at the right time with measurable outcomes.

**Sec. 2.** RCW 74.04.050 and 2011 1st sp.s. c 15 s 64 are each amended to read as follows:

(1) The department is designated as the single state agency to administer the following public assistance programs:

(a) Temporary assistance ((to [for])) for needy families;

(b) Child welfare services; and

(c) Any other programs of public assistance for which provision for federal grants or funds may from time to time be made, except as otherwise provided by law.

(2) The authority is hereby designated as the single state agency to administer the medical services programs established under chapter 74.09 RCW, including the state children's health insurance program, Titles XIX and XXI of the federal social security act of 1935, as amended. As the state's medicaid agency, the authority is responsible for providing reasonable oversight of all medicaid program integrity activities required by federal regulation. The authority shall establish and maintain effective internal control over any state agency that receives medicaid funding in compliance with federal regulation.

(3) The department and the authority are hereby empowered and authorized to cooperate in the administration of such federal laws, consistent with the public assistance laws of this state, as may be necessary to qualify for federal funds.

(4) The state hereby accepts and assents to all the present provisions of the federal law under which federal grants or funds, goods, commodities, and services are extended to the state for the support of programs referenced in this section, and to such additional legislation as may subsequently be enacted as is not inconsistent with the purposes of this title, authorizing public welfare and assistance activities. The provisions of this title shall be so administered as to conform with federal requirements with respect to eligibility for the receipt of federal grants or funds.

(5) The department and the authority shall periodically make application for federal grants or funds and submit such plans, reports and data, as are required by any act of congress as a condition precedent to the receipt of federal funds for such assistance. The department and the authority shall make and enforce such rules and regulations as shall be necessary to insure compliance with the terms and conditions of such federal grants or funds.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority shall provide administrative oversight for all funds received under the medical assistance program, as codified in Title XIX of the federal social security act, the state children's health insurance program, as codified in Title XXI of the federal social security act, and any other federal medicaid funding to ensure that:

(a) All funds are spent according to federal and state laws and regulations;

(b) Delivery of services aligns with federal statutes and regulations;

(c) Corrective action plans are put in place if expenditures or services do not align with federal requirements; and

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(d) Sound fiscal stewardship of medicaid funding in all agencies where medicaid funding is provided.

(2) The authority shall develop a strategic plan and performance measures for medicaid program integrity. The strategic plan must include stated strategic goals, agreed-upon objectives, performance measures, and a system to monitor progress and hold responsible parties accountable. In developing the strategic plan, the authority shall create a management information and reporting strategy with performance measures and management reports.

(3) The authority shall oversee the medicaid program resources of any state agency expending medicaid funding, including but not limited to:

- (a) Regularly reviewing delegated work;
- (b) Jointly reviewing required reports on terminated or sanctioned providers, compliance data, and application data;
- (c) Requiring assurances that operational functions have been implemented;
- (d) Reviewing audits performed on the sister state agency; and
- (e) Assisting with risk assessments, setting goals, and developing policies and procedures.

(4) The authority shall develop and maintain a single, statewide medicaid fraud and abuse prevention plan consistent with the national medicaid fraud and abuse initiative or current federal best practice as recognized by the centers for medicare and medicaid services.

(5) The authority must follow best practices for identifying improper medicaid spending when implementing its program integrity activities, including but not limited to:

- (a) Conducting risk assessments or evaluating leads with established risk factors;
- (b) Relying on data analytics to generate leads;
- (c) Conducting a preliminary review of incoming leads, which includes analyzing data about the lead and may include reviewing records such as billing histories;
- (d) Determining the credibility of all allegations of potential fraud prior to referral to the state's medicaid fraud control unit;
- (e) Analyzing all leads under review by the state's managed care organizations;
- (f) Working with federally recognized experts that help state integrity programs improve their data analytics and identify potential fraud across medicare and medicaid such as unified program integrity contractors; and
- (g) Maintaining a current fraud and abuse detection system.

**NEW SECTION. Sec. 4.** A new section is added to chapter 74.09 RCW to read as follows:

(1) Beginning January 1, 2024, the authority's contracts with managed care organizations must clearly detail each party's requirements for maintaining program integrity and the consequences the managed care organizations face if they do not meet the requirements. The contract must ensure the penalties are adequate to ensure compliance.

(2) The authority shall follow leading program integrity practices as recommended by the centers for medicare and medicaid services, including but not limited to:

- (a) Monthly reporting and quarterly meetings with managed care organizations to discuss program integrity issues and findings as well as trends in fraud and other improper payments;
- (b) Financial penalties for failure to fulfill program integrity requirements, including liquidated damages and sanctions;
- (c) Directly auditing providers and;
- (i) Recovering overpayments from the providers; or
- (ii) Assessing liquidated damages against the managed care organizations;
- (d) Ensuring recoveries and liquidated damages resulting from overpayments are properly accounted for and applied to managed care encounters to ensure accurate future rate setting; and
- (e) Ensuring all contracts with managed care organizations are updated as appropriate to reflect program integrity requirements."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Wilson, L. moved that the Senate concur in the House amendment(s) to Senate Bill No. 5497.

Senator Wilson, L. spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson, L. that the Senate concur in the House amendment(s) to Senate Bill No. 5497.

The motion by Senator Wilson, L. carried, and the Senate concurred in the House amendment(s) to Senate Bill No. 5497 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5497, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5497, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Nobles, 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.

SENATE BILL NO. 5497, as amended by the House, 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.

MESSAGE FROM THE HOUSE

April 10, 2023

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5502 with the following amendment(s): 5502-S2 AMH APP H1889.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.733 and 2021 c 266 s 1 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, an offender may not participate in the graduated reentry program under this subsection unless he or she has served at least six months in total confinement in a state correctional facility.

(i) An offender subject to (a) of this subsection may serve no more than the final five months of the offender's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department.

(ii) Home detention under (a) of this subsection may not be imposed for individuals subject to a deportation order, civil commitment, or the interstate compact for adult offender supervision under RCW 9.94A.745.

(b) For offenders who meet the requirements of (b)(iii) of this subsection, an offender may not participate in the graduated

reentry program unless he or she has served at least four months in total confinement in a state correctional facility.

(i) An offender under this subsection (1)(b) may serve no more than the final 18 months of the offender's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department.

(ii) Home detention under this subsection (1)(b) may not be imposed for individuals subject to a deportation order or subject to the jurisdiction of the indeterminate sentence review board.

(iii) Home detention under this subsection (1)(b) may not be imposed for offenders currently serving a term of confinement for the following offenses:

(A) Any sex offense;

(B) Any violent offense; or

(C) Any crime against a person offense in accordance with the categorization of crimes against persons outlined in RCW 9.94A.411(2).

(2) The secretary of the department may transfer an offender from a department correctional facility to home detention in the community if it is determined that the graduated reentry program is an appropriate placement and must assist the offender's transition from confinement to the community.

(3) The department and its officers, agents, and employees are not liable for the acts of offenders participating in the graduated reentry program unless the department or its officers, agents, and employees acted with willful and wanton disregard.

(4)(a) All offenders placed on home detention as part of the graduated reentry program must provide an approved residence and living arrangement prior to transfer to home detention.

(b) The department may not transfer an offender to participate in the graduated reentry program until the department has conducted a comprehensive assessment for substance use disorder. If the offender is assessed to have a substance use disorder, the department shall assist the offender in enrolling in substance use disorder treatment services at the level deemed appropriate by the assessment. Offenders transferred to participate in the graduated reentry program must begin receiving substance use disorder treatment services as soon as practicable after transfer to avoid any delays in treatment. Substance use disorder treatment services shall include, as deemed necessary by the assessment, access to medication-assisted treatment and counseling programs. Upon transfer to the graduated reentry program, when clinically appropriate, individuals must be provided with access to self-administered fentanyl testing supplies and medications designed to reverse the effects of opioid overdose.

(5) While in the community on home detention as part of the graduated reentry program, the department must:

(a) Require the offender to be placed on electronic home monitoring;

(b) Require the offender to participate in programming and treatment that the department shall assign based on an offender's assessed need; and

(c) Assign a community corrections officer who will monitor the offender's compliance with conditions of partial confinement and programming requirements.

(6) The department retains the authority to return any offender serving partial confinement in the graduated reentry program to total confinement for any reason including, but not limited to, the offender's noncompliance with any sentence requirement.

(7) The department may issue rental vouchers for a period not to exceed six months for those transferring to partial confinement under this section if an approved address cannot be obtained without the assistance of a voucher.

(8) In the selection of offenders to participate in the graduated reentry program, and in setting, modifying, and enforcing the

requirements of the graduated reentry program, the department is deemed to be performing a quasi-judicial function.

(9) The department shall publish a monthly report on its website with the number of offenders who were transferred during the month to home detention as part of the graduated reentry program. The department shall submit an annual report by December 1st to the appropriate committees of the legislature with the number of offenders who were transferred to home detention as part of the graduated reentry program during the prior year.

(10)(a) Beginning July 1, 2023, the following data must be collected and posted to the department's website on a monthly basis:

(i) The number of offenders who were transferred to the graduated reentry program who were assessed to have a substance use disorder during the prior calendar month; and

(ii) The number of offenders in the graduated reentry program who received during the prior 12 months:

(A) Outpatient substance use disorder treatment;

(B) Inpatient substance use disorder treatment; and

(C) Both outpatient and inpatient substance use disorder treatment.

(b) Beginning July 1, 2023, the health care authority must report monthly to the department on the number of offenders in the graduated reentry program who received substance use disorder outpatient treatment, while in the community, during the prior 12 months.

(11) The department must share data with the health care authority on offenders participating in the graduated reentry program.

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."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Gildon moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5502.

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

The President declared the question before the Senate to be the motion by Senator Gildon that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5502.

The motion by Senator Gildon carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5502 by voice vote.

#### MOTION

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5502, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5502, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays,



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0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, 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 Conway

SECOND SUBSTITUTE SENATE BILL NO. 5502, as amended by the House, 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.

MESSAGE FROM THE HOUSE

April 10, 2023

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5504 with the following amendment(s): 5504-S AMH TR H1885.1

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** This act requires an official motor vehicle inspection facility or licensed private inspection facility to provide written notice to the owner of a motor vehicle being inspected for all open safety recalls applicable to the motor vehicle at the time the motor vehicle is inspected. The recall notice must include a description of each open safety recall and a statement that each open safety recall may be repaired by certain motor vehicle dealers at no cost to the owner, except in certain circumstances. This act requires the department of licensing to provide written notice to the owner of a motor vehicle, at the time a vehicle is registered or upon mailing a motor vehicle's registration renewal notice, of all open safety recalls applicable to the motor vehicle. The recall notice is to include a statement that each open safety recall may be repaired by certain motor vehicle dealers at no cost to the owner, except in certain circumstances.

Nothing in this act may alter the liability of any motor vehicle manufacturer or motor vehicle dealer approved by a manufacturer to repair an open safety recall.

**NEW SECTION. Sec. 2.** A new section is added to chapter 46.32 RCW to read as follows:

(1) During a motor vehicle inspection, an official inspection facility, or licensed private inspection facility, shall check information made available by the national highway traffic safety administration to determine whether the motor vehicle being inspected is subject to an open safety recall. If the vehicle is subject to one or more open safety recalls, the official inspection facility or licensed private inspection facility, shall provide the owner of the motor vehicle, at the time of inspection, written notice of all open safety recalls applicable to the motor vehicle. The recall notice must include the following:

- (a) A description of each open safety recall; and
- (b) A statement that each open safety recall may be repaired by a motor vehicle dealer approved by the manufacturer of the motor vehicle at no cost to the owner of the motor vehicle, except as provided in 49 U.S.C. Sec. 30120.

(2) Nothing in this section alters the liability of any motor vehicle manufacturer or motor vehicle dealer approved by the manufacturer to repair an open safety recall.

(3)(a) The chief of the Washington state patrol and the chief of the Washington state patrol's designees, for the purposes of discharging their duties pursuant to this act are not liable for any

act or omission related to the provision of an open safety recall notice and are immune from any related civil suit or action.

(b) For the purposes of discharging their duties pursuant to this act, a private inspection facility or its owner and employees are not liable to any person for any act or omission related to the open safety recall notice provided pursuant to this section, except for cases of gross negligence.

(4) For the purposes of this section, "open safety recall" means a safety-related recall, for which notification by a manufacturer is required to be provided under 49 U.S.C. Secs. 30118 and 30119, that necessitates repairs or modifications to a motor vehicle by an authorized motor vehicle dealer. "Open safety recall" does not include: Recalls related to defects or failures to comply with requirements relating to labeling or notification in a motor vehicle's owner's manual; or recalls where the remedy is for the manufacturer to repurchase the motor vehicle or otherwise provide financial compensation to the owner of the motor vehicle.

**NEW SECTION. Sec. 3.** A new section is added to chapter 46.16A RCW to read as follows:

(1)(a) The department shall, before issuing a motor vehicle registration or mailing a motor vehicle registration renewal notice, check information made available by the national highway traffic safety administration to determine whether the motor vehicle is subject to an open safety recall. For a vehicle that is subject to one or more open safety recalls, the department shall provide the owner of the motor vehicle written notice of all open safety recalls applicable to the motor vehicle. The recall notice must be provided at the time the vehicle is registered as well as be included in any registration renewal notices sent to consumers by the department. The renewal notice must include a statement that the vehicle has one or more open safety recalls that may be repaired by a motor vehicle dealer approved by the manufacturer of the motor vehicle at no cost to the owner of the motor vehicle, except as provided in 49 U.S.C. Sec. 30120.

(b) The department shall include as part of any reminder notices sent to consumers before the expiration of their registration a notice that their vehicle has one or more open safety recalls and that each open safety recall may be repaired by a motor vehicle dealer approved by the manufacturer of the motor vehicle at no cost to the owner of the motor vehicle, except as provided in 49 U.S.C. Sec. 30120.

(2) Nothing in this section alters the liability of any motor vehicle manufacturer or motor vehicle dealer approved by the manufacturer to repair an open safety recall.

(3) The director and director's designees including, pursuant to RCW 46.01.140, county auditors, agents, and subagents, for the purposes of discharging their duties pursuant to this act are not liable for any act or omission related to the provision of an open safety recall notice and are immune from any related civil suit or action, consistent with RCW 46.01.310.

(4) For the purposes of this section, "open safety recall" means a safety-related recall, for which notification by a manufacturer is required to be provided under 49 U.S.C. Secs. 30118 and 30119, that necessitates repairs or modifications to a motor vehicle by an authorized motor vehicle dealer. "Open safety recall" does not include: Recalls related to defects or failures to comply with requirements relating to labeling or notification in a motor vehicle's owner's manual; or recalls where the remedy is for the manufacturer to repurchase the motor vehicle or otherwise provide financial compensation to the owner of the motor vehicle.

**NEW SECTION. Sec. 4.** This act takes effect July 1, 2024." Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

## MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5504.

Senator Saldaña spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5504.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5504 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5504, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5504, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, 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.

Voting nay: Senator Padden

Excused: Senator Conway

SUBSTITUTE SENATE BILL NO. 5504, as amended by the House, 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.

## MESSAGE FROM THE HOUSE

April 7, 2023

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5515 with the following amendment(s): 5515-S.E AMH HSEL H1744.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there is a lack of oversight of certain residential facilities and residential private schools charged with the care of children. It is the intent of the legislature to ensure that the health, safety, and well-being of children who are served in residential facilities and residential private schools are protected against child abuse and neglect and have their basic health and safety needs met. The legislature intends for greater state oversight of such facilities that otherwise lack nationally recognized accreditation and intends for the department of children, youth, and families and the department of health to work collaboratively to coordinate oversight and monitoring processes to ensure state resources are used efficiently and effectively. Therefore, the legislature resolves to conduct investigations of certain residential facilities and residential private schools when allegations of child abuse or neglect are made at those facilities.

NEW SECTION. Sec. 2. A new section is added to chapter 74.15 RCW to read as follows:

(1)(a) The department shall license the living accommodations provided by residential private schools as defined in RCW 74.15.020. Accommodations include all areas and school operations that are intended to allow enrolled students to eat, sleep, bathe, recreate, or otherwise reside.

(b) A residential private school is exempt from the licensing requirements of (a) of this subsection if:

(i) The residential private school is accredited by an accrediting body approved by the state board of education in accordance with accreditation standards and procedures established by the state board of education under RCW 28A.305.130; and

(ii) The accreditation covers the student living accommodations including examination of comparable criteria as listed in subsection (2) of this section as determined by the state board of education in consultation with the department.

(2) The department shall engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the state board of education and other affected interests to adopt minimum health and safety rules to implement this section. Rules must address the needs of children and youth during noninstructional hours, including but not limited to space allotted to each child or youth for sleeping, developmentally appropriate privacy requirements, personal storage, nutritional needs, cleanliness and hygiene of living quarters, social-emotional well-being during noninstructional hours, health and wellness accommodations, compliance with the Americans with disabilities act, and physical safety.

Sec. 3. RCW 26.44.210 and 2019 c 266 s 13 are each amended to read as follows:

(1)(a) The department (~~((must))~~) shall investigate all referrals of alleged child abuse or neglect occurring at the ~~((state school for the deaf, including alleged incidents involving students abusing other students;))~~ Washington center for deaf and hard of hearing youth, substance use disorder treatment facilities licensed under chapter 71.24 RCW that treat patients on a residential basis, entities that provide behavioral health services as defined in RCW 71.24.025 on a residential basis, host homes as described in RCW 74.15.020(2)(o), and residential private schools as defined in this section.

(b) After investigating an allegation of child abuse or neglect under this section, the department shall determine whether there is a finding of abuse or neglect((?)), and determine whether a referral to law enforcement is appropriate under this chapter.

(c) The department must adopt rules to implement this section.

(d) Any facilities referenced under (a) of this subsection where the department is investigating child abuse or neglect shall share records and any other information that is relevant to the department's investigation. Any records or information shared with the department retains any otherwise existing confidentiality protections under state or federal law.

(2) The department must send a copy of the investigation report, including the finding, regarding any incidents of alleged child abuse or neglect ~~((at the state school for the deaf))~~ to the ~~((director of the Washington center for deaf and hard of hearing youth, or the director's designee. The department may include recommendations to the director and the board of trustees or its successor board for increasing the safety of the school's students;))~~ administration of the facility in which the incident occurred and to the state agency which provides licensure, oversight, or accreditation to the program at the facility in which the incident occurred.

(3) "Residential private school" means a nonpublic school or nonpublic school district subject to approval by the state board of education pursuant to RCW 28A.305.130 and chapter 28A.195

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RCW that provides sleeping and living facilities or residential accommodations for enrolled students.

**Sec. 4.** RCW 74.15.020 and 2021 c 176 s 5239 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, ~~((#))~~ facility, or residential private school which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days

unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Residential private school" means a nonpublic school or nonpublic school district subject to approval by the state board of education pursuant to RCW 28A.305.130 and chapter 28A.195 RCW that provides sleeping and living facilities or residential accommodations for enrolled students;

(j) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

~~((#))~~ (k) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

~~((#))~~ (l) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that

provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) (~~(Schools, including boarding)~~) Nonresidential schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o)(i) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (A) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (B) screens and provides case management services to youth in the program; (C) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (D) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (E) provides mandatory reporter and confidentiality training; and (F) registers with the secretary of state under RCW 74.15.315.

(ii) For purposes of this section, a "host home" is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

(iii) For purposes of this section, a "host home program" is a program that provides support to individual host homes and meets the requirements of (o)(i) of this subsection.

(iv) Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including

but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state;

(p) Receiving centers as defined in RCW 7.68.380.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**NEW SECTION. Sec. 5.** A new section is added to chapter 71.24 RCW to read as follows:

Any substance use disorder treatment facilities and entities that provide behavioral health services where the department of children, youth, and families is investigating child abuse or neglect, as provided for under RCW 26.44.210, shall share records and any other information that is relevant to the department of children, youth, and families' investigation. Any records or information shared with the department of children, youth, and families retains any confidentiality protections under state or federal law.

**NEW SECTION. Sec. 6.** The department of children, youth, and families shall submit to the appropriate committees of the legislature, in compliance with RCW 43.01.036, a preliminary progress report on licensing and oversight of residential private schools no later than July 1, 2025, and final report no later than July 1, 2026.

**NEW SECTION. Sec. 7.** 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.

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NEW SECTION. **Sec. 8.** Sections 2 and 4 of this act take effect July 1, 2025.

NEW SECTION. **Sec. 9.** Section 3 of this act takes effect January 1, 2024."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5515.

Senators Dhingra and Boehnke spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5515.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5515 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5515, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5515, as amended by the House, 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, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, 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 Conway

ENGROSSED SUBSTITUTE SENATE BILL NO. 5515, as amended by the House, 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.

MESSAGE FROM THE HOUSE

April 10, 2023

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5523 with the following amendment(s): 5523-S AMH APP H1868.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** Forensic pathologists are medically trained doctors who perform autopsies. For the last decade, there has been a persistent shortage in forensic pathologists both locally and nationally and this problem has only grown worse. It is the intent of the legislature to incentivize people to enter the profession by alleviating the student loan burden for medically trained forensic pathologists.

**Sec. 2.** RCW 28B.115.020 and 2022 c 276 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in

this section apply throughout this chapter.

(1) "Approved nursing program" means a nursing educational program that leads to a degree or licensure in nursing that is approved by the nursing care quality assurance commission under RCW 18.79.070 and is located at an institution of higher education that is authorized to participate in state financial aid programs under chapter 28B.92 RCW.

(2) "Council" means the Washington state forensic investigations council created in chapter 43.103 RCW.

(3) "Credentialed health care profession" means a health care profession regulated by a disciplining authority in the state of Washington under RCW 18.130.040 or by the pharmacy quality assurance commission under chapter 18.64 RCW and designated by the department in RCW 28B.115.070 as a profession having shortages of credentialed health care professionals in the state.

~~((3))~~ (4) "Credentialed health care professional" means a person regulated by a disciplining authority in the state of Washington to practice a health care profession under RCW 18.130.040 or by the pharmacy quality assurance commission under chapter 18.64 RCW.

~~((4))~~ (5) "Department" means the state department of health.

~~((5))~~ (6) "Eligible education and training programs" means education and training programs approved by the department that lead to eligibility for a credential as a credentialed health care professional.

~~((6))~~ (7) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses determined by the office.

~~((7))~~ (8) "Eligible student" means a student who has been accepted into an eligible education or training program and has a declared intention to serve in a health professional shortage area upon completion of the education or training program.

~~((8))~~ (9) "Forgiven" or "to forgive" or "forgiveness" means to render health care services in a health professional shortage area, an underserved behavioral health area, or as a nurse educator in the state of Washington in lieu of monetary repayment.

~~((9))~~ (10) "Health professional shortage areas" means those areas where credentialed health care professionals are in short supply as a result of geographic maldistribution or as the result of a short supply of credentialed health care professionals in specialty health care areas and where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The department shall determine health professional shortage areas as provided for in RCW 28B.115.070. In making health professional shortage area designations in the state the department may be guided by applicable federal standards for "health manpower shortage areas," and "medically underserved areas," and "medically underserved populations."

~~((10))~~ (11) "Identified shortage areas" means those areas where qualified forensic pathologists are in short supply because of geographic maldistribution or where vacancies exist that may compromise death investigations. The council, with assistance from the department, shall determine shortage areas.

(12) "Loan repayment" means a loan that is paid in full or in part if the participant:

(a) Renders health care services in a health professional shortage area or an underserved behavioral health area as defined by the department; ~~((a))~~

(b) Teaches as a nurse educator for an approved nursing program; or

(c) Renders services as a qualified board-certified forensic pathologist as determined by the department.

~~((11))~~ (13) "Nonshortage rural area" means a nonurban area of the state of Washington that has not been designated as a rural

physician shortage area. The department shall identify the nonshortage rural areas of the state.

~~((42))~~ (14) "Nurse educator" means an individual with an advanced nursing degree beyond a bachelor's degree that teaches nursing curriculum and is a faculty member for an approved nursing program.

~~((43))~~ (15) "Office" means the office of student financial assistance.

~~((44))~~ (16) "Participant" means:

(a) A credentialed health care professional who has received a loan repayment award and has commenced practice as a credentialed health care provider in a designated health professional shortage area or an underserved behavioral health area;

(b) A nurse educator teaching in an approved nursing program; ~~((or))~~

(c) An eligible student who has received a scholarship under this program; or

(d) A board-certified forensic pathologist who has commenced working in or is committed to working in identified shortage areas in the state of Washington for the pathologist's required service obligation.

~~((45))~~ (17) "Required service obligation" means an obligation by the participant to:

(a) Provide health care services in a health professional shortage area or an underserved behavioral health area for a period to be established as provided for in this chapter; ~~((or))~~

(b) Teach as a nurse educator for a period to be established as provided for in this chapter; or

(c) Provide services as a board-certified forensic pathologist in identified shortage areas as determined by the council.

~~((46))~~ (18) "Rural physician shortage area" means rural geographic areas where primary care physicians are in short supply as a result of geographic maldistributions and where their limited numbers jeopardize patient care and pose a threat to public health and safety. The department shall designate rural physician shortage areas.

~~((47))~~ (19) "Satisfied" means paid-in-full.

~~((48))~~ (20) "Scholarship" means a loan that is forgiven in whole or in part if the recipient renders health care services in a health professional shortage area or an underserved behavioral health area.

~~((49))~~ (21) "Sponsoring community" means a rural hospital or hospitals as authorized in chapter 70.41 RCW, a rural health care facility or facilities as authorized in chapter 70.175 RCW, or a city or county government or governments.

~~((20))~~ (22) "Underserved behavioral health area" means a geographic area, population, or facility that has a shortage of health care professionals providing behavioral health services, as determined by the department.

**Sec. 3.** RCW 28B.115.030 and 2022 c 276 s 2 are each amended to read as follows:

The Washington health corps is the state's initiative to encourage health care professionals to work in underserved communities. In exchange for service, the health care professional receives assistance with higher education, in the form of loan repayment or a conditional scholarship. The Washington health corps consists of the health professional loan repayment and scholarship program, the behavioral health loan repayment program, ~~(and)~~ the nurse educator loan repayment program, and the forensic pathology loan repayment program.

(1) The health professional loan repayment and scholarship program is established for credentialed health professionals and residents serving in health professional shortage areas.

(2) The behavioral health loan repayment program is established for credentialed health professionals serving in

underserved behavioral health areas.

(3) The nurse educator loan repayment program is established for nurse educators teaching for approved nursing programs.

(4) The forensic pathology loan repayment program is established for board-certified forensic pathologists providing services for counties in identified shortage areas.

(5) The office is the administrator of the programs under the Washington health corps. In administering the programs, the office shall:

(a)(i) Select credentialed health care professionals and residents to participate in the loan repayment portion and in the scholarship portion of the health professional loan repayment and scholarship program;

(ii) Select credentialed health care participants to participate in the behavioral health loan repayment program; ~~((and))~~

(iii) Select nurse educators to participate in the nurse educator loan repayment program; and

(iv) Select board-certified forensic pathologists to participate in the forensic pathology loan repayment program;

(b) Adopt rules and develop guidelines to administer the programs;

(c) Collect and manage repayments from participants who do not meet their service obligations under this chapter;

(d) Publicize the program, particularly to maximize participation among individuals in shortage and underserved areas and among populations expected to experience the greatest growth in the workforce;

(e) Solicit and accept grants and donations from public and private sources for the programs;

(f) Use a competitive procurement to contract with a fundraiser to solicit and accept grants and donations from private sources for the programs. The fund-raiser shall be paid on a contingency fee basis on a sliding scale but must not exceed ~~((fifteen))~~ 15 percent of the total amount raised for the programs each year. The fund-raiser shall not be a registered state lobbyist; and

(g) Develop criteria for a contract for service in lieu of the service obligation where appropriate, that may be a combination of service and payment.

**Sec. 4.** RCW 28B.115.040 and 2019 c 302 s 4 are each amended to read as follows:

(1) The department may provide technical assistance to rural communities desiring to become sponsoring communities for the purposes of identification of prospective students for the health professional loan repayment and scholarship program, assisting prospective students to apply to an eligible education and training program, making formal agreements with prospective students to provide credentialed health care services in the community, forming agreements between rural communities in a service area to share credentialed health care professionals, and fulfilling any matching requirements.

(2) The department, in consultation with the council and other pertinent stakeholders, may provide technical assistance to counties desiring to become sponsoring communities for the purposes of identification of prospective students for the forensic pathology loan repayment program, assisting prospective students to apply to an eligible education and training program, making formal agreements with prospective students to provide services as a board-certified forensic pathologist, forming agreements between rural and underserved counties in a service area to share credentialed forensic pathology professionals, and fulfilling any matching requirements.

(3) From the amounts appropriated to the department, the department shall enter into a contract for a two-year marketing plan with the Washington association of coroners and medical examiners for the sole purpose of marketing Washington state to

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potential board-certified forensic pathologists. The marketing plan must include, but is not limited to, a focus on rural and underserved counties. Payment for administrative expenses may not exceed two percent of the appropriated funds.

**Sec. 5.** RCW 28B.115.050 and 2022 c 276 s 3 are each amended to read as follows:

The office shall establish a planning committee to assist it in developing criteria for the selection of participants for the Washington health corps program. The office shall include on the planning committee representatives of the department, the department of social and health services, appropriate representatives from health care facilities, provider groups, consumers, the state board for community and technical colleges, the superintendent of public instruction, institutions of higher education, representatives from the behavioral health and public health fields, the council, and other appropriate public and private agencies and organizations. The criteria may require that some of the participants meet the definition of financial need under RCW 28B.92.030.

**Sec. 6.** RCW 28B.115.070 and 2022 c 276 s 4 are each amended to read as follows:

(1) After June 1, 1992, the department, in consultation with the office and the department of social and health services, shall:

(a) Determine eligible credentialed health care professions for the purposes of the health professional loan repayment and scholarship program and the behavioral health loan repayment program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or insufficient availability of a credentialed profession so as to jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan repayments until they are no longer eligible or until their service obligation has been completed;

(b) Determine health professional shortage areas for each of the eligible credentialed health care professions; and

(c) Determine underserved behavioral health areas for each of the eligible credentialed health care professions.

(2) The office, in consultation with the department, shall determine selection criteria for nurse educators and approved nursing programs.

(3) The office, in consultation with the department and the council, shall determine selection criteria for board-certified forensic pathologists.

**Sec. 7.** RCW 28B.115.080 and 2022 c 276 s 5 are each amended to read as follows:

(1) After June 1, 1992, the office, in consultation with the department and the department of social and health services, shall:

~~((4))~~ (a) Establish the annual award amount for each credentialed health care profession which shall be based upon an assessment of reasonable annual eligible expenses involved in training and education for each credentialed health care profession for both the health professional loan repayment and scholarship program and the behavioral health loan repayment program. The annual award amount may be established at a level less than annual eligible expenses. The annual award amount shall be established by the office for each eligible health profession. The awards shall not be paid for more than a maximum of five years per individual;

~~((2))~~ (b) Determine any scholarship awards for prospective physicians in such a manner to require the recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The office may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

~~((3))~~ (c) Establish the required service obligation for each credentialed health care profession, which shall be no less than three years or no more than five years, for the health professional loan repayment and scholarship program and the behavioral health loan repayment program. The required service obligation may be based upon the amount of the scholarship or loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

~~((4))~~ (d) Establish the annual award amount and the required service obligation for nurse educators participating in the nurse educator loan repayment program. The annual award amount shall be based upon an assessment of reasonable annual eligible expenses involved in training and education. The awards shall not be paid for more than a maximum of five years per individual. The required service obligation shall be no less than three years or no more than five years. The required service obligation may be based upon the amount of the loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

~~((5))~~ (e) Determine eligible education and training programs for purposes of the scholarship portion of the health professional loan repayment and scholarship program; and

~~((6))~~ (f) Honor loan repayment and scholarship contract terms negotiated between the office and participants prior to May 21, 1991, concerning loan repayment and scholarship award amounts and service obligations authorized under this chapter or chapter 70.180 RCW.

(2) The department and the council, with the office, shall establish the annual loan repayment amount for each eligible board-certified forensic pathologist, based upon an assessment of reasonable eligible expenses involved in training and education up to \$25,000 annually. The awards may not be paid for more than a total of four years per participant. The required service obligation must be four years. The annual award amount shall be established by the office.

**Sec. 8.** RCW 28B.115.110 and 2022 c 276 s 7 are each amended to read as follows:

Participants in the Washington health corps who are awarded loan repayments shall receive payment for the purpose of repaying educational loans secured while attending a program of health professional training which led to a credential as a credentialed health professional in the state of Washington.

(1) Participants shall agree to meet the required service obligation.

(2) Repayment shall be limited to eligible educational and living expenses as determined by the office and shall include principal and interest.

(3) Loans from both government and private sources may be repaid by the program. Participants shall agree to allow the office access to loan records and to acquire information from lenders necessary to verify eligibility and to determine payments. Loans may not be renegotiated with lenders to accelerate repayment.

(4) Repayment of loans established pursuant to the Washington health corps shall begin no later than ~~((ninety))~~ 90 days after the individual has become a participant. Payments shall be made quarterly, or more frequently if deemed appropriate by the office, to the participant until the loan is repaid or the participant becomes ineligible due to discontinued service in a health professional shortage area, an underserved behavioral health area, ~~((or))~~ as a nurse educator at an approved nursing program after the required service obligation when eligibility discontinues, or as a board-certified forensic pathologist in an identified shortage area, whichever comes first.

(5) Should the participant discontinue service in a health professional shortage area, an underserved behavioral health area, ~~((or))~~ as a nurse educator at an approved nursing program, or as a board-certified forensic pathologist in an identified shortage area, payments against the loans of the participants shall cease to be effective on the date that the participant discontinues service.

(6) Except for circumstances beyond their control, participants who serve less than the required service obligation shall be obligated to repay to the program an amount equal to the unsatisfied portion of the service obligation, or the total amount paid by the program on their behalf, whichever is less. This amount is due and payable immediately. Participants who are unable to pay the full amount due shall enter into a payment arrangement with the office, including an arrangement for payment of interest. The maximum period for repayment is ~~((ten))~~ 10 years. The office shall determine the applicability of this subsection. The interest rate shall be determined by the office and be established by rule.

(7) The office is responsible for the collection of payments made on behalf of participants from the participants who discontinue service before completion of the required service obligation. The office shall exercise due diligence in such collection, maintaining all necessary records to ensure that the maximum amount of payment made on behalf of the participant is recovered. Collection under this section shall be pursued using the full extent of the law, including wage garnishment if necessary.

(8) The office shall not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires.

(9) The office shall temporarily or, in special circumstances, permanently defer the requirements of this section for eligible students as defined in RCW 28B.10.017.

(10) The office shall establish an appeal process by rule.

**Sec. 9.** RCW 28B.115.130 and 2022 c 276 s 8 are each amended to read as follows:

(1) Any funds appropriated by the legislature for the health professional loan repayment and scholarship program ~~((and))~~, the nurse educator loan repayment program, the forensic pathology loan repayment program, or any other public or private funds intended for loan repayments or scholarships under these programs shall be placed in the account created by this section.

(2) The health professional loan repayment and scholarship program fund is created in custody of the state treasurer. All receipts from the program shall be deposited into the fund. Only the office, or its designee, may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

**NEW SECTION. Sec. 10.** (1) The department of health shall contract with the Washington association of coroners and medical examiners to: Conduct a study of the critical shortage of board-certified forensic pathologists and recommend to the legislature what steps the state can take to foster a robust forensic pathology community. The study must cover issues related to Conrad 30 J-1 visa waivers and measures to encourage enrollment

in the University of Washington and Washington State University forensic pathology residency programs. This study must also include recommendations on how to create two new forensic pathology fellow slots, one in conjunction with the University of Washington and one in conjunction with Washington State University. The Washington association of coroners and medical examiners shall directly report its findings and recommendations to the governor and the appropriate committees of the legislature by October 1, 2024.

(2) This section expires August 1, 2025.

**Sec. 11.** RCW 68.50.104 and 2021 c 127 s 8 are each amended to read as follows:

(1) The cost of autopsy shall be borne by the county in which the autopsy is performed, except when requested by the department of labor and industries, in which case, the department shall bear the cost of such autopsy.

(2)(a) Except as provided in (b) of this subsection, when the county bears the cost of an autopsy, it shall be reimbursed from the death investigations account, established by RCW 43.79.445, as follows:

(i) Up to ~~((forty))~~ 40 percent of the cost of contracting for the services of a pathologist to perform an autopsy;

(ii) Up to 30 percent of the salary of pathologists who are primarily engaged in performing autopsies and are (A) county coroners or county medical examiners, or (B) employees of a county coroner or county medical examiner; ~~((and))~~

(iii) ~~((One hundred))~~ 100 percent of the cost of autopsies conducted under RCW 70.54.450; and

(iv) Up to 40 percent of the cost of transportation of remains to and from facilities accredited pursuant to RCW 36.24.210 for the purpose of autopsy services.

(b) When the county bears the cost of an autopsy of a child under the age of three whose death was sudden and unexplained, the county shall be reimbursed for the expenses of the autopsy when the death scene investigation and the autopsy have been conducted under RCW 43.103.100 (4) and (5), and the autopsy has been done at a facility designed for the performance of autopsies.

(3) Payments from the account shall be made pursuant to biennial appropriation: PROVIDED, That no county may reduce funds appropriated for this purpose below 1983 budgeted levels.

(4) Where the county coroner's office or county medical examiner's office is not accredited pursuant to RCW 36.24.210, or a coroner, medical examiner, or other medicolegal investigative employee is not certified as required by RCW 36.24.205 and 43.101.480, the state treasurer's office shall withhold 25 percent of autopsy reimbursement funds until accreditation under RCW 36.24.210 or compliance with RCW 36.24.205 and 43.101.480 is achieved."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5523.

Senators Dhingra and Holy spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5523.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5523 by voice vote.



The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5523, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5523, as amended by the House, 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, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, 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 Conway

SUBSTITUTE SENATE BILL NO. 5523, as amended by the House, 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.

MESSAGE FROM THE HOUSE

April 7, 2023

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5528 with the following amendment(s): 5528-S.E AMH LAWS H1810.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) An owner, contractor, or subcontractor may withhold as retainage an amount equal to not more than five percent of the contract price of the work completed for private construction projects. Partial payment allowed under this subsection is not acceptance or approval of some of the work or a waiver of defects in the work.

(2) The owner, contractor, or subcontractor shall pay interest at the rate of one percent per month on the final payment due the contractor or subcontractor. The interest shall commence 30 days after the contractor or subcontractor has completed and the owner has accepted the work under the contract for construction for which the final payment is due. The interest shall run until the date when final payment is tendered to the contractor or subcontractor.

(3) When the contractor or subcontractor considers the work that the contractor or subcontractor is contracted to perform to be complete, the contractor or subcontractor shall notify the party to whom the contractor or subcontractor is responsible for performing the construction work under the contract.

(4) The party shall, within 15 days after receiving the notice, either accept the work or notify the contractor or subcontractor of work yet to be performed under the contract or subcontract. If the party does not accept the work or does not notify the contractor or subcontractor of work yet to be performed within the time allowed, the interest required under this subsection shall commence 30 days after the end of the 15-day period. A contractor may provide notice under this subsection to an owner or upper-tier contractor for release of retainage due to a subcontractor whose work is complete. If an owner or upper-tier contractor does not accept the subcontractor's work or does not

notify the contractor of work yet to be performed by the subcontractor within 15 days after receiving the notice, the interest required under this section shall commence 30 days after the end of the 15-day period. A contractor's obligation to pay interest to a subcontractor under this section does not begin until the contractor has received payment for the subcontractor's retainage provided that the contractor has submitted the subcontractor's retainage request to the owner or upper-tier contractor within 30 days after receipt from the subcontractor.

(5) This section does not apply to single-family residential construction less than 12 units.

**NEW SECTION. Sec. 2.** (1) In lieu of retainage, a subcontractor or contractor may tender, and a contractor or owner must accept, a retainage bond in an amount not to exceed five percent of the moneys earned by the subcontractor or contractor.

(2) A subcontractor or contractor must provide a good and sufficient bond from an authorized surety company, conditioned that such person or persons must:

(a) Faithfully perform all the provisions of such contract;

(b) Pay all laborers, mechanics, and subcontractors and material suppliers, and all persons who supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work; and

(c) Pay the taxes, increases, and penalties incurred on the project.

(3) The contractor or owner may require that the authorized surety have a minimum A.M. Best financial strength rating so long as that minimum rating does not exceed A-. The contractor may withhold the subcontractor's portion of the bond premium, to the extent the contractor provides a retainage bond to obtain a release of the subcontractor's retainage.

(4) The contractor or owner must accept a bond meeting the requirements of this section. The subcontractor or contractor's bond and any proceeds therefrom are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in the contract and other applicable provisions.

(5) Whenever an owner accepts a bond in lieu of retained funds from a contractor, the contractor must accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor must then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within 30 days of accepting the bond from the subcontractor or supplier.

(6) This section does not apply to single-family residential construction less than 12 units.

**NEW SECTION. Sec. 3.** Sections 1 and 2 of this act only apply to private construction projects and do not apply to public improvement contracts, as defined in RCW 60.28.011.

**NEW SECTION. Sec. 4.** Sections 1 through 3 of this act constitute a new chapter in Title 60 RCW."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Stanford moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5528.

Senator Stanford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Stanford that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5528.

The motion by Senator Stanford carried and the Senate concurred in the House amendment(s) to Engrossed Substitute

Senate Bill No. 5528 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5528, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5528, as amended by the House, 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, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, 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 Conway

ENGROSSED SUBSTITUTE SENATE BILL NO. 5528, as amended by the House, 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.

#### MESSAGE FROM THE HOUSE

April 10, 2023

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5532 with the following amendment(s): 5532-S2 AMH APP H1884.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that promoting a financially viable health care system in all parts of the state is a critical interest. The federal centers for medicare and medicaid services has recognized the crucial role hospitals play in providing care in rural areas by creating the sole community hospital program, which allows certain small rural hospitals to receive enhanced payments for medicare services. The state of Washington has created a similar program based on the federal criteria. The legislature further finds that some small, rural, low volume hospitals provide vital services to the communities they serve, but are not eligible for the federal or state programs. The legislature therefore finds that creating a similar reimbursement system for the state's medicaid program for small, rural, low volume hospitals will promote the long-term financial viability of the rural health care system in those communities.

**Sec. 2.** RCW 74.09.5225 and 2017 c 198 s 1 are each amended to read as follows:

(1) Payments for recipients eligible for medical assistance programs under this chapter for services provided by hospitals, regardless of the beneficiary's managed care enrollment status, shall be made based on allowable costs incurred during the year, when services are provided by a rural hospital certified by the centers for medicare and medicaid services as a critical access hospital, unless the critical access hospital is participating in the Washington rural health access preservation pilot described in subsection (2)(b) of this section. Any additional payments made by the authority for the healthy options program shall be no more than the additional amounts per service paid under this section for other medical assistance programs.

(2)(a) Beginning on July 24, 2005, except as provided in (b) of this subsection, a moratorium shall be placed on additional hospital participation in critical access hospital payments under this section. However, rural hospitals that applied for certification to the centers for medicare and medicaid services prior to January 1, 2005, but have not yet completed the process or have not yet been approved for certification, remain eligible for medical assistance payments under this section.

(b)(i) The purpose of the Washington rural health access preservation pilot is to develop an alternative service and payment system to the critical access hospital authorized under section 1820 of the social security act to sustain essential services in rural communities.

(ii) For the purposes of state law, any rural hospital approved by the department of health for participation in critical access hospital payments under this section that participates in the Washington rural health access preservation pilot identified by the state office of rural health and ceases to participate in critical access hospital payments may renew participation in critical access hospital associated payment methodologies under this section at any time.

(iii) The Washington rural health access preservation pilot is subject to the following requirements:

(A) In the pilot formation or development, the department of health, health care authority, and Washington state hospital association will identify goals for the pilot project before any hospital joins the pilot project;

(B) Participation in the pilot is optional and no hospital may be required to join the pilot;

(C) Before a hospital enters the pilot program, the health care authority must provide information to the hospital regarding how the hospital could end its participation in the pilot if the pilot is not working in its community;

(D) Payments for services delivered by public health care service districts participating in the Washington rural health access preservation pilot to recipients eligible for medical assistance programs under this chapter must be based on an alternative, value-based payment methodology established by the authority. Subject to the availability of amounts appropriated for this specific purpose, the payment methodology must provide sufficient funding to sustain essential services in the areas served, including but not limited to emergency and primary care services. The methodology must adjust payment amounts based on measures of quality and value, rather than volume. As part of the pilot, the health care authority shall encourage additional payers to use the adopted payment methodology for services delivered by the pilot participants to individuals insured by those payers;

(E) The department of health, health care authority, and Washington state hospital association will report interim progress to the legislature no later than December 1, 2018, and will report on the results of the pilot no later than six months following the conclusion of the pilot. The reports will describe any policy changes identified during the course of the pilot that would support small critical access hospitals; and

(F) Funds appropriated for the Washington rural health access preservation pilot will be used to help participating hospitals transition to a new payment methodology and will not extend beyond the anticipated three-year pilot period.

(3)(a) Beginning January 1, 2015, payments for recipients eligible for medical assistance programs under this chapter for services provided by a hospital, regardless of the beneficiary's managed care enrollment status, shall be increased to one hundred twenty-five percent of the hospital's fee-for-service rates, when services are provided by a rural hospital that:

(i) Was certified by the centers for medicare and medicaid services as a sole community hospital as of January 1, 2013;

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(ii) Had a level III adult trauma service designation from the department of health as of January 1, 2014;

(iii) Had less than one hundred fifty acute care licensed beds in fiscal year 2011; and

(iv) Is owned and operated by the state or a political subdivision.

(b) The enhanced payment rates under this subsection shall be considered the hospital's medicaid payment rate for purposes of any other state or private programs that pay hospitals according to medicaid payment rates.

(c) Hospitals participating in the certified public expenditures program may not receive the increased reimbursement rates provided in this subsection (3) for inpatient services.

(4) Beginning July 1, 2024, through December 31, 2028, payments for recipients eligible for medical assistance programs under this chapter for acute care services provided by a hospital, regardless of the beneficiary's managed care enrollment status, shall be increased to 120 percent of the hospital's fee-for-service rate for inpatient services and 200 percent of the hospital's fee-for-service rate for outpatient services, when services are provided by a hospital that:

(a) Is not currently designated as a critical access hospital, and does not meet current federal eligibility requirements for designation as a critical access hospital;

(b) Has medicaid inpatient days greater than 50 percent of all hospital inpatient days as reported on the hospital's most recently filed medicare cost report with the state; and

(c) Is located on the land of a federally recognized Indian tribe.

**NEW SECTION. Sec. 3.** 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 July 1, 2023.

**NEW SECTION. Sec. 4.** (1) This act expires on the date that the federal centers for medicare and medicaid services approves the hospital safety net program as required by RCW 74.60.150(1)(a), including section 4(3)(e), chapter . . . (Substitute House Bill No. 1850 (hospital safety net assessment)), Laws of 2023.

(2) The health care authority must provide written notice of the expiration date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority.

**NEW SECTION. Sec. 5.** 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."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5532.

Senator King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5532.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5532 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5532, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5532, as amended by the House, 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, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, 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 Conway

SECOND SUBSTITUTE SENATE BILL NO. 5532, as amended by the House, 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.

MESSAGE FROM THE HOUSE

April 12, 2023

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5555 with the following amendment(s): 5555-S2 AMH APP H1886.2

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that peers play a critical role along the behavioral health continuum of care, from outreach to treatment to recovery support. Peers deal in the currency of hope and motivation and are incredibly adept at supporting people with behavioral health challenges on their recovery journeys. Peers represent the only segment of the behavioral health workforce where there is not a shortage, but a surplus of willing workers. Peers, however, are presently limited to serving only medicaid recipients and working only in community behavioral health agencies. As a result, youth and adults with commercial insurance have no access to peer services. Furthermore, peers who work in other settings, such as emergency departments and behavioral health urgent care, cannot bill insurance for their services.

(2) Therefore, it is the intent of the legislature to address the behavioral health workforce crisis, expand access to peer services, eliminate financial barriers to professional licensing, and honor the contributions of the peer profession by creating the profession of certified peer specialists.

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

(1) "Advisory committee" means the Washington state certified peer specialist advisory committee established under section 4 of this act.

(2) "Approved supervisor" means:

(a) Until July 1, 2028, a behavioral health provider, as defined in RCW 71.24.025 with at least two years of experience working in a behavioral health practice that employs peer specialists as part of treatment teams; or

(b) A certified peer specialist who has completed:

(i) At least 1,500 hours of work as a fully certified peer specialist engaged in the practice of peer support services, with at least 500 hours attained through the joint supervision of peers in conjunction with another approved supervisor; and

(ii) The training developed by the health care authority under section 13 of this act.

(3) "Certified peer specialist" means a person certified under this chapter to engage in the practice of peer support services.

(4) "Certified peer specialist trainee" means an individual working toward the supervised experience and written examination requirements to become a certified peer specialist under this chapter.

(5) "Department" means the department of health.

(6) "Practice of peer support services" means the provision of interventions by either a person in recovery from a mental health condition or substance use disorder, or both, or the parent or legal guardian of a youth who is receiving or has received behavioral health services. The client receiving the interventions receives them from a person with a similar lived experience as either a person in recovery from a mental health condition or substance use disorder, or both, or the parent or legal guardian of a youth who is receiving or has received behavioral health services. The person provides the interventions through the use of shared experiences to assist a client in the acquisition and exercise of skills needed to support the client's recovery. Interventions may include activities that assist clients in accessing or engaging in treatment and in symptom management; promote social connection, recovery, and self-advocacy; provide guidance in the development of natural community supports and basic daily living skills; and support clients in engagement, motivation, and maintenance related to achieving and maintaining health and wellness goals.

(7) "Secretary" means the secretary of health.

**NEW SECTION. Sec. 3.** In addition to any other authority, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter;

(2) Establish all certification, examination, and renewal fees for certified peer specialists in accordance with RCW 43.70.110 and 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Issue certificates to applicants who have met the education, training, and examination requirements for obtaining a certificate and to deny a certificate to applicants who do not meet the requirements;

(5) Coordinate with the health care authority to confirm an applicant's successful completion of the certified peer specialist education course offered by the health care authority under section 13 of this act and successful passage of the associated oral examination as proof of eligibility to take a qualifying written examination for applicants for obtaining a certificate;

(6) Establish practice parameters consistent with the definition of the practice of peer support services;

(7) Provide staffing and administrative support to the advisory committee;

(8) Determine which states have credentialing requirements equivalent to those of this state, and issue certificates to applicants credentialed in those states without examination;

(9) Define and approve any supervised experience requirements for certification;

(10) Assist the advisory committee with the review of peer counselor apprenticeship program applications in the process of being approved and registered under chapter 49.04 RCW;

(11) Adopt rules implementing a continuing competency program; and

(12) Establish by rule the procedures for an appeal of an examination failure.

**NEW SECTION. Sec. 4.** (1) The Washington state certified peer specialist advisory committee is established.

(2)(a) The advisory committee shall consist of 11 members. Nine members must be certified peer specialists. Those nine members shall be inclusive of mental health peers, substance use disorder peers, community-based peers, peers who work in clinical settings, youth peers, adult peers, parent or family peers, and peer supervisors. One member must represent community behavioral health agencies. One member must represent the public at large and may not be a credentialed behavioral health provider. The advisory committee shall be reflective of the community who receives peer services, including people who are Black, indigenous, people of color, and individuals who identify as LGBTQ. All members of the advisory committee must be residents of Washington state. Members may not hold an office in a professional association for peer specialists or be employed by the state. A majority of the members currently serving shall constitute a quorum.

(b) The members shall be appointed by the secretary to serve three-year terms which may be renewed. Initial members shall be appointed to staggered terms which may be less than three years. Initial membership may vary from the requirements in (a) of this subsection to account for the lack of an available credential for certified peer specialists at the time the advisory committee is established. The advisory committee shall select a chair and vice chair.

(3) The department and the health care authority, as appropriate, are encouraged to adopt recommendations as submitted by the advisory committee on topics related to the administration of this chapter and provide their rationale for any formal recommendations of the advisory committee that either agency does not adopt, including:

(a) Advice and recommendations regarding the establishment or implementation of rules related to this chapter;

(b) Advice, recommendations, and consultation regarding professional boundaries, customary practices, and other aspects of peer support as it relates to complaints, investigations, and other disciplinary actions;

(c) Assistance and recommendations to enhance patient and client education;

(d) Assistance and recommendations regarding the written and oral examination to become a certified peer specialist and the examiners conducting the examinations, including recommendations to assure that the examinations, and the manner in which the examinations are administered, are culturally appropriate;

(e) Assistance and recommendations regarding any continuing education and continuing competency programs administered under the provisions of this chapter;

(f) Advice and guidance regarding criteria for certification based on prior experience as a peer specialist attained before July 1, 2025, as described in section 7(2) of this act;

(g) Recommendations for additional supports that may help those practicing as peer counselors as of the effective date of this section to become certified peer specialists;

(h) Advice and guidance on the feasibility and design of a two-phase certification program for peer specialists;

(i) Review of existing health care authority policies and procedures related to peer counselors;

(j) Advice on approving additional education and training entities, other than the health care authority, to conduct the course of instruction in section 13(1)(a) of this act to expand availability of the course, particularly among black, indigenous, people of color, and individuals who identify as LGBTQ;

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(k) Advice on approving additional testing entities, other than the health care authority to administer the written and oral examination, including entities owned by black, indigenous, and people of color;

(l) Advice on long-term planning and growth for the future advancement of the peer specialist profession;

(m) Recommendations on recruitment and retention in the peer specialist profession, including among black, indigenous, people of color, and individuals who identify as LGBTQ; and

(n) Recommendations on strategies to eliminate financial barriers to licensing as a certified peer specialist.

(4) Committee members are immune from suit in an action, civil or criminal, based on the department's disciplinary proceedings or other official acts performed in good faith.

(5) Committee members shall be compensated in accordance with RCW 43.03.240, including travel expenses in carrying out his or her authorized duties in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 5.** Beginning July 1, 2025, except as provided in section 13 of this act, the decision of a person practicing peer support services to become certified under this chapter is voluntary. A person may not use the title certified peer specialist unless the person holds a credential under this chapter.

**NEW SECTION. Sec. 6.** Nothing in this chapter may be construed to prohibit or restrict:

(1) An individual who holds a credential issued by this state, other than as a certified peer specialist or certified peer specialist trainee, to engage in the practice of an occupation or profession without obtaining an additional credential from the state. The individual may not use the title certified peer specialist unless the individual holds a credential under this chapter; or

(2) The practice of peer support services by a person who is employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States.

**NEW SECTION. Sec. 7.** (1) Beginning July 1, 2025, except as provided in subsections (2) and (3) of this section, the secretary shall issue a certificate to practice as a certified peer specialist to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following requirements:

(a) Submission of an attestation to the department that the applicant self-identifies as:

(i) A person with one or more years of recovery from a mental health condition, substance use disorder, or both; or

(ii) The parent or legal guardian of a youth who is receiving or has received behavioral health services;

(b) Successful completion of the education course developed and offered by the health care authority under section 13 of this act;

(c) Successful passage of an oral examination administered by the health care authority upon completion of the education course offered by the health care authority under section 13 of this act;

(d) Successful passage of a written examination administered by the health care authority upon completion of the education course offered by the health care authority under section 13 of this act;

(e) Successful completion of an experience requirement of at least 1,000 supervised hours as a certified peer specialist trainee engaged in the volunteer or paid practice of peer support services, in accordance with the standards in section 8 of this act; and

(f) Payment of the appropriate fee required under this chapter.

(2) The secretary, with the recommendation of the advisory committee, shall establish criteria for the issuance of a certificate to engage in the practice of peer support services based on prior experience as a peer specialist attained before July 1, 2025. The

criteria shall establish equivalency standards necessary to be deemed to have met the requirements of subsection (1) of this section. An applicant under this subsection shall have until July 1, 2026, to complete any standards in which the applicant is determined to be deficient.

(3) The secretary, with the recommendation of the advisory committee, shall issue a certificate to engage in the practice of peer support services based on completion of an apprenticeship program registered and approved under chapter 49.04 RCW and reviewed by the advisory committee under section 3 of this act.

(4) A certificate to engage in the practice of peer support services is valid for two years. A certificate may be renewed upon demonstrating to the department that the certified peer specialist has successfully completed 30 hours of continuing education approved by the department. As part of the continuing education requirement, every six years the applicant must submit proof of successful completion of at least three hours of suicide prevention training and at least six hours of coursework in professional ethics and law, which may include topics under RCW 18.130.180.

**NEW SECTION. Sec. 8.** (1) Beginning July 1, 2025, the secretary shall issue a certificate to practice as a certified peer specialist trainee to any applicant who demonstrates to the satisfaction of the secretary that:

(a) The applicant meets the requirements of section 7 (1)(a), (b), (c), (d), and (4) of this act and is working toward the supervised experience requirements to become a certified peer specialist under this chapter; or

(b) The applicant is enrolled in an apprenticeship program registered and approved under chapter 49.04 RCW and approved by the secretary under section 3 of this act.

(2) An applicant seeking to become a certified peer specialist trainee under this section shall submit to the secretary for approval an attestation, in accordance with rules adopted by the department, that the certified peer specialist trainee is actively pursuing the supervised experience requirements of section 7(1)(d) of this act. This attestation must be updated with the trainee's annual renewal.

(3) A certified peer specialist trainee certified under this section may practice only under the supervision of an approved supervisor. Supervision may be provided through distance supervision. Supervision may be provided by an approved supervisor who is employed by the same employer that employs the certified peer specialist trainee or by an arrangement made with a third-party approved supervisor to provide supervision, or a combination of both types of approved supervisors.

(4) A certified peer specialist trainee certificate is valid for one year and may only be renewed four times.

**NEW SECTION. Sec. 9.** (1) The date and location of written examinations must be established by the health care authority. Applicants who have been found by the health care authority to meet other requirements for obtaining a certificate must be scheduled for the next examination following the filing of the application. The health care authority shall establish by rule the examination application deadline.

(2) The health care authority shall administer written examinations to each applicant, by means determined most effective, on subjects appropriate to the scope of practice, as applicable. The examinations must be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination materials, all grading of the materials, and the grading of any practical work must be preserved for a period of not less than one year after the health care authority has made and published the decisions. All examinations must be conducted under fair and wholly impartial methods.

(4) Any applicant failing to make the required grade in the first written examination may take up to three subsequent written examinations as the applicant desires upon prepaying a fee determined by the health care authority for each subsequent written examination. Upon failing four written examinations, the health care authority may invalidate the original application and require remedial education before the person may take future written examinations.

(5) The health care authority may approve a written examination prepared or administered by a private organization that credentials and renews credentials for peer counselors, or an association of credentialing agencies, for use by an applicant in meeting the credentialing requirements.

**NEW SECTION. Sec. 10.** The secretary shall establish, by rule, the requirements and fees for renewal of a certificate issued pursuant to this chapter. Fees must be established in accordance with RCW 43.70.110 and 43.70.250. Failure to renew the certificate invalidates the certificate and all privileges granted by the certificate. If a certificate has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the secretary by completing continuing competency requirements or meeting other standards determined by the secretary.

**NEW SECTION. Sec. 11.** (1) The department, in consultation with the advisory committee, shall conduct an assessment and submit a report to the governor and the committees of the legislature with jurisdiction over health policy issues by December 1, 2027.

(2) The report in subsection (1) of this section shall provide:

(a) An analysis of the adequacy of the supply of certified peer specialists serving as approved supervisors pursuant to section 2(2)(b) of this act with respect to the ability to meet the anticipated supervision needs of certified peer specialist trainees upon the expiration of behavioral health providers serving as approved supervisors pursuant to section 2(2)(a) of this act;

(b) An assessment of whether or not it is necessary to extend the expiration of behavioral health providers serving as approved supervisors pursuant to section 2(2)(a) of this act in order to meet the anticipated supervision needs of certified peer specialist trainees;

(c) Recommendations for increasing the supply of certified peer specialists serving as approved supervisors pursuant to section 2(2)(b) of this act, including any potential modifications to the requirements to become an approved supervisor; and

(d) Recommendations for alternative methods of providing supervision to certified peer specialist trainees, including options for team-based supervision that incorporate supervision from both behavioral health providers serving as approved supervisors pursuant to section 2(2)(a) of this act and certified peer specialists serving as approved supervisors pursuant to section 2(2)(b) of this act.

**NEW SECTION. Sec. 12.** The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice of peer support services, the issuance and denial of certificates, and the discipline of certified peer specialists and certified peer specialist trainees under this chapter.

**NEW SECTION. Sec. 13.** A new section is added to chapter 71.24 RCW to read as follows:

(1)(a) By January 1, 2025, the authority must develop a course of instruction to become a certified peer specialist under chapter 18.--- RCW (the new chapter created in section 22 of this act). The course must be approximately 80 hours in duration and based upon the curriculum offered by the authority in its peer counselor training as of the effective date of this section, as well as additional instruction in the principles of recovery coaching and suicide prevention. The authority shall establish a peer

engagement process to receive suggestions regarding subjects to be covered in the 80-hour curriculum beyond those addressed in the peer counselor training curriculum and recovery coaching and suicide prevention curricula, including the cultural appropriateness of the 80-hour training. The education course must be taught by certified peer specialists. The education course must be offered by the authority with sufficient frequency to accommodate the demand for training and the needs of the workforce. The authority must establish multiple configurations for offering the education course, including offering the course as an uninterrupted course with longer class hours held on consecutive days for students seeking accelerated completion of the course and as an extended course with reduced daily class hours, possibly with multiple days between classes, to accommodate students with other commitments. Upon completion of the education course, the student must pass an oral examination administered by the course trainer.

(b) The authority shall develop an expedited course of instruction that consists of only those portions of the curriculum required under (a) of this subsection that exceed the authority's certified peer counselor training curriculum as it exists on the effective date of this section. The expedited training shall focus on assisting persons who completed the authority's certified peer counselor training as it exists on the effective date of this section to meet the education requirements for certification under section 7 of this act.

(2) By January 1, 2025, the authority must develop a training course for certified peer specialists providing supervision to certified peer specialist trainees under section 8 of this act.

(3)(a) By July 1, 2025, the authority shall offer a 40-hour specialized training course in peer crisis response services for individuals employed as peers who work with individuals who may be experiencing a behavioral health crisis. When offering the training course, priority for enrollment must be given to certified peer specialists employed in a crisis-related setting, including entities identified in (b) of this subsection. The training shall incorporate best practices for responding to 988 behavioral health crisis line calls, as well as processes for co-response with law enforcement when necessary.

(b) Beginning July 1, 2025, any entity that uses certified peer specialists as peer crisis responders, may only use certified peer specialists who have completed the training course established by (a) of this subsection. A behavioral health agency that uses certified peer specialists to work as peer crisis responders must maintain the records of the completion of the training course for those certified peer specialists who provide these services and make the records available to the state agency for auditing or certification purposes.

(4) By July 1, 2025, the authority shall offer a course designed to inform licensed or certified behavioral health agencies of the benefits of incorporating certified peer specialists and certified peer specialist trainees into their clinical staff and best practices for incorporating their services. The authority shall encourage entities that hire certified peer specialists and certified peer specialist trainees, including licensed or certified behavioral health agencies, hospitals, primary care offices, and other entities, to have appropriate staff attend the training by making it available in multiple formats.

(5) The authority shall:

(a) Hire clerical, administrative, investigative, and other staff as needed to implement this section to serve as examiners for any practical oral or written examination and assure that the examiners are trained to administer examinations in a culturally appropriate manner and represent the diversity of applicants being tested. The authority shall adopt procedures to allow for appropriate accommodations for persons with a learning

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disability, other disabilities, and other needs and assure that staff involved in the administration of examinations are trained on those procedures;

(b) Develop oral and written examinations required under this section. The initial examinations shall be adapted from those used by the authority as of the effective date of this section and modified pursuant to input and comments from the Washington state peer specialist advisory committee. The authority shall assure that the examinations are culturally appropriate;

(c) Prepare, grade, and administer, or supervise the grading and administration of written examinations for obtaining a certificate;

(d) Approve entities to provide the educational courses required by this section and approve entities to prepare, grade, and administer written examinations for the educational courses required by this section. In establishing approval criteria, the authority shall consider the recommendations of the Washington state peer specialist advisory committee;

(e) Develop examination preparation materials and make them available to students enrolled in the courses established under this section in multiple formats, including specialized examination preparation support for students with higher barriers to passing the written examination; and

(f) The authority shall administer, through contract, a program to link eligible persons in recovery from behavioral health challenges who are seeking employment as peers with employers seeking to hire peers, including certified peer specialists. The authority must contract for this program with an organization that provides peer workforce development, peer coaching, and other peer supportive services. The contract must require the organization to create and maintain a statewide database which is easily accessible to eligible persons in recovery who are seeking employment as peers and potential employers seeking to hire peers, including certified peer specialists. The program must be fully implemented by July 1, 2024.

(6) For the purposes of this section, the term "peer crisis responder" means a peer specialist certified under chapter 18.--- RCW (the new chapter created in section 22 of this act) who has completed the training under subsection (3) of this section whose job involves responding to behavioral health emergencies, including those dispatched through a 988 crisis hotline or the 911 system.

**NEW SECTION. Sec. 14.** A new section is added to chapter 71.24 RCW to read as follows:

Behavioral health agencies must reduce the caseload for approved supervisors who are providing supervision to certified peer specialist trainees seeking certification under chapter 18.--- RCW (the new chapter created in section 22 of this act), in accordance with standards established by the Washington state certified peer specialist advisory committee.

**NEW SECTION. Sec. 15.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Beginning January 1, 2027, a person who engages in the practice of peer support services and who bills a health carrier or medical assistance or whose employer bills a health carrier or medical assistance for those services must hold an active credential as a certified peer specialist or certified peer specialist trainee under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(2) A person who is registered as an agency-affiliated counselor under chapter 18.19 RCW who engages in the practice of peer support services and whose agency, as defined in RCW 18.19.020, bills medical assistance for those services must hold a certificate as a certified peer specialist or certified peer specialist trainee under chapter 18.--- RCW (the new chapter created in section 22 of this act) no later than January 1, 2027.

**NEW SECTION. Sec. 16.** A new section is added to chapter 48.43 RCW to read as follows:

By July 1, 2026, each carrier shall provide access to services provided by certified peer specialists and certified peer specialist trainees in a manner sufficient to meet the network access standards set forth in rules established by the office of the insurance commissioner.

**Sec. 17.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates—independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified

and registered under chapter 18.360 RCW; ~~(and)~~

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; and

(xxvii) Certified peer specialists and certified peer specialist trainees under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 18.** RCW 18.130.040 and 2022 c 217 s 5 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices

under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates—-independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW;

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; ~~(and)~~

(xxvii) Birth doula certified under chapter 18.47 RCW; and

(xxviii) Certified peer specialists and certified peer specialist trainees under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;



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(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 19.** RCW 18.130.175 and 2022 c 43 s 10 are each amended to read as follows:

(1) In lieu of disciplinary action under RCW 18.130.160 and if the disciplining authority determines that the unprofessional conduct may be the result of an applicable impairing or potentially impairing health condition, the disciplining authority may refer the license holder to a physician health program or a voluntary substance use disorder monitoring program approved by the disciplining authority.

The cost of evaluation and treatment shall be the responsibility of the license holder, but the responsibility does not preclude payment by an employer, existing insurance coverage, or other sources. Evaluation and treatment shall be provided by providers approved by the entity or the commission. The disciplining authority may also approve the use of out-of-state programs. Referral of the license holder to the physician health program or voluntary substance use disorder monitoring program shall be done only with the consent of the license holder. Referral to the physician health program or voluntary substance use disorder monitoring program may also include probationary conditions for a designated period of time. If the license holder does not consent to be referred to the program or does not successfully complete the program, the disciplining authority may take appropriate action under RCW 18.130.160 which includes suspension of the license unless or until the disciplining authority, in consultation with the director of the applicable program, determines the license

holder is able to practice safely. The secretary shall adopt uniform rules for the evaluation by the disciplining authority of return to substance use or program violation on the part of a license holder in the program. The evaluation shall encourage program participation with additional conditions, in lieu of disciplinary action, when the disciplining authority determines that the license holder is able to continue to practice with reasonable skill and safety.

(2) In addition to approving the physician health program or the voluntary substance use disorder monitoring program that may receive referrals from the disciplining authority, the disciplining authority may establish by rule requirements for participation of license holders who are not being investigated or monitored by the disciplining authority. License holders voluntarily participating in the approved programs without being referred by the disciplining authority shall not be subject to disciplinary action under RCW 18.130.160 for their impairing or potentially impairing health condition, and shall not have their participation made known to the disciplining authority, if they meet the requirements of this section and the program in which they are participating.

(3) The license holder shall sign a waiver allowing the program to release information to the disciplining authority if the licensee does not comply with the requirements of this section or is unable to practice with reasonable skill or safety. The physician health program or voluntary substance use disorder program shall report to the disciplining authority any license holder who fails to comply with the requirements of this section or the program or who, in the opinion of the program, is unable to practice with reasonable skill or safety. License holders shall report to the disciplining authority if they fail to comply with this section or do not complete the program's requirements. License holders may, upon the agreement of the program and disciplining authority, reenter the program if they have previously failed to comply with this section.

(4) Program records including, but not limited to, case notes, progress notes, laboratory reports, evaluation and treatment records, electronic and written correspondence within the program, and between the program and the participant or other involved entities including, but not limited to, employers, credentialing bodies, referents, or other collateral sources, relating to license holders referred to or voluntarily participating in approved programs are confidential and exempt from disclosure under chapter 42.56 RCW and shall not be subject to discovery by subpoena or admissible as evidence except:

(a) To defend any civil action by a license holder regarding the restriction or revocation of that individual's clinical or staff privileges, or termination of a license holder's employment. In such an action, the program will, upon subpoena issued by either party to the action, and upon the requesting party seeking a protective order for the requested disclosure, provide to both parties of the action written disclosure that includes the following information:

(i) Verification of a health care professional's participation in the physician health program or voluntary substance use disorder monitoring program as it relates to aspects of program involvement at issue in the civil action;

(ii) The dates of participation;

(iii) Whether or not the program identified an impairing or potentially impairing health condition;

(iv) Whether the health care professional was compliant with the requirements of the physician health program or voluntary substance use disorder monitoring program; and

(v) Whether the health care professional successfully completed the physician health program or voluntary substance

use disorder monitoring program; and

(b) Records provided to the disciplining authority for cause as described in subsection (3) of this section. Program records relating to license holders mandated to the program, through order or by stipulation, by the disciplining authority or relating to license holders reported to the disciplining authority by the program for cause, must be released to the disciplining authority at the request of the disciplining authority. Records held by the disciplining authority under this section are exempt from chapter 42.56 RCW and are not subject to discovery by subpoena except by the license holder.

(5) This section does not affect an employer's right or ability to make employment-related decisions regarding a license holder. This section does not restrict the authority of the disciplining authority to take disciplinary action for any other unprofessional conduct.

(6) A person who, in good faith, reports information or takes action in connection with this section is immune from civil liability for reporting information or taking the action.

(a) The immunity from civil liability provided by this section shall be liberally construed to accomplish the purposes of this section, and applies to both license holders and students and trainees when students and trainees of the applicable professions are served by the program. The persons entitled to immunity shall include:

(i) An approved physician health program or voluntary substance use disorder monitoring program;

(ii) The professional association affiliated with the program;

(iii) Members, employees, or agents of the program or associations;

(iv) Persons reporting a license holder as being possibly impaired or providing information about the license holder's impairment; and

(v) Professionals supervising or monitoring the course of the program participant's treatment or rehabilitation.

(b) The courts are strongly encouraged to impose sanctions on program participants and their attorneys whose allegations under this subsection are not made in good faith and are without either reasonable objective, substantive grounds, or both.

(c) The immunity provided in this section is in addition to any other immunity provided by law.

(7) In the case of a person who is applying to be a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW, an agency affiliated counselor registered under chapter 18.19 RCW, or a peer specialist or peer specialist trainee certified under chapter 18.--- RCW (the new chapter created in section 22 of this act), if the person is:

(a) Less than one year in recovery from a substance use disorder, the duration of time that the person may be required to participate in an approved substance use disorder monitoring program may not exceed the amount of time necessary for the person to achieve one year in recovery; or

(b) At least one year in recovery from a substance use disorder, the person may not be required to participate in the approved substance use disorder monitoring program.

(8) ~~(In the case of a person who is applying to be an agency affiliated counselor registered under chapter 18.19 RCW and practices or intends to practice as a peer counselor in an agency, as defined in RCW 18.19.020, if the person is:~~

~~(a) Less than one year in recovery from a substance use disorder, the duration of time that the person may be required to participate in the approved substance use disorder monitoring program may not exceed the amount of time necessary for the person to achieve one year in recovery; or~~

~~(b) At least one year in recovery from a substance use disorder,~~

~~the person may not be required to participate in the approved substance use disorder monitoring program))~~ The provisions of subsection (7) of this section apply to any person employed as a peer specialist as of July 1, 2025, participating in a program under this section as of July 1, 2025, and applying to become a certified peer specialist under section 7 of this act, regardless of when the person's participation in a program began. To this extent, subsection (7) of this section applies retroactively, but in all other respects it applies prospectively.

**Sec. 20.** RCW 43.43.842 and 2021 c 215 s 150 are each amended to read as follows:

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having unsupervised access with a vulnerable adult shall not be the respondent in an active vulnerable adult protection order under chapter 7.105 RCW, nor have been: (i) Convicted of a crime against children or other persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; or (iii) found in any disciplinary board final decision to have abused a vulnerable adult as defined in RCW 43.43.830.

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(f) The department of social and health services reviewed the employee's otherwise disqualifying criminal history through the department of social and health services' background assessment review team process conducted in 2002, and determined that such employee could remain in a position covered by this section; or

(g) The otherwise disqualifying conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure.

The offenses set forth in (a) through (g) of this subsection do

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not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

(3) The rules adopted pursuant to subsection (2) of this section may not allow a licensee to automatically deny an applicant with a conviction for an offense set forth in subsection (2) of this section for a position as a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW, as an agency affiliated counselor registered under chapter 18.19 RCW practicing as a peer counselor in an agency or facility, or as a peer specialist or peer specialist trainee certified under chapter 18.--- RCW (the new chapter created in section 22 of this act), if:

(a) At least one year has passed between the applicant's most recent conviction for an offense set forth in subsection (2) of this section and the date of application for employment;

(b) The offense was committed as a result of the applicant's substance use or untreated mental health symptoms; and

(c) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from a mental health disorder.

~~(4) ((The rules adopted pursuant to subsection (2) of this section may not allow a licensee to automatically deny an applicant with a conviction for an offense set forth in subsection (2) of this section for a position as an agency affiliated counselor registered under chapter 18.19 RCW practicing as a peer counselor in an agency or facility if:~~

~~(a) At least one year has passed between the applicant's most recent conviction for an offense set forth in subsection (2) of this section and the date of application for employment;~~

~~(b) The offense was committed as a result of the person's substance use or untreated mental health symptoms; and~~

~~(c) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from mental health challenges.~~

~~(5))~~ In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter of the staff of each agency or facility under their respective jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

**Sec. 21.** RCW 43.70.250 and 2019 c 415 s 966 are each amended to read as follows:

(1) It shall be the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business.

(2) The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by the department. Any and all fees or assessments, or both, levied on the state to cover the costs of the operations and activities of the interstate health professions licensure compacts with participating authorities listed under chapter 18.130 RCW

shall be borne by the persons who hold licenses issued pursuant to the authority and procedures established under the compacts. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program and the cost of regulating licensed volunteer medical workers in accordance with RCW 18.130.360, except as provided in RCW 18.79.202. In no case may the secretary ~~((increase a licensing fee for an ambulatory surgical facility licensed under chapter 70.230 RCW during the 2019-2021 fiscal biennium, nor may he or she commence the adoption of rules to increase a licensing fee during the 2019-2021 fiscal biennium))~~ impose any certification, examination, or renewal fee upon a person seeking certification as a certified peer specialist trainee under chapter 18.---

RCW (the new chapter created in section 22 of this act) or, between July 1, 2025, and July 1, 2030, impose a certification, examination, or renewal fee of more than \$100 upon any person seeking certification as a certified peer specialist under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(3) All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 22. Sections 1 through 12 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 23. Section 17 of this act expires October 1, 2023.

NEW SECTION. Sec. 24. Section 18 of this act takes effect October 1, 2023.

NEW SECTION. Sec. 25. 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."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Randall moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5555.

Senator Randall spoke in favor of the motion.

Senator Holy spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Randall that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5555.

The motion by Senator Randall carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5555 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5555, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5555, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, 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, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Conway

SECOND SUBSTITUTE SENATE BILL NO. 5555, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced former Senator Randi Becker who present in the wings.

#### MESSAGE FROM THE HOUSE

March 24, 2023

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5565 with the following amendment(s): 5565-S AMH FIN H1675.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.150.060 and 2016 sp.s. c 6 s 1 are each amended to read as follows:

(1) If a notice has been sent, as required by RCW 19.150.040, and the total sum due has not been paid as of the date specified in the preliminary lien notice, the lien proposed by this notice attaches as of that date and the owner may deny an occupant access to the space, enter the space, inventory the goods therein, and remove any property found therein to a place of safe keeping. The owner must provide the occupant a notice of final lien sale or final notice of disposition by personal service, verified mail, or email to the occupant's last known address and alternative address or email address. If the owner sends notice required under this section to the occupant's last known email address and does not receive a reply or receipt of delivery, the owner must send a second notice to the occupant's last known postal address by verified mail. The notice required under this section must state all of the following:

(a) That the occupant's right to use the storage space has terminated and that the occupant no longer has access to the stored property.

(b) That the stored property is subject to a lien, and the amount of the lien accrued and to accrue prior to the date required to be specified in (c) of this subsection.

(c) That all the property, other than personal papers and personal photographs, may be sold to satisfy the lien after a specified date which is not less than (~~fourteen~~) 14 days from the last date of sending of the final lien sale notice, or a minimum of (~~forty-two~~) 42 days after the date when any part of the rent or other charges due from the occupants remain unpaid, whichever is later, unless the amount of the lien is paid. The owner is not required to sell the personal property within a maximum number of days of when the rent or other charges first became due. If the total value of property in the storage space is less than three hundred dollars, the owner may, instead of sale, dispose of the property in any reasonable manner, subject to the restrictions of RCW 19.150.080(4). After the sale or other disposition pursuant to this section has been completed, the owner shall provide an accounting of the disposition of the proceeds of the sale or other disposition to the occupant at the occupant's last known address and at the alternative address.

(d) That any stored vehicles, watercraft, trailers, recreational

vehicles, or campers may be towed or removed from the self-service storage facility in lieu of sale pursuant to RCW 19.150.160.

(e) That any excess proceeds of the sale or other disposition under RCW 19.150.080(2) over the lien amount and reasonable costs of sale will be retained by the owner and may be reclaimed by the occupant, or claimed by another person, at any time for a period of six months from the sale and that thereafter the proceeds will be turned over to the state as abandoned property as provided in chapter 63.30 RCW (~~(63.29.165)~~).

(f) That any personal papers and personal photographs will be retained by the owner and may be reclaimed by the occupant at any time for a period of six months from the sale or other disposition of property and that thereafter the owner may dispose of the personal papers and photographs in a reasonable manner, subject to the restrictions of RCW 19.150.080(3).

(g) That the occupant has no right to repurchase any property sold at the lien sale.

(2) The owner may not send by email the notice required under this section to the occupant's last known address or alternative address unless:

(a) The occupant expressly agrees to notice by email;

(b) The rental agreement executed by the occupant specifies in bold type that notices will be given to the occupant by email;

(c) The owner provides the occupant with the email address from which notices will be sent and directs the occupant to modify his or her email settings to allow email from that address to avoid any filtration systems; and

(d) The owner notifies the occupant of any change in the email address from which notices will be sent prior to the address change.

**Sec. 2.** RCW 19.150.080 and 2007 c 113 s 5 are each amended to read as follows:

(1) After the expiration of the time given in the final notice of lien sale pursuant to RCW 19.150.060, the property, other than personal papers and personal photographs, may be sold or disposed of in a reasonable manner as provided in this section.

(2)(a) If the property has a value of (~~three hundred dollars~~) \$300 or more, the sale shall be conducted in a commercially reasonable manner, and, after applying the proceeds to costs of the sale and then to the amount of the lien, the owner shall retain any excess proceeds of the sale on the occupant's behalf. The occupant, or any other person having a court order or other judicial process against the property, may claim the excess proceeds, or a portion thereof sufficient to satisfy the particular claim, at any time within six months of the date of sale.

(b) If the property has a value of less than (~~three hundred dollars~~) \$300, the property may be disposed of in a reasonable manner.

(3) Personal papers and personal photographs that are not reclaimed by the occupant within six months of a sale under subsection (2)(a) of this section or other disposition under subsection (2)(b) of this section may be disposed of in a reasonable manner.

(4) No employee or owner, or family member of an employee or owner, may acquire, directly or indirectly, the property sold pursuant to subsection (2)(a) of this section or disposed of pursuant to subsection (2)(b) of this section, or personal papers and personal photographs disposed of under subsection (3) of this section.

(5) The owner is entitled to retain any interest earned on the excess proceeds until the excess proceeds are claimed by another person or are turned over to the state as abandoned property pursuant to chapter 63.30 RCW (~~(63.29.165)~~).

**Sec. 3.** RCW 19.240.080 and 2004 c 168 s 9 are each amended to read as follows:

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An issuer is not required to honor a gift certificate presumed abandoned under chapter 63.30 RCW ((63.29.110,)) if it is reported(=) and delivered to the department of revenue in the dissolution of a business association.

**Sec. 4.** RCW 19.240.900 and 2004 c 168 s 18 are each amended to read as follows:

Sections 1 through 12 of this act apply to:

- (1) Gift certificates issued on or after July 1, 2004; and
- (2) Those gift certificates presumed abandoned on or after July 1, 2004, and not reported as provided in chapter 63.30 RCW ((63.29.170(4))).

**Sec. 5.** RCW 35.90.020 and 2020 c 139 s 59 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of this section, a city that requires a general business license of any person that engages in business activities within that city must partner with the department to have such license issued, and renewed if the city requires renewal, through the business licensing service in accordance with chapter 19.02 RCW.

(a) Except as otherwise provided in subsection (3) of this section, the department must phase in the issuance and renewal of general business licenses of cities that required a general business license as of July 1, 2017, and are not already partnering with the department, as follows:

(i) Between January 1, 2018, and December 31, 2021, the department must partner with at least six cities per year;

(ii) Between January 1, 2022, and December 31, 2027, the department must partner with the remaining cities; or

(iii) Between July 1, 2017 and December 31, 2022, the department must partner with all cities requiring a general business license if specific funding for the purposes of this subsection (1)(a)(iii) is appropriated in the omnibus appropriations act.

(b) A city that imposes a general business license requirement and does not partner with the department as of January 1, 2018, may continue to issue and renew its general business licenses until the city partners with the department as provided in subsection (4) of this section.

(2)(a) A city that did not require a general business license as of July 1, 2017, but imposes a new general business license requirement after that date must advise the department in writing of its intent to do so at least ~~((ninety))~~ 90 days before the requirement takes effect.

(b) If a city subject to (a) of this subsection (2) imposes a new general business license requirement after July 1, 2017, the department, in its sole discretion, may adjust resources to partner with the imposing city as of the date that the new general business licensing requirement takes effect. If the department cannot reallocate resources, the city may issue and renew its general business license until the department is able to partner with the city.

(3) The department may delay assuming the duties of issuing and renewing general business licenses beyond the dates provided in subsection (1)(a) of this section if:

(a) Insufficient funds are appropriated for this specific purpose;

(b) The department cannot ensure the business licensing system is adequately prepared to handle all general business licenses due to unforeseen circumstances;

(c) The department determines that a delay is necessary to ensure that the transition to mandatory department issuance and renewal of general business licenses is as seamless as possible; or

(d) The department receives a written notice from a city within ~~((sixty))~~ 60 days of the date that the city appears on the department's biennial partnership plan, which includes an explanation of the fiscal or technical challenges causing the city

to delay joining the system. A delay under this subsection (3)(d) may be for no more than three years.

(4)(a) In consultation with affected cities and in accordance with the priorities established in subsection (5) of this section, the department must establish a biennial plan for partnering with cities to assume the issuance and renewal of general business licenses as required by this section. The plan must identify the cities that the department will partner with and the dates targeted for the department to assume the duties of issuing and renewing general business licenses.

(b) By January 1, 2018, and January 1st of each even-numbered year thereafter until the department has partnered with all cities that currently impose a general business license requirement and that have not declined to partner with the department under subsection (7) of this section, the department must submit the partnering plan required in (a) of this subsection (4) to the governor; legislative fiscal committees; house local government committee; senate financial institutions, economic development and trade committee; senate local government committee; affected cities; association of Washington cities; association of Washington business; national federation of independent business; and Washington retail association.

(c) The department may, in its sole discretion, alter the plan required in (a) of this subsection (4) with a minimum notice of ~~((thirty))~~ 30 days to affected cities.

(5) When determining the plan to partner with cities for the issuance and renewal of general business licenses as required in subsection (4) of this section, cities that notified the department of their wish to partner with the department before January 1, 2017, must be allowed to partner before other cities.

(6) A city that partners with the department for the issuance and renewal of general business licenses through the business licensing service in accordance with chapter 19.02 RCW may not issue and renew those licenses.

(7)(a) Except as provided in (b) of this subsection, a city may decline to partner with the department for the issuance and renewal of a general business license as provided in subsection (1) of this section if the city participates in the online local business license and tax filing portal known as "FileLocal" as of July 1, 2020.

(b) A city that receives at least ~~((one million nine hundred fifty thousand dollars))~~ \$1,950,000 in fiscal year 2020 for temporary streamlined sales tax mitigation under the 2019 omnibus appropriations act, section 722, chapter 415, Laws of 2019, may decline to partner with the department for the issuance and renewal of a general business license as provided in subsection (1) of this section if the city participates in FileLocal as of July 1, 2021.

(c) For the purposes of this subsection (7), a city is considered to be a FileLocal participant as of the date that a business may access FileLocal for purposes of applying for or renewing that city's general business license and reporting and paying that city's local business and occupation taxes. A city that ceases participation in FileLocal after July 1, 2020, or July 1, 2021, in the case of a city eligible for the extension under (b) of this subsection, must partner with the department for the issuance and renewal of its general business license as provided in subsection (1) of this section.

~~((8)) By January 1, 2019, and each January 1st thereafter through January 1, 2028, the department must submit a progress report to the legislature. The report required by this subsection must provide information about the progress of the department's efforts to partner with all cities that impose a general business license requirement and include:~~

~~(a) A list of cities that have partnered with the department as~~

required in subsection (1) of this section;

- ~~(b) A list of cities that have not partnered with the department;~~
- ~~(c) A list of cities that are scheduled to partner with the department during the upcoming calendar year;~~
- ~~(d) A list of cities that have declined to partner with the department as provided in subsection (7) of this section;~~
- ~~(e) An explanation of lessons learned and any process efficiencies incorporated by the department;~~
- ~~(f) Any recommendations to further simplify the issuance and renewal of general business licenses by the department; and~~
- ~~(g) Any other information the department considers relevant.)~~

**Sec. 6.** RCW 59.18.312 and 2011 c 132 s 17 are each amended to read as follows:

(1) A landlord shall, upon the execution of a writ of restitution by the sheriff, enter and take possession of any property of the tenant found on the premises. The landlord may store the property in any reasonably secure place, including the premises, and sell or dispose of the property as provided under subsection (3) of this section. The landlord must store the property if the tenant serves a written request to do so on the landlord or the landlord's representative by any of the methods described in RCW 59.18.365 no later than three days after service of the writ. A landlord may elect to store the property without such a request unless the tenant or the tenant's representative objects to the storage of the property. If the tenant or the tenant's representative objects to the storage of the property or the landlord elects not to store the property because the tenant has not served a written request on the landlord to do so, the property shall be deposited upon the nearest public property and may not be stored by the landlord. If the landlord knows that the tenant is a person with a disability as defined in RCW 49.60.040 (as amended by chapter 317, Laws of 2007) and the disability impairs or prevents the tenant or the tenant's representative from making a written request for storage, it must be presumed that the tenant has requested the storage of the property as provided in this section unless the tenant objects in writing.

(2) Property stored under this section shall be returned to the tenant after the tenant has paid the actual or reasonable drayage and storage costs, whichever is less, or until it is sold or disposed of by the landlord in accordance with subsection (3) of this section.

(3) Prior to the sale of property stored pursuant to this section with a cumulative value of over ~~((two hundred fifty dollars))~~ \$250, the landlord shall notify the tenant of the pending sale. After ~~((thirty))~~ 30 days from the date the notice of the sale is mailed or personally delivered to the tenant's last known address, the landlord may sell the property, including personal papers, family pictures, and keepsakes, and dispose of any property not sold.

If the property that is being stored has a cumulative value of ~~((two hundred fifty dollars))~~ \$250 or less, then the landlord may sell or dispose of the property in the manner provided in this section, except for personal papers, family pictures, and keepsakes. Prior to the sale or disposal of property stored pursuant to this section with a cumulative value of ~~((two hundred fifty dollars))~~ \$250 or less, the landlord shall notify the tenant of the pending sale or disposal. The notice shall either be mailed to the tenant's last known address or personally delivered to the tenant. After seven days from the date the notice is mailed or delivered to the tenant, the landlord may sell or dispose of the property.

The landlord may apply any income derived from the sale of the tenant's property against moneys due the landlord for drayage and storage of the property. The amount of sale proceeds that the landlord may apply towards such costs may not exceed the actual or reasonable costs for drayage and storage of the property, whichever is less. Any excess income derived from the sale of such property shall be held by the landlord for the benefit of the

tenant for a period of one year from the date of the sale. If no claim is made or action commenced by the tenant for the recovery of the excess income prior to the expiration of that period of time, then the balance shall be treated as abandoned property and deposited by the landlord with the department of revenue pursuant to chapter ~~((63.29))~~ 63.30 RCW.

(4) Nothing in this section shall be construed as creating a right of distress for rent.

(5) When serving a tenant with a writ of restitution pursuant to RCW 59.12.100 and 59.18.410, the sheriff shall provide written notice to the tenant that: (a) Upon execution of the writ, the landlord must store the tenant's property only if the tenant serves a written request on the landlord to do so no later than three days after service of the writ; (b) the notice to the landlord requesting storage may be served by personally delivering or mailing a copy of the request to the landlord at the address identified in, or by facsimile to the facsimile number listed on, the form described under subsection (6) of this section; (c) if the tenant has not made such a written request to the landlord, the landlord may elect to either store the tenant's property or place the tenant's property on the nearest public property unless the tenant objects; (d) if the property is stored, it may not be returned to the tenant unless the tenant pays the actual or reasonable costs of drayage and storage, whichever is less, within ~~((thirty))~~ 30 days; (e) if the tenant or the tenant's representative objects to storage of the property, it will not be stored but will be placed on the nearest public property; and (f) the landlord may sell or otherwise dispose of the property as provided in subsection (3) of this section if the landlord provides written notice to the tenant first.

(6) When serving a tenant with a writ of restitution under subsection (5) of this section, the sheriff shall also serve the tenant with a form provided by the landlord that can be used to request the landlord to store the tenant's property, which must be substantially in the following form:

**REQUEST FOR STORAGE OF PERSONAL PROPERTY**

.....

Name of Plaintiff

.....

Name(s) of Tenant(s)

I/we hereby request the landlord to store our personal property. I/we understand that I/we am/are responsible for the actual or reasonable costs of moving and storing the property, whichever is less. If I/we fail to pay these costs, the landlord may sell or dispose of the property pursuant to and within the time frame permitted under RCW 59.18.312(3).

Any notice of sale required under RCW 59.18.312(3) must be sent to the tenants at the following address:

.....  
.....  
.....

**IF NO ADDRESS IS PROVIDED, NOTICE OF SALE WILL BE SENT TO THE LAST KNOWN ADDRESS OF THE TENANT(S)**

Dated: .....

.....

Tenant-Print Name

.....

Tenant-Print Name

This notice may be delivered or mailed to the landlord or the landlord's representative at the following address:

.....  
.....  
.....

This notice may also be served by facsimile to the landlord or the landlord's representative at:

.....

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Facsimile Number

IMPORTANT

IF YOU WANT YOUR LANDLORD TO STORE YOUR PROPERTY, THIS WRITTEN REQUEST MUST BE RECEIVED BY THE LANDLORD NO LATER THAN THREE (3) DAYS AFTER THE SHERIFF SERVES THE WRIT OF RESTITUTION. YOU SHOULD RETAIN PROOF OF SERVICE.

**Sec. 7.** RCW 59.18.595 and 2015 c 264 s 3 are each amended to read as follows:

(1) In the event of the death of a tenant who is the sole occupant of the dwelling unit:

(a) The landlord, upon learning of the death of the tenant, shall promptly mail or personally deliver written notice to any known personal representative, known designated person, emergency contact identified by the tenant on the rental application, known person reasonably believed to be a successor of the tenant as defined in RCW 11.62.005, and to the deceased tenant at the address of the dwelling unit. If the landlord knows of any address used for the receipt of electronic communications, the landlord shall email the notice to that address as well. The notice must include:

(i) The name of the deceased tenant and address of the dwelling unit;

(ii) The approximate date of the deceased tenant's death;

(iii) The rental amount and date through which rent is paid;

(iv) A statement that the tenancy will terminate (~~(fifteen)~~) 15 days from the date the notice is mailed or personally delivered or the date through which rent is paid, whichever comes later, unless during that time period a tenant representative makes arrangements with the landlord to pay rent in advance for no more than (~~(sixty)~~) 60 days from the date of the tenant's death to allow a tenant representative to arrange for orderly removal of the tenant's property. At the end of the period for which the rent has been paid pursuant to this subsection, the tenancy ends;

(v) A statement that failure to remove the tenant's property before the tenancy is terminated or ends as provided in (a)(iv) of this subsection will allow the landlord to enter the dwelling unit and take possession of any property found on the premises, store it in a reasonably secure place, and charge the actual or reasonable costs, whichever is less, of drayage and storage of the property, and after service of a second notice sell or dispose of the property as provided in subsection (3) of this section; and

(vi) A copy of any designation executed by the tenant pursuant to RCW 59.18.590;

(b) The landlord shall turn over possession of the tenant's property to a tenant representative if a request is made in writing within the specified time period or any subsequent date agreed to by the parties;

(c) Within (~~(fourteen)~~) 14 days after the removal of the property by the tenant representative, the landlord shall refund any unearned rent and shall give a full and specific statement of the basis for retaining any deposit together with the payment of any refund due the deceased tenant under the terms and conditions of the rental agreement to the tenant representative; and

(d) Any tenant representative who removes property from the tenant's dwelling unit or the premises must, at the time of removal, provide to the landlord an inventory of the removed property and signed acknowledgment that he or she has only been given possession and not ownership of the property.

(2) A landlord shall send a second written notice before selling or disposing of a deceased tenant's property.

(a) If the tenant representative makes arrangements with the landlord to pay rent in advance as provided in subsection (1)(a)(iv) of this section, the landlord shall mail a second written

notice to any known personal representative, known designated person, emergency contact identified by the tenant on the rental application, known person reasonably believed to be a successor of the tenant as defined in RCW 11.62.005, and to the deceased tenant at the dwelling unit. The second notice must include:

(i) The name, address, and phone number or other contact information for the tenant representative, if known, who made the arrangements to pay rent in advance;

(ii) The amount of rent paid in advance and date through which rent was paid; and

(iii) A statement that the landlord may sell or dispose of the property on or after the date through which rent is paid or at least (~~(forty-five)~~) 45 days after the second notice is mailed, whichever comes later, if a tenant representative does not claim and remove the property in accordance with this subsection.

(b) If the landlord places the property in storage pursuant to subsection (1)(a) of this section, the landlord shall mail a second written notice, unless a written notice under (a) of this subsection has already been provided, to any known personal representative, known designated person, emergency contact identified by the tenant on the rental application, known person reasonably believed to be a successor of the tenant as defined in RCW 11.62.005, and to the deceased tenant at the dwelling unit. The second notice must state that the landlord may sell or dispose of the property on or after a specified date that is at least (~~(forty-five)~~) 45 days after the second notice is mailed if a tenant representative does not claim and remove the property in accordance with this subsection.

(c) The landlord shall turn over possession of the tenant's property to a tenant representative if a written request is made within the applicable time periods after the second notice is mailed, provided the tenant representative: (i) Pays the actual or reasonable costs, whichever is less, of drayage and storage of the property, if applicable; and (ii) gives the landlord an inventory of the property and signs an acknowledgment that he or she has only been given possession and not ownership of the property.

(d) Within (~~(fourteen)~~) 14 days after the removal of the property by the tenant representative, the landlord shall refund any unearned rent and shall give a full and specific statement of the basis for retaining any deposit together with the payment of any refund due the deceased tenant under the terms and conditions of the rental agreement to the tenant representative.

(3)(a) If a tenant representative has not contacted the landlord or removed the deceased tenant's property within the applicable time periods under this section, the landlord may sell or dispose of the deceased tenant's property, except for personal papers and personal photographs, as provided in this subsection.

(i) If the landlord reasonably estimates the fair market value of the stored property to be more than (~~(one thousand dollars)~~) \$1,000, the landlord shall arrange to sell the property in a commercially reasonable manner and may dispose of any property that remains unsold in a reasonable manner.

(ii) If the value of the stored property does not meet the threshold provided in (a)(i) of this subsection, the landlord may dispose of the property in a reasonable manner.

(iii) The landlord may apply any income derived from the sale of the property pursuant to this section against any costs of sale and moneys due the landlord, including actual or reasonable costs, whichever is less, of drayage and storage of the deceased tenant's property. Any excess income derived from the sale of such property under this section must be held by the landlord for a period of one year from the date of sale, and if no claim is made for recovery of the excess income before the expiration of that one-year period, the balance must be treated as abandoned property and deposited by the landlord with the department of

revenue pursuant to chapter ~~((63.29))~~ 63.30 RCW.

(b) Personal papers and personal photographs that are not claimed by a tenant representative within ~~((ninety))~~ 90 days after a sale or other disposition of the deceased tenant's other property shall be either destroyed or held for the benefit of any successor of the deceased tenant as defined in RCW 11.62.005.

(c) No landlord or employee of a landlord, or his or her family members, may acquire, directly or indirectly, the property sold pursuant to (a)(i) of this subsection or disposed of pursuant to (a)(ii) of this subsection.

(4) Upon learning of the death of the tenant, the landlord may enter the deceased tenant's dwelling unit and immediately dispose of any perishable food, hazardous materials, and garbage found on the premises and turn over animals to a tenant representative or to an animal control officer, humane society, or other individual or organization willing to care for the animals.

(5) Any notices sent by the landlord under this section must include a mailing address, any address used for the receipt of electronic communications, and a telephone number of the landlord.

(6) If a landlord knowingly violates this section, the landlord is liable to the deceased tenant's estate for actual damages. The prevailing party in any action pursuant to this subsection may recover costs and reasonable attorneys' fees.

(7) A landlord who complies with this section is relieved from any liability relating to the deceased tenant's property.

**Sec. 8.** RCW 63.30.040 and 2022 c 225 s 201 are each amended to read as follows:

Subject to RCW 63.30.120, the following property is presumed abandoned if it is unclaimed by the apparent owner during the period specified below:

- (1) A traveler's check, 15 years after issuance;
- (2) A money order, five years after issuance;
- (3) A state or municipal bond, bearer bond, or original issue discount bond, three years after the earliest of the date the bond matures or is called or the obligation to pay the principal of the bond arises;
- (4) A debt of a business association, three years after the obligation to pay arises;
- (5) A demand, savings, or time deposit, including a deposit that is automatically renewable, three years after the later of maturity, if applicable, of the deposit or the owner's last indication of interest in the deposit, except a deposit that is automatically renewable is deemed matured on its initial date of maturity unless the apparent owner consented in a record on file with the holder to renewal at or about the time of the renewal;
- (6) Money or a credit owed to a customer as a result of a retail business transaction, three years after the obligation arose;
- (7) An amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, three years after the obligation to pay arose under the terms of the policy or contract or, if a policy or contract for which an amount is owed on proof of death has not matured by proof of the death of the insured or annuitant, as follows:
  - (a) With respect to an amount owed on a life or endowment insurance policy, three years after the earlier of the date:
    - (i) The insurance company has knowledge of the death of the insured; or
    - (ii) The insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve for the policy is based; and
  - (b) With respect to an amount owed on an annuity contract, three years after the date the insurance company has knowledge of the death of the annuitant;
- (8) Property distributable by a business association in the

course of dissolution, one year after the property becomes distributable;

(9) Property held by a court, including property received as proceeds of a class action, one year after the property becomes distributable;

(10) Property held by a government or governmental subdivision, agency, or instrumentality, including municipal bond interest and unredeemed principal under the administration of a paying agent or indenture trustee, one year after the property becomes distributable;

(11) Wages, commissions, bonuses, or reimbursements to which an employee is entitled, or other compensation for personal services, one year after the amount becomes payable;

(12) A deposit or refund owed to a subscriber by a utility, one year after the deposit or refund becomes payable; ~~((and))~~

(13) Payroll card, one year after the amount becomes payable; ~~((and))~~

(14) Excess proceeds from the sale of property by an owner of a self-service storage facility conducted pursuant to RCW 19.150.080, six months from the date of sale;

(15) Excess income from the sale of tenant property by a landlord conducted pursuant to RCW 59.18.312 and 59.18.595, one year from the date of the sale;

(16) Excess funds from the sale of an abandoned vessel by an operator of a private moorage facility conducted pursuant to RCW 88.26.020, one year from the date of the sale; and

(17) Property not specified in this section or RCW 63.30.050 through 63.30.100, the earlier of three years after the owner first has a right to demand the property or the obligation to pay or distribute the property arises.

**Sec. 9.** RCW 82.04.4489 and 2022 c 270 s 5 are each amended to read as follows:

(1) Subject to the limitations in this section, a credit is allowed against the tax imposed under this chapter for contributions made by a person to a Washington motion picture competitiveness program.

(2) The person must make the contribution before claiming a credit authorized under this section. Credits earned under this section may be claimed against taxes due for the calendar year in which the contribution is made. The amount of credit claimed for a reporting period may not exceed the tax otherwise due under this chapter for that reporting period. No person may claim more than \$1,000,000 of credit in any calendar year, including credit carried over from a previous calendar year. No refunds may be granted for any unused credits.

(3) The maximum credit that may be earned for each calendar year under this section for a person is limited to the lesser of \$1,000,000 or an amount equal to ~~((one hundred))~~ 100 percent of the contributions made by the person to a program during the calendar year.

(4) Except as provided under subsection (5) of this section, a tax credit claimed under this section may not be carried over to another year.

(5) Any amount of tax credit otherwise allowable under this section not claimed by the person in any calendar year may be carried over and claimed against the person's tax liability for the next succeeding calendar year. Any credit remaining unused in the next succeeding calendar year may be carried forward and claimed against the person's tax liability for the second succeeding calendar year; and any credit not used in that second succeeding calendar year may be carried over and claimed against the person's tax liability for the third succeeding calendar year, but may not be carried over for any calendar year thereafter.

(6) Credits are available on a first-in-time basis. The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section



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during any calendar year to exceed \$15,000,000. If this limitation is reached, the department must notify all Washington motion picture competitiveness programs that the annual statewide limit has been met. In addition, the department must provide written notice to any person who has claimed tax credits in excess of the limitation in this subsection. The notice must indicate the amount of tax due and provide that the tax be paid within ~~((thirty))~~ 30 days from the date of the notice. The department may not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

(7) To claim a credit under this section, a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format under this section is not filed until received by the department in an electronic format. As used in this subsection, "returns" has the same meaning as "return" in RCW 82.32.050.

(8) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section.

(9) A Washington motion picture competitiveness program must provide to the department, upon request, such information needed to verify eligibility for credit under this section, including information regarding contributions received by the program.

(10) The department may not allow any credit under this section before July 1, 2006.

(11) For the purposes of this section, "Washington motion picture competitiveness program" or "program" means an organization established pursuant to chapter 43.365 RCW.

(12) Persons claiming a credit against the tax imposed under this chapter for contributions made to a Washington motion picture competitiveness program ~~((and not otherwise receiving funding assistance under RCW 43.365.020))~~ are exempt from the annual reporting requirements in RCW 82.32.534 and 43.365.040.

(13) No credit may be earned for contributions made on or after July 1, 2030.

**Sec. 10.** RCW 82.08.0206 and 2022 c 41 s 1 and 2022 c 33 s 1 are each reenacted and amended to read as follows:

(1) A working families' tax credit, in the form of a refund of tax due under this chapter and chapter 82.12 RCW, is provided to eligible low-income persons for sales and use taxes paid under this chapter and chapter 82.12 RCW after January 1, 2022.

(2) For purposes of the credit in this section, the following definitions apply:

(a)(i) "Eligible low-income person" means an individual who:

(A) Is eligible for the credit provided in Title 26 U.S.C. Sec. 32 of the internal revenue code; and

(B) Properly files a federal income tax return for the prior federal tax year, and was a Washington resident during the year for which the credit is claimed.

(ii) "Eligible low-income person" also means an individual who:

(A) Meets the requirements provided in (a)(i)(B) of this subsection; and

(B) Would otherwise qualify for the credit provided in Title 26 U.S.C. Sec. 32 of the internal revenue code except for the fact that the individual filed a federal income tax return for the prior federal tax year using a valid individual taxpayer identification number in lieu of a social security number, and the individual's spouse, if any, and all qualifying children, if any, have a valid individual taxpayer identification number or a social security number.

(b) "Income" means earned income as defined by Title 26 U.S.C. Sec. 32 of the internal revenue code.

(c) "Individual" means an individual or an individual and that individual's spouse if they file a federal joint income tax return.

(d) "Internal revenue code" means the United States internal revenue code of 1986, as amended, as of June 9, 2022, or such subsequent date as the department may provide by rule consistent with the purpose of this section.

(e) "Maximum qualifying income" means the maximum federally adjusted gross income for the prior federal tax year.

(f) "Qualifying child" means a qualifying child as defined by Title 26 U.S.C. Sec. 32 of the internal revenue code, except the child may have a valid individual taxpayer identification number in lieu of a social security number.

(g) "Washington resident" means an individual who is physically present and residing in this state for at least 183 days. "Washington resident" also includes an individual who is not physically present and residing in this state for at least 183 days but is the spouse of a Washington resident. For purposes of this subsection, "day" means a calendar day or any portion of a calendar day.

(3)(a) Except as provided in (b) and (c) of this subsection, for calendar year 2023 and thereafter, the working families' tax credit refund amount for the prior calendar year is:

- (i) \$300 for eligible persons with no qualifying children;
- (ii) \$600 for eligible persons with one qualifying child;
- (iii) \$900 for eligible persons with two qualifying children; or
- (iv) \$1,200 for eligible persons with three or more qualifying children.

(b) Except as provided in (f) of this subsection, the refund amounts provided in (a) of this subsection will be reduced, rounded to the nearest dollar, as follows:

(i) For eligible persons with no qualifying children, beginning at \$2,500 of income below the federal phase-out income for the prior federal tax year, by 18 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(ii) For eligible persons with one qualifying child, beginning at \$5,000 of income below the federal phase-out income for the prior federal tax year, by 12 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(iii) For eligible persons with two qualifying children, beginning at \$5,000 of income below the federal phase-out income for the prior federal tax year, by 15 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(iv) For eligible persons with three or more qualifying children, beginning at \$5,000 of income below the federal phase-out income for the prior federal tax year, by 18 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(c) If the refund for an eligible person as calculated in this section is greater than ~~((or equal to one))~~ zero cents, but less than \$50, the refund amount is \$50.

(d) The refund amounts in this section shall be adjusted for inflation every year beginning January 1, 2024, based upon changes in the consumer price index that are published by November 15th of the previous year for the most recent 12-month period. The adjusted refund amounts must be rounded to the nearest \$5.

(e) For purposes of this section, "consumer price index" means, for any 12-month period, the average consumer price index for that 12-month period for the Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the

bureau of labor statistics, United States department of labor.

(f) The percentage rate of remittance reductions in (b) of this subsection must be adjusted every year beginning January 1, 2023, based on calculations by the department that result in the minimum credit being received at the maximum qualifying income level.

(4) The working families' tax credit shall be administered as provided in this subsection.

(a) The refund paid under this section will be paid to eligible filers who apply pursuant to this subsection.

(i) Application must be made to the department in a form and manner determined by the department. If the application process is initially done electronically, the department must provide a paper application upon request. The application must include any information and documentation as required by the department.

(ii) Application for the refund under this section must be made in the year following the year for which the federal tax return was filed, but in no case may any refund be provided for any period before January 1, 2022. The department must use the eligible person's most recent federal tax filing for the tax year for which the refund is being claimed to calculate the refund.

(iii) A person may not claim a credit on behalf of a deceased individual. No individual may claim a credit under this section for any year in a disallowance period under Title 26 U.S.C. Sec. 32(k)(1) of the internal revenue code or for any year for which the individual is ineligible to claim the credit in Title 26 U.S.C. Sec. 32 of the internal revenue code by reason of Title 26 U.S.C. Sec. 32(k)(2) of the internal revenue code.

(b) The department shall protect the privacy and confidentiality of personal data of refund recipients in accordance with chapter 82.32 RCW.

(c) The department shall, in conjunction with other agencies or organizations, design and implement a public information campaign to inform potentially eligible persons of the existence of, and requirements for, the credit provided in this section.

(d) The department must work with the internal revenue service to administer the credit on an automatic basis as soon as practicable.

(5) Receipt of the refund under this section may not be used in eligibility determinations for any state income support programs or in making public charge determinations.

(6) The department may adopt rules necessary to implement this section. This includes establishing a date by which applications will be accepted, with the aim of accepting applications as soon as possible.

(7) The department must review the application and determine eligibility for the working families' tax credit based on information provided by the applicant and through audit and other administrative records, including, when it deems it necessary, verification through internal revenue service data.

(8) If, upon review of internal revenue service data or other information obtained by the department, it appears that an individual received a refund that the individual was not entitled to, or received a larger refund than the individual was entitled to, the department may assess against the individual the overpaid amount. The department may also assess such overpaid amount against the individual's spouse if the refund in question was based on both spouses filing a joint federal income tax return for the year for which the refund was claimed.

(a) Interest as provided under RCW 82.32.050 applies to assessments authorized under this subsection (8) starting six months after the date the department issued the assessment until the amount due under this subsection (8) is paid in full to the department. Except as otherwise provided in this subsection, penalties may not be assessed on amounts due under this subsection.

(b) If an amount due under this subsection is not paid in full by the date due, or the department issues a warrant for the collection of amounts due under this subsection, the department may assess the applicable penalties under RCW 82.32.090. Penalties under this subsection (8)(b) may not be made due until six months after the department's issuance of the assessment.

(c) If the department finds by clear, cogent, and convincing evidence that an individual knowingly submitted, caused to be submitted, or consented to the submission of, a fraudulent claim for refund under this section, the department must assess a penalty of 50 percent of the overpaid amount. This penalty is in addition to any other applicable penalties assessed in accordance with (b) of this subsection (8).

(9) If, within the period allowed for refunds under RCW 82.32.060, the department finds that an individual received a lesser refund than the individual was entitled to, the department must remit the additional amount due under this section to the individual.

(10) Interest does not apply to refunds provided under this section.

(11) Chapter 82.32 RCW applies to the administration of this section.

**Sec. 11.** RCW 82.14.070 and 2003 c 168 s 202 are each amended to read as follows:

(1) It is the intent of this chapter that any local sales and use tax adopted pursuant to this chapter be identical to the state sales and use tax, unless otherwise prohibited by federal law, and with other local sales and use taxes adopted pursuant to this chapter.

(2) It is further the intent of this chapter that the local sales and use tax shall be imposed upon an individual taxable event simultaneously with the imposition of the state sales or use tax upon the same taxable event. The rule making powers of the state department of revenue contained in RCW 82.08.060 and 82.32.300 shall be applicable to this chapter. The department shall, as soon as practicable, and with the assistance of the appropriate associations of county prosecutors and city attorneys, draft a model resolution and ordinance.

(3) Except as otherwise provided by law, all state sales and use tax exemptions, credits, and deductions apply in an identical manner to local sales and use taxes adopted pursuant to this chapter or other provision of law.

**Sec. 12.** RCW 82.32.045 and 2022 c 295 s 2 are each amended to read as follows:

(1) Except as otherwise provided in this chapter and subsection (6) of this section, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, ~~((and))~~ 82.16, and 82.27 RCW, along with reports and returns on forms prescribed by the department, are due monthly within ~~((twenty-five))~~ 25 days after the end of the month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. Except as provided in subsection (3) of this section, for these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) For annual filers, tax payments, along with reports and returns on forms prescribed by the department, are due on or before April 15th of the year immediately following the end of the period covered by the return.

(4) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(5) Notwithstanding subsections (1) and (2) of this section, the

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department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than \$125,000 per year;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than ~~((twenty four thousand dollars))~~ \$24,000 per year; and

(c) The person is not required to collect or pay to the department of revenue any other tax or fee which the department is authorized to collect.

(6)(a) Taxes imposed under chapter 82.08 or 82.12 RCW on taxable events that occur beginning January 1, 2019, through June 30, 2019, and payable by a consumer directly to the department are due, on returns prescribed by the department, by July 25, 2019.

(b) This subsection (6) does not apply to the reporting and payment of taxes imposed under chapters 82.08 and 82.12 RCW:

(i) On the retail sale or use of motor vehicles, vessels, or aircraft; or

(ii) By consumers who are engaged in business, unless the department has relieved the consumer of the requirement to file returns pursuant to subsection (5) of this section.

**Sec. 13.** RCW 82.32.105 and 2017 c 323 s 106 are each amended to read as follows:

(1) If the department finds that the payment by a taxpayer of a tax less than that properly due or the failure of a taxpayer to pay any tax by the due date was the result of circumstances beyond the control of the taxpayer, the department must waive or cancel any penalties imposed under this chapter with respect to such tax.

(2) The department must waive or cancel the penalty imposed under RCW 82.32.090(1) when the circumstances under which the delinquency occurred do not qualify for waiver or cancellation under subsection (1) of this section if:

(a) The taxpayer requests the waiver for a tax return required to be filed under RCW 54.28.040, 82.32.045, 82.14B.061, 82.23B.020, ~~((82.27.060,))~~ 82.29A.050, or 84.33.086; and

(b) The taxpayer has timely filed and remitted payment on all tax returns due for that tax program for a period of ~~((twenty four))~~ 24 months immediately preceding the period covered by the return for which the waiver is being requested.

(3) The department must waive or cancel interest imposed under this chapter if:

(a) The failure to timely pay the tax was the direct result of written instructions given the taxpayer by the department; or

(b) The extension of a due date for payment of an assessment of deficiency was not at the request of the taxpayer and was for the sole convenience of the department.

(4) The department must adopt rules for the waiver or cancellation of penalties and interest imposed by this chapter.

**Sec. 14.** RCW 82.60.020 and 2010 1st sp.s. c 16 s 2 are each amended to read as follows:

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

(1) "Applicant" means a person applying for a tax deferral under this chapter.

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

(3) "Eligible area" means:

(a) Through June 30, 2010, a rural county as defined in RCW 82.14.370; and

(b) Beginning July 1, 2010, a qualifying county.

(4)(a) "Eligible investment project" means an investment project that is located, as of the date the deferral application ~~((required by RCW 82.60.030))~~ is received by the department, in an eligible area as defined in subsection (3) of this section.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(4), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects that have already received deferrals under this chapter.

(5)(a) "Initiation of construction" ~~((has the same meaning as in RCW 82.63.010))~~ means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025.

"Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(6) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(7) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes:

(a) Before July 1, 2010: (i) Computer programming, the production of computer software, and other computer-related services, but only when the computer programming, production of computer software, or other computer-related services are performed by a manufacturer as defined in RCW 82.04.110 and contribute to the production of a new, different, or useful substance or article of tangible personal property for sale; (ii) the activities performed by research and development laboratories and commercial testing laboratories; and (iii) the conditioning of vegetable seeds; and

(b) Beginning July 1, 2010: (i) The activities performed by research and development laboratories and commercial testing laboratories; and (ii) the conditioning of vegetable seeds.

(8) "Person" has the meaning given in RCW 82.04.030.

(9) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral must be determined by apportionment of the costs of construction under rules adopted by the department.

(10) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The term "entire tax year" means a full-time position that is filled for a period of ~~((twelve))~~ 12 consecutive months. The term "full-time" means at least ~~((thirty five))~~ 35 hours a week, ~~((four hundred fifty five))~~ 455 hours a quarter, or ~~((one thousand eight hundred twenty))~~ 1,820 hours a year.

(11) "Qualified machinery and equipment" means all new

industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(12) "Qualifying county" means a county that has an unemployment rate, as determined by the employment security department, which is at least ~~((twenty))~~ 20 percent above the state average for the three calendar years immediately preceding the year in which the list of qualifying counties is established or updated, as the case may be, as provided in RCW 82.60.120.

(13) "Recipient" means a person receiving a tax deferral under this chapter.

(14) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun, but only when such activities are intended to ultimately result in the production of a new, different, or useful substance or article of tangible personal property for sale. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed ~~((one million dollars))~~ \$1,000,000.

**Sec. 15.** RCW 82.60.049 and 2010 1st sp.s. c 16 s 7 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved under RCW 43.31C.020.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) ~~((In addition to the provisions of RCW 82.60.040, the))~~ Until July 1, 2020, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each ~~((seven hundred fifty thousand dollars))~~ \$750,000 of investment for which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone or the county in which the zone is located. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) The qualified employment position must be filled by the end of the calendar year following the year in which the project is certified as operationally complete. If a person does not meet the requirements for qualified employment positions by the end of the second calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

**Sec. 16.** RCW 82.60.060 and 2010 1st sp.s. c 16 s 8 are each amended to read as follows:

(1) ~~((The))~~ In the event the eligible investment project ceases to meet the requirements of this chapter, the recipient must begin paying the deferred taxes in the third year after the date certified by the department as the date on which the investment project has

been operationally completed. The first payment ~~((will be))~~ is due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years with amounts of payment scheduled as follows:

| Repayment Year | % of Deferred Tax Repaid |
|----------------|--------------------------|
| 1              | 10%                      |
| 2              | 15%                      |
| 3              | 20%                      |
| 4              | 25%                      |
| 5              | 30%                      |

(2) The department may authorize an accelerated repayment schedule upon request of the recipient.

(3) Interest may not be charged on any taxes deferred under this chapter for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes ~~((will))~~ may not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

**Sec. 17.** RCW 82.60.070 and 2017 c 135 s 36 are each amended to read as follows:

(1)(a) Each recipient of a deferral of taxes granted under this chapter must file a complete annual tax performance report with the department under RCW 82.32.534. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025, the lessee must file a complete annual tax performance report, and the applicant is not required to file a complete annual tax performance report.

(b) The department must use the information reported on the annual tax performance report required by this section to study the tax deferral program authorized under this chapter. The department must report to the legislature by December 1, 2018. The report must measure the effect of the program on job creation, the number of jobs created for residents of eligible areas, company growth, and such other factors as the department selects.

(2) Except as provided in RCW 82.60.063, if, on the basis of a tax performance report under RCW 82.32.534 or other information, the department finds that an investment project is not eligible for tax deferral under this chapter, the amount of deferred taxes outstanding for the project, according to the repayment schedule in RCW 82.60.060, is immediately due. For purposes of this subsection (2), the repayment schedule in RCW 82.60.060 is ~~((tolled))~~ suspended during the period of time that a taxpayer is receiving relief from repayment of deferred taxes under RCW 82.60.063.

(3) A recipient who must repay deferred taxes under subsection (2) of this section because the department has found that an investment project is not eligible for tax deferral under this chapter is no longer required to file annual tax performance reports under RCW 82.32.534 beginning on the date an investment project is used for nonqualifying purposes.

(4) Notwithstanding any other provision of this section or RCW 82.32.534, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

**Sec. 18.** RCW 82.70.900 and 2015 3rd sp.s. c 44 s 416 are each amended to read as follows:

~~((Except for RCW 82.70.050, this))~~ This chapter expires July 1, 2024.

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**Sec. 19.** RCW 82.73.030 and 2021 c 112 s 2 are each amended to read as follows:

(1) Subject to the limitations in this chapter, a credit is allowed against the tax imposed by chapters 82.04 and 82.16 RCW for approved contributions that are made by a person to a program or the main street trust fund.

(2)(a) Except as provided in (b) of this subsection, the credit allowed under this section is limited to an amount equal to:

(i) Seventy-five percent of the approved contribution made by a person to a program; or

(ii) Fifty percent of the approved contribution made by a person to the main street trust fund.

(b) Beginning with contributions made in calendar year 2021, an additional credit is allowed equal to 25 percent of the approved contribution made by a person to the main street trust fund.

(3) The department may not approve credit with respect to a program in a city or town with a population of ~~((one hundred ninety thousand))~~ 190,000 persons or more at the time of designation under RCW 43.360.030.

(4) The department must keep a running total of all credits approved under this chapter for each calendar year. The department may not approve any credits under this section that would cause the total amount of approved credits statewide to exceed \$5,000,000 in any calendar year.

(5)(a)(i) The total credits allowed under this chapter for contributions made to each program may not exceed \$160,000 in a calendar year.

(ii) Between 8:00 a.m., Pacific standard time, on the second Monday in January and 8:00 a.m., Pacific daylight time, on April 1st of the same calendar year, the department must evenly allocate the amount of statewide credits allowed under subsection (4) of this section based on the total number of programs and the main street trust fund as of January 1st in the same calendar year. The department may not approve contributions for a program or the main street trust fund that would cause the total amount of approved credits for a program or the main street trust fund to exceed the allocated amount.

(b) The total credits allowed under this chapter for a person may not exceed ~~((two hundred fifty thousand dollars))~~ \$250,000 in a calendar year.

(6) Except as provided in subsection (8) of this section, the credit may be claimed against any tax due under chapters 82.04 and 82.16 RCW only in the calendar year immediately following the calendar year in which the credit was approved by the department and the contribution was made to the program or the main street trust fund. Credits may not be carried over to subsequent years. No refunds may be granted for credits under this chapter.

(7) The total amount of the credit claimed in any calendar year by a person may not exceed the lesser amount of:

(a) The approved credit; or

(b) Seventy-five percent of the amount of the contribution that is made by the person to a program and 75 percent of the amount of the contribution that is made by the person to the main street trust fund, in the prior calendar year.

(8) Any credits provided in accordance with this chapter for approved contributions made in calendar year 2020 may be carried over for an additional two years and must be used by December 31, 2023.

(9) No credit is allowed or may be claimed under this section on or after January 1, 2032.

**Sec. 20.** RCW 82.90.080 and 2022 c 161 s 8 are each amended to read as follows:

A lessor or owner of an eligible investment project is not eligible for a deferral under this chapter unless:

(1) The underlying ownership of the qualified solar canopy vests exclusively in the same person; or

(2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual tax performance report required under RCW ~~((82.63.020(2)))~~ 82.32.534; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the eligible investment project and the lessee.

**Sec. 21.** RCW 84.52.120 and 1995 c 99 s 1 are each amended to read as follows:

A metropolitan park district with a population of ~~((one hundred fifty thousand))~~ 150,000 or more may submit a ballot proposition to voters of the district authorizing the protection of the district's tax levy from prorationing under RCW 84.52.010~~((2))~~ (3)(b) by imposing all or any portion of the district's ~~((twenty five))~~ 25 cent per ~~((thousand dollars))~~ \$1,000 of assessed valuation tax levy outside of the ~~((five dollar and ninety cent))~~ \$5.90 per ~~((thousand dollar))~~ \$1,000 of assessed valuation limitation established under RCW 84.52.043(2), if those taxes otherwise would be prorated under RCW 84.52.010~~((2)(e))~~ (3)(b)(iv), for taxes imposed in any year on or before the first day of January six years after the ballot proposition is approved. A simple majority vote of voters voting on the proposition is required for approval.

**Sec. 22.** RCW 84.52.816 and 2015 c 170 s 3 are each amended to read as follows:

A flood control zone district in a county with a population of ~~((seven hundred seventy five thousand))~~ 775,000 or more, or a county within the Chehalis river basin, that is coextensive with a county may protect the levy under RCW 86.15.160 from prorationing under RCW 84.52.010(3)(b)~~((ii))~~ (iii) by imposing up to a total of ~~((twenty five))~~ 25 cents per ~~((thousand dollars))~~ \$1,000 of assessed value of the tax levy authorized under RCW 86.15.160 outside of the ~~((five dollars and ninety cents))~~ \$5.90 per ~~((thousand dollars))~~ \$1,000 of assessed value limitation under RCW 84.52.043(2), if those taxes otherwise would be prorated under RCW 84.52.010(3)(b)~~((ii))~~ (iii).

**Sec. 23.** RCW 88.02.620 and 2021 c 150 s 1 are each amended to read as follows:

(1) A vessel owner who is a nonresident person must obtain a nonresident vessel permit on or before the ~~((sixty first))~~ 61st day of use in Washington state if the vessel:

(a) Is currently registered or numbered under the laws of the state or ~~((county {country}))~~ country of principal operation, has been issued a valid number under federal law, or has a valid United States customs service cruising license issued under 19 C.F.R. Sec. 4.94; and

(b) Has been brought into Washington state for not more than six months in any continuous ~~((twelve))~~ 12-month period, and is used:

(i) For personal use; or

(ii) For the purposes of chartering a vessel with a captain or crew, as long as individual charters are for at least three or more consecutive days in duration. The permit also applies for the purposes of necessary transit to or from the start or end point of such a charter, but that transit time is not counted toward the duration of the charter.

(2) In addition to the requirements in subsection (1) of this section, a nonresident vessel owner that is not a natural person, or a nonresident vessel owner who is a natural person who intends to charter the vessel with a captain or crew as provided in

subsection (1)(b)(ii) of this section, may only obtain a nonresident vessel permit if:

(a) The vessel is at least (~~thirty~~) 30 feet in length, but no more than (~~two hundred~~) 200 feet in length;

(b) No Washington state resident owns the vessel or is a principal, as defined in RCW 82.32.865, of the nonresident person which owns the vessel; and

(c) The department of revenue has provided the nonresident vessel owner written approval authorizing the permit as provided in RCW 82.32.865.

(3) A nonresident vessel permit:

(a) May be obtained from the department, county auditor or other agent, or subagent appointed by the director;

(b) Must show the date the vessel first came into Washington state; and

(c) Is valid for two months.

(4) The department, county auditor or other agent, or subagent appointed by the director must collect the fee required in RCW 88.02.640(1)(i) when issuing nonresident vessel permits.

(5) A nonresident vessel permit is not required under this section if the vessel is used in conducting temporary business activity within Washington state.

(6) For any permits issued under this section to a nonresident vessel owner that is not a natural person, or for any permits issued to a natural person who intends to charter the vessel with a captain or crew as provided in subsection (1)(b)(ii) of this section, the department must maintain a record of the following information and provide it to the department of revenue quarterly or as otherwise mutually agreed to by the department and department of revenue:

(a) The name of the record owner of the vessel;

(b) The vessel's hull identification number;

(c) The amount of the fee paid under RCW 88.02.640(5);

(d) The date the vessel first entered the waters of this state;

(e) The expiration date for the permit; and

(f) Any other information mutually agreed to by the department and department of revenue.

(7) The department must adopt rules to implement this section, including rules on issuing and displaying the nonresident vessel permit.

**Sec. 24.** RCW 88.26.020 and 2013 c 291 s 41 are each amended to read as follows:

(1) Any private moorage facility operator may take reasonable measures, including the use of chains, ropes, and locks, or removal from the water, to secure vessels within the private moorage facility so that the vessels are in the possession and control of the operator and cannot be removed from the facility. These procedures may be used if an owner mooring or storing a vessel at the facility fails, after being notified that charges are owing and of the owner's right to commence legal proceedings to contest that such charges are owing, to pay charges owed or to commence legal proceedings. Notification shall be by two separate letters, one sent by first-class mail and one sent by registered mail to the owner and any lienholder of record at the last known address. In the case of a transient vessel, or where no address was furnished by the owner, the operator need not give notice prior to securing the vessel. At the time of securing the vessel, an operator shall attach to the vessel a readily visible notice. The notice shall be of a reasonable size and shall contain the following information:

(a) The date and time the notice was attached;

(b) A statement that if the account is not paid in full within (~~ninety~~) 90 days from the time the notice is attached the vessel may be sold at public auction to satisfy the charges; and

(c) The address and telephone number where additional information may be obtained concerning release of the vessel.

After a vessel is secured, the operator shall make a reasonable effort to notify the owner and any lienholder of record by registered mail in order to give the owner the information contained in the notice.

(2) A private moorage facility operator, at his or her discretion, may move moored vessels ashore for storage within properties under the operator's control or for storage with a private person under their control as bailees of the private moorage facility, if the vessel is, in the opinion of the operator, a nuisance, in danger of sinking or creating other damage, or is owing charges. The costs of any such procedure shall be paid by the vessel's owner.

(3) If a vessel is secured under subsection (1) of this section or moved ashore under subsection (2) of this section, the owner who is obligated to the private operator for charges may regain possession of the vessel by:

(a) Making arrangements satisfactory with the operator for the immediate removal of the vessel from the facility or for authorized moorage; and

(b) Making payment to the operator of all charges, or by posting with the operator a sufficient cash bond or other acceptable security, to be held in trust by the operator pending written agreement of the parties with respect to payment by the vessel owner of the amount owing, or pending resolution of the matter of the charges in a civil action in a court of competent jurisdiction. After entry of judgment, including any appeals, in a court of competent jurisdiction, or after the parties reach agreement with respect to payment, the trust shall terminate and the operator shall receive so much of the bond or other security as agreed, or as is necessary, to satisfy any judgment, costs, and interest as may be awarded to the operator. The balance shall be refunded immediately to the owner at the last known address.

(4) If a vessel has been secured by the operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within (~~ninety~~) 90 days after notifying or attempting to notify the owner under subsection (1) of this section, the vessel is conclusively presumed to have been abandoned by the owner.

(5) If a vessel moored or stored at a private moorage facility is abandoned, the operator may authorize the public sale of the vessel by authorized personnel, consistent with this section, to the highest and best bidder for cash as follows:

(a) Before the vessel is sold, the vessel owner and any lienholder of record shall be given at least (~~twenty~~) 20 days' notice of the sale in the manner set forth in subsection (1) of this section if the name and address of the owner is known. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of charges owed with respect to the vessel. The notice of sale shall be published at least once, more than (~~ten~~) 10 but not more than (~~twenty~~) 20 days before the sale, in a newspaper of general circulation in the county in which the facility is located. This notice shall include the name of the vessel, if any, the last known owner and address, and a reasonable description of the vessel to be sold. The operator may bid all or part of its charges at the sale and may become a purchaser at the sale.

(b) Before the vessel is sold, any person seeking to redeem an impounded vessel under this section may commence a lawsuit in the superior court for the county in which the vessel was impounded to contest the validity of the impoundment or the amount of charges owing. This lawsuit must be commenced within (~~sixty~~) 60 days of the date the notification was provided under subsection (1) of this section, or the right to a hearing is deemed waived and the owner is liable for any charges owing the operator. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(c) The proceeds of a sale under this section shall be applied

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first to the payment of any liens superior to the claim for charges, then to payment of the charges, then to satisfy any other liens on the vessel in the order of their priority. The balance, if any, shall be paid to the owner. If the owner cannot in the exercise of due diligence be located by the operator within one year of the date of the sale, the excess funds from the sale shall revert to the department of revenue under chapter ~~((63.29))~~ 63.30 RCW. If the sale is for a sum less than the applicable charges, the operator is entitled to assert a claim for deficiency, however, the deficiency judgment shall not exceed the moorage fees owed for the previous six-month period.

(d) In the event no one purchases the vessel at a sale, or a vessel is not removed from the premises or other arrangements are not made within ~~((ten))~~ 10 days of sale, title to the vessel will revert to the operator.

(e) Either a minimum bid may be established or a letter of credit may be required from the buyer, or both, to discourage the future abandonment of the vessel.

(6) The rights granted to a private moorage facility operator under this section are in addition to any other legal rights an operator may have to hold and sell a vessel and in no manner does this section alter those rights, or affect the priority of other liens on a vessel.

NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed:

(1) RCW 82.12.02088 (Exemptions—Digital products—Business buyers—Concurrently available for use within and outside state—Apportionment) and 2017 c 323 s 522 & 2009 c 535 s 702;

(2) RCW 82.27.060 (Payment of tax—Remittance—Returns) and 2006 c 256 s 3, 2003 1st sp.s. c 13 s 10, 1990 c 214 s 1, & 1980 c 98 s 6; and

(3) RCW 82.70.050 (Credit taken, director must advise) and 2022 c 182 s 312, 2015 3rd sp.s. c 44 s 415, 2015 1st sp.s. c 10 s 710, 2014 c 222 s 706, & 2003 c 364 s 5.

NEW SECTION. Sec. 26. Sections 1 through 4, 6 through 8, and 24 of this act apply both prospectively and retroactively to January 1, 2023.

NEW SECTION. Sec. 27. Section 23 of this act expires January 1, 2029."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5565.

Senators Pedersen and Schoesler spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5565.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5565 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5565, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute

Senate Bill No. 5565, as amended by the House, 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, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, 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 Conway

SUBSTITUTE SENATE BILL NO. 5565, as amended by the House, 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.

MESSAGE FROM THE HOUSE

April 7, 2023

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5581 with the following amendment(s): 5581-S AMH ENGR H1699.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The office of the insurance commissioner, in consultation with health carriers, health care providers, and consumers in this state, shall conduct an analysis of how health plans define, cover, and reimburse for maternity care services, including prenatal, delivery, and postpartum care, and make recommendations regarding methods to reduce or eliminate deductibles and other forms of cost sharing for maternity care services.

(2) In conducting the analysis, the office of the insurance commissioner shall:

(a) Obtain necessary information regarding health plans offered by carriers with more than one percent accident and health market share based upon the insurance commissioner's most recent annual market information report and health plans offered to public employees under chapter 41.05 RCW to evaluate:

(i) How health plan benefit designs define maternity care services;

(ii) Whether and to what extent maternity care services are subject to deductibles and other cost-sharing requirements;

(iii) Which maternity care services are considered preventive services under section 2713 of the federal public health service act (42 U.S.C. Sec. 300gg et seq.) and implementing federal regulations in effect on the effective date of this section and are therefore exempt from cost sharing;

(iv) The five most used maternity care reimbursement methodologies used by each carrier; and

(v) With respect to reimbursement methodologies that bundle payment for maternity care services, which specific services are included in the bundled payment;

(b) Estimate the total and per member per month impact on health plan rates of eliminating cost sharing for maternity care services in full, or for prenatal care only, for the following markets:

(i) Individual health plans other than cascade select plans;

(ii) Cascade select health plans;

(iii) Small group health plans;

(iv) Large group health plans;

(v) Health plans offered to public employees under chapter 41.05 RCW; and

(vi) All health plans in the aggregate.

(3) The office of the insurance commissioner shall submit a report on the findings and cost estimate to the appropriate committees of the legislature by July 1, 2024. The report must also include recommendations for methods to reduce or eliminate deductibles and other forms of cost sharing for maternity care services.

(4) The office of the insurance commissioner may contract for all or a portion of the analysis required in this section."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Muzzall moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5581.

Senator Muzzall spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Muzzall that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5581.

The motion by Senator Muzzall carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5581 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5581, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5581, as amended by the House, 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, Dhingra, Dozier, Fortunato, Frame, Gildon, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, 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 Conway

SUBSTITUTE SENATE BILL NO. 5581, as amended by the House, 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 3:55 p.m., on motion of Senator Pedersen, the Senate adjourned until 10:00 o'clock a.m. Wednesday, April 19, 2023.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate



|                          |                                      |
|--------------------------|--------------------------------------|
| 1020                     | 1216-S2E                             |
| Messages..... 1          | Messages..... 3                      |
| 1042-SE                  | President Signed..... 21             |
| Messages..... 3          | 1217-S                               |
| President Signed..... 21 | Messages..... 3                      |
| 1043-S                   | President Signed..... 21             |
| Messages..... 3          | 1240-S                               |
| President Signed..... 21 | Messages..... 22                     |
| 1047-S                   | Other Action..... 22, 26             |
| Messages..... 3          | Second Reading ..... 22, 26, 27, 28  |
| President Signed..... 21 | Third Reading Final Passage ..... 28 |
| 1074-S                   | 1243                                 |
| Messages..... 3          | Messages..... 3                      |
| President Signed..... 21 | President Signed..... 21             |
| 1086                     | 1250-S                               |
| Messages..... 1          | Messages..... 1                      |
| 1112                     | 1271-S                               |
| Messages..... 3          | Messages..... 3                      |
| President Signed..... 21 | President Signed..... 21             |
| 1117-S                   | 1293-SE                              |
| Messages..... 3          | Messages..... 3                      |
| President Signed..... 21 | President Signed..... 21             |
| 1125-S                   | 1316-S2                              |
| Messages..... 22         | Messages..... 1, 3                   |
| 1138-S                   | President Signed..... 21             |
| Messages..... 1, 3       | 1317                                 |
| President Signed..... 21 | Messages..... 3                      |
| 1143-S2E                 | President Signed..... 21             |
| Messages..... 3          | 1335-SE                              |
| President Signed..... 21 | Messages..... 1                      |
| 1155-SE                  | 1337-E                               |
| Messages..... 1, 3       | Messages..... 3                      |
| President Signed..... 21 | President Signed..... 21             |
| 1173-SE                  | 1340-SE                              |
| Messages..... 3          | Messages..... 3                      |
| President Signed..... 21 | President Signed..... 21             |
| 1187-SE                  | 1345                                 |
| Messages..... 3          | Messages..... 3                      |
| President Signed..... 21 | President Signed..... 21             |
| 1188-S2E                 | 1349                                 |
| Messages..... 1          | Messages..... 3                      |
| 1199                     | President Signed..... 21             |
| Messages..... 3          | 1390-S2                              |
| President Signed..... 21 | Messages..... 3                      |
| 1200-S                   | President Signed..... 21             |
| Messages..... 3          | 1460-S                               |
| President Signed..... 21 | Messages..... 1, 3                   |

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| President Signed..... | 21 | President Signed..... | 21 |
| 1474-S2               |    | 1622                  |    |
| Messages.....         | 1  | President Signed..... | 21 |
| 1498-SE               |    | 1626                  |    |
| Messages.....         | 3  | President Signed..... | 21 |
| President Signed..... | 21 | 1636-E                |    |
| 1500-S                |    | Messages.....         | 3  |
| President Signed..... | 20 | President Signed..... | 21 |
| 1503-SE               |    | 1639-S2               |    |
| President Signed..... | 20 | Messages.....         | 3  |
| 1512                  |    | President Signed..... | 21 |
| President Signed..... | 20 | 1663-E                |    |
| 1515-S2E              |    | Messages.....         | 3  |
| President Signed..... | 20 | President Signed..... | 21 |
| 1525-S2               |    | 1678-SE               |    |
| Messages.....         | 1  | President Signed..... | 21 |
| 1527                  |    | 1679                  |    |
| President Signed..... | 20 | President Signed..... | 21 |
| 1534-S2               |    | 1683-S                |    |
| President Signed..... | 20 | Messages.....         | 3  |
| 1536                  |    | President Signed..... | 21 |
| President Signed..... | 20 | 1684                  |    |
| 1542                  |    | President Signed..... | 21 |
| President Signed..... | 20 | 1694-S2E              |    |
| 1552                  |    | President Signed..... | 21 |
| President Signed..... | 20 | 1695                  |    |
| 1562-S                |    | President Signed..... | 21 |
| President Signed..... | 20 | 1696                  |    |
| 1563                  |    | President Signed..... | 21 |
| President Signed..... | 20 | 1701-S                |    |
| 1564                  |    | Messages.....         | 1  |
| President Signed..... | 20 | 1731-SE               |    |
| 1570-S                |    | Messages.....         | 1  |
| President Signed..... | 20 | 1736-SE               |    |
| 1575                  |    | Messages.....         | 3  |
| President Signed..... | 20 | President Signed..... | 21 |
| 1576-SE               |    | 1742                  |    |
| President Signed..... | 20 | President Signed..... | 21 |
| 1578-S2               |    | 1750                  |    |
| Messages.....         | 1  | President Signed..... | 21 |
| 1580-S2               |    | 1753-S                |    |
| President Signed..... | 21 | President Signed..... | 21 |
| 1599                  |    | 1758-SE               |    |
| Messages.....         | 3  | President Signed..... | 21 |
| President Signed..... | 21 | 1766-SE               |    |
| 1600-SE               |    | President Signed..... | 21 |
| President Signed..... | 21 | 1771                  |    |
| 1621-S                |    | Messages.....         | 3  |

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| President Signed..... | 21   | President Signed..... | 21 |
| 1772                  |      | 5103-S2               |    |
| President Signed..... | 21   | President Signed..... | 21 |
| 1775                  |      | 5104                  |    |
| Messages.....         | 3    | President Signed..... | 21 |
| President Signed..... | 21   | 5111-SE               |    |
| 1777                  |      | President Signed..... | 21 |
| Messages.....         | 1, 3 | 5112-S2E              |    |
| President Signed..... | 21   | President Signed..... | 21 |
| 1779-S                |      | 5114-S                |    |
| Messages.....         | 3    | Messages.....         | 3  |
| President Signed..... | 21   | 5128-S2               |    |
| 1782-E                |      | President Signed..... | 21 |
| Messages.....         | 3    | 5144-S2E              |    |
| President Signed..... | 21   | President Signed..... | 21 |
| 1783-S                |      | 5152-SE               |    |
| Messages.....         | 3    | President Signed..... | 21 |
| President Signed..... | 21   | 5153                  |    |
| 1797-E                |      | President Signed..... | 21 |
| President Signed..... | 21   | 5156-S                |    |
| 1804-S                |      | President Signed..... | 21 |
| Messages.....         | 3    | 5165-S                |    |
| President Signed..... | 21   | President Signed..... | 21 |
| 4001-S                |      | 5166                  |    |
| President Signed..... | 21   | Messages.....         | 1  |
| 5000                  |      | President Signed..... | 21 |
| President Signed..... | 21   | 5173-SE               |    |
| 5001                  |      | President Signed..... | 21 |
| President Signed..... | 21   | 5182-S                |    |
| 5004                  |      | President Signed..... | 21 |
| President Signed..... | 21   | 5186-SE               |    |
| 5006-S                |      | President Signed..... | 21 |
| President Signed..... | 21   | 5187-SE               |    |
| 5045-S2E              |      | Messages.....         | 1  |
| President Signed..... | 21   | 5189-S                |    |
| 5058                  |      | President Signed..... | 21 |
| Messages.....         | 3    | 5191-S                |    |
| 5065                  |      | President Signed..... | 21 |
| President Signed..... | 21   | 5197-SE               |    |
| 5072-S                |      | President Signed..... | 21 |
| President Signed..... | 21   | 5199-S2E              |    |
| 5077-S                |      | Messages.....         | 1  |
| President Signed..... | 21   | President Signed..... | 21 |
| 5080-S2E              |      | 5208-S                |    |
| President Signed..... | 21   | President Signed..... | 21 |
| 5081-S                |      | 5218-S                |    |
| President Signed..... | 21   | Messages.....         | 1  |
| 5101-S                |      | President Signed..... | 21 |

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| 5231-SE                                |    | Other Action.....                      | 11 |
| President Signed.....                  | 21 | 5436-S                                 |    |
| 5243-S2E                               |    | Final Passage as amended by House..... | 12 |
| President Signed.....                  | 21 | Messages.....                          | 11 |
| 5252                                   |    | Other Action.....                      | 12 |
| President Signed.....                  | 21 | 5437-S                                 |    |
| 5257-SE                                |    | Final Passage as amended by House..... | 15 |
| President Signed.....                  | 21 | Messages.....                          | 12 |
| 5263-S2                                |    | Other Action.....                      | 14 |
| President Signed.....                  | 21 | 5448-S                                 |    |
| 5268-S2                                |    | Final Passage as amended by House..... | 19 |
| President Signed.....                  | 21 | Messages.....                          | 15 |
| 5269-S2                                |    | Other Action.....                      | 19 |
| President Signed.....                  | 21 | 5454-S2                                |    |
| 5323                                   |    | Final Passage as amended by House..... | 20 |
| Messages.....                          | 3  | Messages.....                          | 19 |
| 5330                                   |    | Other Action.....                      | 20 |
| Messages.....                          | 3  | 5460-S                                 |    |
| 5333                                   |    | Final Passage as amended by House..... | 29 |
| Second Reading.....                    | 28 | Messages.....                          | 29 |
| Third Reading Final Passage.....       | 28 | Other Action.....                      | 29 |
| 5358-S                                 |    | 5491-S                                 |    |
| Messages.....                          | 3  | Final Passage as amended by House..... | 30 |
| 5389-S                                 |    | Messages.....                          | 29 |
| Final Passage as amended by House..... | 6  | Other Action.....                      | 30 |
| Messages.....                          | 3  | 5497                                   |    |
| Other Action.....                      | 6  | Final Passage as amended by House..... | 31 |
| 5392                                   |    | Messages.....                          | 30 |
| Messages.....                          | 3  | Other Action.....                      | 31 |
| 5396-S                                 |    | 5502-S2                                |    |
| Final Passage as amended by House..... | 8  | Final Passage as amended by House..... | 33 |
| Messages.....                          | 6  | Messages.....                          | 31 |
| Other Action.....                      | 7  | Other Action.....                      | 32 |
| 5398-S                                 |    | 5504-S                                 |    |
| Final Passage as amended by House..... | 8  | Final Passage as amended by House..... | 34 |
| Messages.....                          | 8  | Messages.....                          | 33 |
| Other Action.....                      | 8  | Other Action.....                      | 34 |
| 5399-S                                 |    | 5515-SE                                |    |
| Final Passage as amended by House..... | 9  | Final Passage as amended by House..... | 37 |
| Messages.....                          | 8  | Messages.....                          | 34 |
| Other Action.....                      | 9  | Other Action.....                      | 37 |
| 5403                                   |    | 5523-S                                 |    |
| Final Passage as amended by House..... | 9  | Final Passage as amended by House..... | 41 |
| Messages.....                          | 9  | Messages.....                          | 37 |
| Other Action.....                      | 9  | Other Action.....                      | 40 |
| 5425-S2                                |    | 5528-S                                 |    |
| Final Passage as amended by House..... | 11 | Final Passage as amended by House..... | 42 |
| Messages.....                          | 9  | Messages.....                          | 41 |

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| Other Action.....                      | 41 | Messages .....                                | 3  |
| 5532-S2                                |    | 8624  |    |
| Final Passage as amended by House..... | 43 | Adopted.....                                  | 2  |
| Messages .....                         | 42 | Introduced .....                              | 1  |
| Other Action.....                      | 43 | 9004 McDaniel, Nancy                          |    |
| 5555-S2                                |    | Confirmed .....                               | 2  |
| Final Passage as amended by House..... | 52 | 9018 Gayton, Peter                            |    |
| Messages .....                         | 43 | Confirmed .....                               | 2  |
| Other Action.....                      | 51 | 9021 Lawrence, Wendy                          |    |
| 5565-S                                 |    | Confirmed .....                               | 2  |
| Final Passage as amended by House..... | 63 | CHAPLAIN OF THE DAY                           |    |
| Messages .....                         | 52 | Schrocks, Mr. Yosef, Rabbi, Chabad Jewish     |    |
| Other Action.....                      | 63 | Center, Olympia.....                          | 1  |
| 5581-S                                 |    | FLAG BEARERS                                  |    |
| Final Passage as amended by House..... | 64 | Shaw, Miss Akila.....                         | 1  |
| Messages .....                         | 63 | Shaw, Miss Akira.....                         | 1  |
| Other Action.....                      | 64 | GUESTS  |    |
| 5590                                   |    | Becker, former Senator Randi, recognized .    | 52 |
| Second Reading .....                   | 29 | Jacka, Mr. Steven, Pledge of Allegiance ..... | 1  |
| Third Reading Final Passage .....      | 29 | Leiweke, Mr. Tod, CEO, Seattle Kraken.....    | 1  |
| 5606                                   |    | Pettigrew, Mr. Eric, former Representative .. | 1  |
| Messages .....                         | 3  | Students from Simpson Elementary School,      |    |
| 5687-S                                 |    | Montesano.....                                | 8  |
| Messages .....                         | 3  | PRESIDENT OF THE SENATE                       |    |
| 8001                                   |    | Remarks by the President.....                 | 1  |